PARLIAMENTARY DEBATES

(HANSARD)

SIXTH SERIES—VOLUME 331

HOUSE OF COMMONS

OFFICIAL REPORT

SECOND SESSION OF THE FIFTY-SECOND PARLIAMENT
OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
FORTY-EIGHTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SESSION 1998–99

COMPRISING PERIOD
10 May—21 May 1999

£70

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10 May 1999

THE
PARLIAMENTARY DEBATES

OFFICIAL REPORT

IN THE SECOND SESSION OF THE FIFTY-SECOND PARLIAMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
[WHICH OPENED 7 MAY 1997]

FORTY-EIGHTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIXTH SERIES **VOLUME 331**

NINTH VOLUME OF SESSION 1998–99

House of Commons

Monday 10 May 1999

The House met at half-past Two o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

DEATH OF A MEMBER

2.33 pm

Madam Speaker: I regret to have to report to the House the death of the right hon. Derek Fatchett, the Member for Leeds, Central. I am sure that Members on both sides of the House will join me in mourning the loss of a colleague and in extending our deepest sympathy to Derek's family and his friends.

Oral Answers to Questions

DEFENCE

The Secretary of State was asked—

Defence Procurement Contracts

1. **Mr. Gordon Marsden** (Blackpool, South): What plans he has to use the experience and data acquired from the current air campaign over Yugoslavia to assist in the drawing up of criteria for future defence procurement contracts. [82578]

The Parliamentary Under-Secretary of State for Defence (Mr. John Spellar): Decisions about our future equipment programme, and the best way to procure that equipment, are based on a wide range of information, including data drawn from operational experience. We are taking steps to acquire accurate data from the current air campaign to provide a sound basis for future analysis. The results of that analysis will be used as a guide in the determination of future capability requirements.

Mr. Marsden: I thank my hon. Friend for that answer. Does he agree that one of the lessons of the current conflict is the need for our forces to be at the cutting edge of technology, collaborating as much as possible with our European partners, and that that applies to air-to-air missiles as well as to air-to-ground missiles? In that context, may I especially commend to him the programme currently being developed by British Aerospace for the Meteor missile? I believe—as do many of my constituents who are employed by British Aerospace—that that programme will give Eurofighter great capacity; it will give us air strength, and enable us to carry forward our cutting-edge technology in defence procurement.

Mr. Spellar: I congratulate my hon. Friend on his campaign on behalf of his constituents and the most important work that they undertake for our defence needs. He will be aware that proposals were received in May 1998 on the BVRAAM—beyond visual range-air-to-air missile—capability. We are holding discussions with our potential partners in Europe—Germany, Italy, Spain and Sweden—on those proposals, and we are holding separate discussions with the United States. A contract to proceed to full development and production is expected to be awarded towards the end of 1999. All factors—operational, financial and industrial—will be taken into account in reaching our decision.

Mr. Douglas Hogg (Sleaford and North Hykeham): Does the hon. Gentleman agree that one of the experiences that has been learned from the campaign in

Yugoslavia is that air power alone is not an effective way to induce an adversary to relinquish territory? Moreover, it kills many non-combatants.

Mr. Spellar: First, we go to inordinate lengths to avoid collateral damage and civilian casualties. The experience of the war clearly demonstrates that. Secondly, the right hon. and learned Gentleman should not talk down the effect of our air campaign, which has significantly degraded the military capability of the Yugoslav armed forces and their armed police and paramilitary assistants. We have made a considerable impact on their operational capability, communications and command and control. That is starting to have a significant impact.

Troop Deployment (Macedonia)

2. **Helen Jones** (Warrington, North): How many troops are currently deployed in Macedonia. [82579]

8. **Mrs. Linda Gilroy** (Plymouth, Sutton): How many troops are currently deployed in Macedonia. [82585]

The Secretary of State for Defence (Mr. George Robertson): As at 10 May, about 5,700 British Army personnel and about 100 RAF personnel are deployed in Macedonia.

Helen Jones: I am grateful to my right hon. Friend for that answer. Will he join me in taking this opportunity to congratulate our forces in Macedonia on the humanitarian work that they have undertaken to ease the plight of the Kosovo Albanians? Does he agree that their plight demonstrates that, despite the tragic events of last weekend, NATO must maintain its resolve to ensure that those people can go home and rebuild their lives?

Mr. Robertson: My hon. Friend is absolutely right. I certainly join her in congratulating British forces in Macedonia. In fact, Lieutenant-General Mike Jackson, the commander of the Allied Rapid Reaction Corps—the NATO force—was in London this morning and shared the rostrum with me at our Ministry of Defence daily briefing. I made clear to him—as did all my ministerial colleagues—how proud we are of the British forces and of all the troops under General Jackson's control for the outstanding work that they have done to deal with that flood of humanity tipped over the borders of Kosovo into Macedonia. With civility, decency and huge individual skill and sacrifice, the troops have looked after those human beings. We must continue to listen to what the refugees are saying about the horrors that they have experienced; we must not be put off by anything in our determination to get them home.

Mrs. Gilroy: In addition to echoing my right hon. Friend's tribute to our troops in Macedonia, may I invite him to pay tribute to the men and women on board the Devonport-based HMS Somerset in the Adriatic? Macedonia and other front-line countries face a significant challenge in the way in which they accommodate troops, as well as the huge influx of refugees. What steps is my right hon. Friend taking to help them meet that challenge?

Mr. Robertson: My hon. Friend is a doughty champion of the Royal Navy and especially of those ships that sail from Plymouth, and I too pay tribute to HMS Somerset. I visited the Adriatic last week with the shadow Defence Secretary, the defence spokesman for the Liberal Democrats, the Chairman of the Select Committee on Defence and the shadow Foreign Secretary. We all visited Gioia del Colle, where RAF pilots are in action on a regular basis, and HMS Invincible, where we were joined by members of the crew of HMS Newcastle. All of them are doing a job that is in the interests of international law and order, and we expressed the country's pride in their actions.

My hon. Friend is right to point to the huge sacrifices being made by the people of Macedonia and Albania, both in absorbing the large number of refugees who have been forced on them by Milosevic's genocidal violence, and in playing host to the large number of NATO troops who are there to implement the eventual settlement. We are doing much to ensure that aid, support and back-up are given to the Governments of those small countries, which have had to bear so much of the burden arising from the brutality of President Milosevic in Belgrade.

Mr. John Maples (Stratford–on–Avon): Would not the position of our troops in Macedonia be greatly enhanced when they eventually enter Kosovo were they do so pursuant to the terms of a United Nations Security Council resolution? Last week, the Government secured the agreement of Russia to seeking such a resolution, but has not that now been made almost impossible by the bombing of the Chinese embassy in Belgrade? Does the right hon. Gentleman agree that that incident showed a quite unacceptable degree of incompetence, given that the address of the Chinese embassy is apparently in the Belgrade telephone directory? Does he agree that that act not only sets back the achievement of NATO's war aims, but means that we have succeeded in seriously damaging relations with both Russia and China within one month?

Mr. Robertson: There was no targeting of the Chinese embassy in Belgrade—it was a huge and terrible mistake, and expressions of regret have been made by NATO and other Governments. However, given that some 18,000 sorties—6,000 of them strike sorties—have taken place, the few mistakes that have been made, every one of which is bitterly regretted, have to be seen in proportion.

I do not believe that we have made it impossible to get a Security Council resolution when a settlement has been reached, and that would clearly be our objective when it came to putting our forces or any other forces that were required into Kosovo. In the short term, that task has been made more difficult, but no interest of either China or Russia is served by allowing Milosevic to get away with the sort of ethnic cleansing that he has been carrying out until now. When I stood yesterday at the newly erected memorial to the 27 million citizens of the then Soviet Union who died in the second world war, the Russian ambassador made it clear that the diplomatic track had to go on and that those efforts should be intensified. I am sure that my right hon. Friend the Foreign Secretary will express the same message when he makes his statement on Kosovo later this afternoon.

Mr. Crispin Blunt (Reigate): Does the Secretary of State for Defence recall telling the Defence Committee some 10 hours before the bombing began:

"Our military objective—our clear, simple, military objective—will be to reduce the Serbs' capability to repress the Albanian population and thus to avert a humanitarian disaster",

and further stating:

"I would like to stress that whatever action is taken, that action is taken on behalf of all NATO allies with the aim—the clear and, I believe, justified aim—of averting a humanitarian disaster."?

Will the right hon. Gentleman report to the House his assessment of the effectiveness of that strategy in delivering that aim?

Mr. Robertson: That was of course our aim, and it is still our aim to avoid the humanitarian catastrophe that would occur if all those refugees who have left Kosovo were not to go home, and to avert the humanitarian catastrophe that would occur in many other parts of the world if Milosevic were to get away with his ethnic cleansing.

The campaign could have been over in a few days if Milosevic had recognised that our determination was absolute and that international opinion was against him, but his obstinacy and his genocidal instincts in respect of the Albanian members of the Kosovo population have led him and his country down a suicidal path. Our objective remains to disrupt the violence that may still be going on, in which we are being progressively more successful every day, and to weaken the military machine that is causing that violence. With every day and night that passes, we degrade and weaken that military machine. Ultimately, Milosevic will have to recognise that he cannot defeat NATO and that international decency will prevail.

Mr. Tony Benn (Chesterfield): Given the fact that the American Senate has voted overwhelmingly against the commitment of ground troops, is it not clear that the air war of itself cannot achieve the objectives set? Will the Secretary of State tell the House how the indiscriminate bombing of Yugoslavia, including the bombing of a hospital and a market with cluster bombs, and the bombing of refugee camps and the Chinese embassy, contributes in any way whatever to the restoration to the refugees of their rightful homes in Kosovo?

Mr. Robertson: I hope that sometime, when my right hon. Friend is listing the handful of bombs that have gone astray in Kosovo, he will mention the thousands of bombs that have landed accurately on military targets in accordance with the objectives that we set out. The air campaign is successful, but there are clearly limitations. If we believe in international law and in high standards of conduct, and if we are targeting military installations and trying specifically to avoid civilian casualties and damage to civilian buildings, we will be at a disadvantage compared with someone who is brutally, ruthlessly and mercilessly directly attacking civilians and civilian property. Yet we have had enormous success: the machine is substantially weaker than it was. Day after day and night after night, we are targeting the military installations inside Kosovo that are causing the violence. Ultimately, Milosevic must recognise that and comply.

Mr. Tom King (Bridgwater): Since the only personnel on the ground who might give any immediate help against persecution by the Serbian paramilitaries are in the Kosovo Liberation Army, what is the Government's and NATO's present view on supporting the KLA's activities within Kosovo?

Mr. Robertson: Quite simply, we are prohibited from supporting the KLA either with arms or other resources. A specific United Nations Security Council resolution limits the military assistance that can be given in that theatre, and we are bound by its terms. Therefore, that is the answer to the right hon. Gentleman's question.

Ms Diane Abbott (Hackney, North and Stoke Newington): I join in congratulating the NATO forces that are engaged in humanitarian work in Macedonia. However, I ask the Secretary of State: are there no maps available to NATO forces showing them the sites of foreign embassies in Belgrade? If plan A—which is to bomb Milosevic into submission—fails, is the Secretary of State prepared to share with the House what is plan B?

Mr. Robertson: First, I thank my hon. Friend for the congratulations that she has offered to British troops engaged in Macedonia. They have shown their usual professional skill and dedication in carrying out their humanitarian work, and I am sure that my hon. Friend's commendation will comfort them enormously.

Facetious comments about targeting, however, are not very appropriate in the present tragic circumstances. A tragic mistake was made, and NATO is attempting to discover how that happened and what can be learned from it. Some 6,000 strike sorties have taken place, a small number of which have tragically led to a loss of civilian life on the Serb side. Against that, I ask my hon. Friend to examine carefully the testimony of thousands upon thousands of Kosovar refugees who say universally, credibly and believably that atrocities are continuing inside Kosovo.

Plan A, to which we have subscribed from the beginning, involves air attacks that will disrupt the violence in Kosovo and weaken the killing machine that is perpetrating that violence. We believe the air campaign is proving successful and that the resolve in Belgrade is weakening by the day. We are confident that our plan will succeed.

Mr. Martin Bell (Tatton): The Secretary of State speaks of the need to return the refugees to their homes. Can he explain to the House how exactly that will be done without the use of ground troops? Is he aware of the dismay felt in the country that the greatest military alliance on earth seems in certain respects to be like the gang that cannot shoot straight?

Mr. Robertson: I do not think that there will ever be an armed conflict involving so many people against such a ruthless opponent which will not involve mistakes. NATO, which certainly is the greatest military alliance in the world, is made up of 19 democratic countries. That is, on the one hand, its greatest strength, and on the other—at the moment—one of its key weaknesses. Another of its key weaknesses is also its towering strength: it acts according to international law. We take care. Mistakes will be made, but however tragic, they are small in comparison to the systematic genocidal violence being perpetrated by Milosevic against the civil population of Kosovo.

We chose air strikes as the best means in the circumstances of disrupting the violence and weakening the killing machine. We still believe that they are the best means, but following the summit in Washington, NATO is re-examining all the options in the light of the past six weeks' military activity.

Land Command

3. **Dr. Julian Lewis** (New Forest, East): What proportion of the Army's Land Command is currently committed to operations. [82580]

The Minister for the Armed Forces (Mr. Doug Henderson): We estimate that 56 per cent. of Land Command personnel are currently committed to operations.

Dr. Lewis: Given the magnitude of that commitment and the possibility of future commitments for the Army in Kosovo, will the Minister reconsider plans for decimating the Territorial Army at such a time? Before he falls back on chanting the usual mantra about the cuts made in the early 1990s by the previous Government, may I point out that there is all the difference in the world between reductions at the end of a cold war and cuts proposed, incredibly, at the possible start of a hot war?

Mr. Henderson: The hon. Gentleman would contribute more to the discussion if he resisted the temptation to make party political points and considered the task that the British armed forces have to carry out and how they will ensure that they do so, which was the subject of the strategic defence review. The review aimed to put our forces in a position in which they could be deployed, with the necessary impact, in situations such as that in Kosovo.

The hon. Gentleman probably knows that Territorial Army commitment to such deployment would be relatively minor, and where the TA is required, it must be organised so that it meets the particular needs in question. It is a matter not only of having bodies to reinforce the regular forces, but of applying the right bodies with the right skills in the right way. That is the policy that the Government are implementing in the strategic defence review.

Mr. Ronnie Campbell (Blyth Valley): Has my hon. Friend any plans to use the Royal Marines?

Mr. Henderson: Our marines are an important part of our armed forces and they will be deployed as necessary with our Royal Navy and our other forces in circumstances that demand their commitment and expertise.

Mr. Robert Key (Salisbury): Overstretch in front-line forces remains unacceptable, but what proportion of the operational strength of the British Army, and our NATO allies, in Albania is now devoted to planning the development of the Albanian infrastructure, such as the port, roads, airfields and health care? Who will prepare long-term plans for that infrastructure? What will happen to Albania's economy when NATO withdraws, or is our current effort part of a long-term, open-ended commitment by the Ministry of Defence?

Mr. Henderson: At the moment, a small number of our forces are involved in those activities. Those key people are planners, who are making a major contribution to NATO's effort. The hon. Gentleman raises important issues, which will have to be dealt with in the long term, but it is somewhat premature to ask what detailed plans there will be for rebuilding the economy and social structure of the Balkans, including Albania. The hon. Gentleman will know that such considerations are one of the key principles incorporated into last week's G8 statement, and more will need to be done as time passes.

Strategic Defence Review

4. **Sir Sydney Chapman** (Chipping Barnet): What plans he has to review his strategic defence review following NATO military action in Yugoslavia. [82581]

The Secretary of State for Defence (Mr. George Robertson): I have no plans to review the strategic defence review in the light of current events in the Balkans. The MOD's new strategic planning process ensures that there is now a policy-led re-evaluation of defence plans every year.

Sir Sydney Chapman: In the light of the recent strategic defence review, is the Secretary of State satisfied that our armed services can currently sustain two medium-level operations for more than a six-month period, or more than two medium-level operations for up to six months? In the light of recent events—not least in south-east Europe—does he agree that that is the minimum requirement around which our defence policy should be framed for the future?

Mr. Robertson: The key point is that the strategic defence review was designed to look forward at the kind of threats that we would face in the future, rather than endlessly looking at the enemies we had in the past. It was designed so that our forces will be able eventually to deal flexibly with the sort of problems that we face in Kosovo today. I say eventually, because it is less than a year since the strategic defence review was published and its implementation was started, but I am confident that it will give us that flexibility. Kosovo has shown us how valuable and important that exercise was. However, the planning assumptions to which the hon. Gentleman refers are planning tools intended to guide the development of our long-term force structure: they were not intended to provide a template for specific operational commitments. As we explained at the time of the review, we may choose to do more or less, depending on the circumstances.

Mr. Menzies Campbell (North-East Fife): May I offer my thanks to the Secretary of State for inviting me to accompany him on his recent visit to the Balkans? As someone who supported both the process and the policy conclusions of the defence review, may I urge him to be realistic about what is necessary for United Kingdom defence in the light of the current and inevitable future commitments in the Balkans? Does he accept that the 3 per cent. annual efficiency saving, which is incumbent on the Ministry of Defence, is not just "challenging"—as it was publicly described by the Chief of the Defence Staff—but is in truth unachievable without an enduring impact on defence capability? Does he further understand

that the Government should feel no embarrassment in reviewing the defence budget, but should take the opportunity to demonstrate sound common sense?

Mr. Robertson: The defence review demonstrated sound common sense. The 3 per cent. efficiency target is challenging, but it is not unachievable, because it is already being met. In the event of a Liberal Democrat Government coming to power—that is a long-term vision for the House—and if the right hon. and learned Gentleman held my job, he too would strive for savings and efficiency. He too would seek better value for money and would wish to ensure that in defence we did not throw money at problems, but tried to get the best that we could out of our budget.

Mr. John Maples (Stratford–on–Avon): No doubt when the Balkan conflict is over, the Secretary of State will wish to examine how we and our allies respond to future conflicts. Yesterday, Mr. Prodi suggested that the European Union should have an army, and the Government apparently immediately rejected that call. However, is not Mr. Prodi's call wholly consistent with Government policy, especially paragraph 3 of the St. Malo agreement with France, which calls for

"the EU to have recourse to military capacity either within NATO or multi-national means outside the NATO framework."?

What else can

"multi-national means outside the NATO framework"

mean if it does not mean what Mr. Prodi said?

Mr. Robertson: First, let me emphasise what the hon. Gentleman skated over—the fact that the British Government have dissociated themselves from the concept that Mr. Prodi put forward. In terms of the development of reasonable military capability inside Europe to deal with situations in which NATO may not wish to become corporately involved, or in the event of the United States of America and Canada not wishing to be involved in European-based operations, I refer the hon. Gentleman back to the Petersberg tasks. They were adopted by NATO for use through the Western European Union and foresaw precisely that form of European-based operation taking place.

The initiative that we took, which was underlined in the St. Malo agreement, related to focusing the minds of all the European countries on the fact that, first, the common foreign and security policy of the European Union will require better decision making; and secondly, if we in Europe want to do anything about the decisions that we take, we must have much better and much more effective defence capabilities. We have directed attention to those two key components; I should have thought that everyone in the House would have supported them.

Nuclear Weapons

5. **Mr. Chris Mullin** (Sunderland, South): What discussions he has had about a new generation of nuclear weapons; and if he will make a statement. [82582]

The Secretary of State for Defence (Mr. George Robertson): I have not had any discussions about a successor system to Trident. We concluded in the strategic defence review that no decision on any possible successor system would be needed for several years.

Mr. Mullin: Does my right hon. Friend recall that two previous Labour Governments—those of Lords Attlee and Callaghan—embarked on the development of nuclear weapons without consulting even the Cabinet, never mind the British public? Can he give the House an assurance that the Government will not begin the development of any new generation of nuclear weapons without first taking the public into their confidence?

Mr. Robertson: I thought that my hon. Friend had become so venerable and so distinguished that he had given up the conspiracy view of history, including any such view regarding the present generation of Labour Ministers. I do not have to make some defensive statement on the subject. I simply say to my hon. Friend, read the strategic defence review and see there probably the most transparent account of our nuclear forces and reserves, and all aspects of our nuclear policy, that has ever been disclosed in this country. That is the model for open government on those critical issues. So open have I been, so much detail have I given, that most people have not even noticed that that account has been published yet.

Miss Anne McIntosh (Vale of York): Does the Secretary of State share my concern about the proliferation of nuclear arms between India and Pakistan, and the proliferation generally of ballistic missiles? Does he think that the UK should consider—perhaps with its international partners—the need for an eventual ballistic missile defence system for the UK in future?

Mr. Robertson: We are very concerned about nuclear proliferation; in fact, that was one of the key subjects of the NATO summit in Washington two weeks ago. We take very seriously the manufacture and deployment of ballistic missiles by countries that previously did not have them, and such proliferation is part and parcel of the thinking that is going on and should go on at the moment.

We are not in favour of developing ballistic missile defence systems. We are in favour of the anti-ballistic missile treaty, which was one of the pioneering forerunners of arms control legislation.

Mr. Malcolm Savidge (Aberdeen, North): With nuclear non-proliferation negotiations taking place in Geneva this coming fortnight, may I ask whether, despite the difficult international climate, especially in regard to our relations with Russia and China at present, Her Majesty's Government will do everything possible to give fresh impetus to the nuclear non-proliferation and nuclear disarmament process, both at Geneva and in other forums?

Mr. Robertson: Most countries that have examined what we proposed in the strategic defence review—very serious reductions in our stockpile and in the number of nuclear weapons that we have deployed—will have seen that we are not just engaged in arms control discussions for the sake of appearances. We believe in arms control. We have shown by example what other people can do

about it. Therefore, we shall bring to these arms control negotiations a considerably greater sense of urgency than previous Administrations did to previous negotiations.

Weapons Systems Equipment

6. **Sir Geoffrey Johnson Smith** (Wealden): What assessment he has made of the availability of weapons systems equipment to British forces in the Balkans. [82583]

The Parliamentary Under-Secretary of State for Defence (Mr. John Spellar): UK forces deployed on NATO operations in the Balkans have the right equipment for the job.

Sir Geoffrey Johnson Smith: I am delighted to hear that, but I have to bear in mind that, further to the question put to the Secretary of State for Defence by the right hon. and learned Member for North-East Fife (Mr. Campbell), the Government must also consider the 3 per cent. efficiency savings. Can the Secretary of State confirm—he may not be able to give us a cast-iron guarantee, although I would like that—that nothing will stand in the way of supplying new, up-to-date and more efficient equipment, designed to suit conditions in the Balkans, so that equipment will not compromise the efficiency of the British armed forces serving there?

Mr. Spellar: I am glad that the right hon. Gentleman is pleased to hear that our forces have the equipment that they need. After all, the previous Conservative Government bought most of it. The basis of the SDR was to re-equip and realign our forces to meet the new post-cold war environment. We have an on-going major programme of re-equipping our forces, with many examples of new equipment, some of which have been mentioned today.

Mr. Frank Cook (Stockton, North): Would the Minister care to comment unequivocally on claims in the press, on the internet and through e-mail channels that the Royal Air Force is using cluster bombs and runway-denial weapons involving sub-munitions that are identical in character to landmines, and that British personnel are involved in training the Kosovo Liberation Army to deploy landmines, something that would clearly be in contravention of the Ottawa agreement? Is my hon. Friend able to give an unequivocal response to such accusations?

Mr. Spellar: I am grateful to my hon. Friend for giving me the opportunity firmly to deny all those rumours, which, as he said, are coming through a variety of media. I confirm that we are using RBL755 cluster bombs, which are not prohibited under the Ottawa convention or under the Landmines Act 1998.

Mr. John Wilkinson (Ruislip-Northwood): Is it not the case that weapon systems are only as effective as the training and the commitment of the crews who have to operate them? Should we not pay tribute to our aircrews in the Balkan theatre, but realise that they always need the most modern navigation and attack systems and the most modern weapons and defensive aids? When the Minister is procuring sophisticated aircraft, will he ensure that there is that full complementarity that makes systems fully effective?

Mr. Spellar: As I said earlier, we are continuing to make further investment in the equipment that is available to our forces. I obviously join the hon. Gentleman in paying tribute to the skill and dedication of our forces. In some instances, there has been an argument about whether they have been able to hit certain targets. They make an enormous effort in that regard. On a number of occasions, they have not bombed a target because conditions did not give them the assurance that they would be able to hit it. That is a tribute to their professionalism and the success that they have had, and to the very limited collateral damage that has been inflicted.

Mr. Tam Dalyell (Linlithgow): What in heaven's name is the justification for using cluster bombs against targets such as the centre of Nis?

Mr. Spellar: We are not, as my hon. Friend says, using cluster bombs against the centre of Nis. That was a mistake. We are using cluster bombs as effective munitions against the military concentrations of those troops who are committing the most appalling atrocities in Kosovo. We are degrading their ability to do that and taking out a considerable part of the Yugoslav forces and the armed police. I would have thought that to be a legitimate objective, and one that the great majority of hon. Members would endorse.

Mr. Keith Simpson (Mid-Norfolk): The Minister is aware that, both outside the Chamber and inside it, a number of reservations have been raised about the effectiveness of the air campaign to fulfil NATO's political objectives. Most recently, General Naumann, the retiring chairman of the NATO military committee, raised some deep reservations about the campaign. Can the Minister confirm that the United Kingdom chiefs of staff and the Chief of the Defence Staff had no such reservation when they advised the Government about the air campaign prior to 23 March?

Mr. Spellar: Yes, General Naumann's comments were taken very much out of context. As I have said, the air campaign has had a major effect in degrading communications, the ability to move and quite a bit of the materiel of the Serbian forces. This is a policy of the Government and of the armed forces, who are pursuing it extremely effectively. Given the hon. Gentleman's previous experience, I am slightly surprised that he seems to be trying to drive a wedge between service chiefs and the Government on the matter, when we are united in pursuit of the objectives.

Nuclear Weapons

9. **Mr. David Chaytor** (Bury, North): What discussions have taken place between his Department and the Foreign Office on the long-term implications for the international nuclear disarmament process of NATO's decision not to redefine the role nuclear weapons play in NATO's new strategic concept. [82586]

The Secretary of State for Defence (Mr. George Robertson): My Department and the Foreign Office maintain close dialogue on all aspects of nuclear policy. At the Washington summit, NATO's strategic concept was endorsed by all 19 members of the alliance.

Mr. Chaytor: I thank my right hon. Friend for that reply, and welcome the small signs of progress at the Washington summit in the redefinition of nuclear weapons policy. Could not the very slow pace of the progress towards the objective of reducing nuclear weapons worldwide put at risk the negotiations on the non-proliferation treaty taking place this week, as well as the long-term future of the comprehensive test ban treaty?

Mr. Robertson: I hope not. By reassessing our own nuclear stocks—we now have the smallest stockpile of nuclear weapons of any of the five nuclear weapons states—and through the confidence-building measures that we have introduced—the reduced state of alert of our nuclear submarines, and the fact that our missiles are detargeted—as well as through the other measures in the strategic defence review, we have given a clear idea of the direction in which we believe that the world should go. Therefore, our commitment to retaining Trident, which was the policy on which my hon. Friend and I fought the last election, should be, as the manifesto stated, accompanied by a greater degree of urgency in arms control negotiations. In that respect, we have shown by actions, not by words, that we mean business.

Mr. Desmond Swayne (New Forest, West): Does the Secretary of State agree with the estimate by the CIA that, by 2015, almost any country will be able to deliver an intercontinental ballistic missile? Does he therefore follow the argument that, in addition to the ability to respond with nuclear force, we need to invest in a credible defence mechanism?

Mr. Robertson: I do not think that the CIA was suggesting that every country would have its own intercontinental ballistic missile by 2015. However, the matter of ballistic missiles causes concern across the world, and that is why it is kept under constant examination. As and when the technology is available to deal with that threat, we will examine it carefully. In the meantime, we must step up the discussions on arms control, so that countries will not feel the need to acquire such weapons systems.

Mr. Harry Cohen (Leyton and Wanstead): Did my right hon. Friend read the communiqué of the strategic concept summit, which stated that the characteristic of nuclear weapons is that

"they prevent coercion and any kind of war"?

Surely whoever wrote that was not paying attention to the fact that there is a war going on in the Balkans, and that nuclear weapons were doing nothing to prevent it. That does not give much confidence in the seriousness with which NATO countries regard the role of nuclear weapons. Should that not be addressed in the not-too-distant future?

Mr. Robertson: Nobody is pretending that nuclear weapons can prevent all conflict, but the deterrence value of our nuclear weapons is proven and is supported by the vast majority of the British people. As I said before, the strategic concept and the language in it, over which there were long and sometimes painful discussions, were subscribed to by the Governments of all 19 countries.

Kosovo

10. **Mr. Michael Fabricant** (Lichfield): What contingency plans NATO has made for the stationing of British land forces in Kosovo. [82587]

The Secretary of State for Defence (Mr. George Robertson): It was agreed at the NATO summit that the Secretary-General of NATO and the military planners should update their planning. In the meantime, a build-up of NATO forces is taking place in Macedonia in anticipation of deploying into Kosovo to implement a peace settlement and ensure the safety and security of refugees returning to their homes. As at 10 May, there are 5,700 British Army personnel and about 100 Royal Air Force personnel deployed in Macedonia in connection with those plans.

Mr. Fabricant: The Secretary of State has said nothing about the amount of time that troops might have to be in Kosovo. Perhaps he is quite right to do so—it could be an indefinite commitment. If we are to maintain troops in Kosovo, and also in Bosnia, we will need about 30 new regiments and battalions if we are to achieve a 24-month gap between operational tours. Is that not the case and, if we are to make a commitment in Kosovo, will the Government either commit themselves now to increasing the number of operational regiments or will he admit that the gap between operational tours will have to decrease?

Mr. Robertson: I hear the grinding sound of a great military mind at work. I do not know how the hon. Gentleman comes to that conclusion, which I have never heard from anybody else, about 30 new regiments being required for the British Army. The discussions that took place at Rambouillet about that suggested that we should be looking at a troop commitment by this country in Kosovo for three years after a peace agreement was arrived at. We have an early burden to carry, because we are the framework nation of the Allied Rapid Reaction Corps, and Lieutenant-General Jackson and his people are doing their job with enormous skill.

The view of my military advisers is that we can sustain what we are doing and that we, along with other elements of the international community, can bring peace back to Kosovo within a reasonable period, but, clearly, that will depend on the outcome of the conflict and the nature of any settlement that is reached.

Mr. Lindsay Hoyle (Chorley): We can see different brigades and regiments going in during the build-up of British troops, but there has been no mention of the Yugoslav navy, which is a threat to our Royal Navy, or to the possibility of Marines being deployed. Can my right hon. Friend tell us what has happened to the Yugoslav navy in this conflict?

Mr. Robertson: There is a Yugoslav navy—my hon. Friend is absolutely right—but it has not ventured very far out of any of its harbours. If and when it becomes a threat to NATO forces in the area, action will be taken.

Mr. Julian Brazier (Canterbury): In the light of the Secretary of State's plans for Kosovo, deployments to

other parts of the Balkans and to Northern Ireland and other possible threats, I again urge him to reconsider the plans to run down the Territorial Army in the next few months and the horrifying decision to break up the centre of excellence—5 Airborne brigade—on 1 September. Before he gives me the same glib answer as the Minister for the Armed Forces gave my hon. Friend the Member for New Forest, East (Dr. Lewis), may I remind him that, when the Conservative Government found themselves faced with a crisis in 1982, Margaret Thatcher put her strategic defence review straight on to hold and cancelled the decision to sell HMS Invincible?

Mr. Robertson: The difference is that those previous defence reviews were reducing the size of our forces. Our strategic defence review increases the regular strength of the British Army by 3,300 troops and creates a sixth deployable brigade, which is precisely what the British Army was asking to be able to deploy in such circumstances.

I say to the hon. Gentleman, who has a fixation with the modernisation of the TA, that we set about modernising the TA so that it could be used more and could be more relevant, and so that it would, in circumstances such as those that we might face just now, be more involved. That is what the modernisation was all about; it is being successfully put into practice at present and we believe that it is also improving morale inside the TA. The changes suggested in the strategic defence review are designed specifically to allow this country's forces to be able to deal flexibly with situations such as those thrown up by Kosovo.

Mr. Ben Bradshaw (Exeter): Can the Secretary of State assure the House that he has not changed his mind about the fact that President Milosevic has no veto over any NATO action? Does he agree that it might be necessary for ground troops to go into Kosovo in an atmosphere that is not completely permissive?

Mr. Robertson: President Milosevic will have no veto over what we do in relation to getting the people evicted from Kosovo back safely to their homes. The NATO authorities are, on the instruction of the Secretary-General, re-visiting all of the assumptions that were made earlier this year. There is no question about a forced invasion of Kosovo, but it would be prudent and reasonable for us to look at all the options again in the light of the damage that has been done by Milosevic to Kosovo and the considerable damage done by NATO to the Serb military machine.

CHURCH COMMISSIONERS

The hon. Member for Middlesbrough, representing the Church Commissioners, was asked—

Church Schools

34. **Mr. Peter L. Pike** (Burnley): If he will make a statement on the role of the commissioners in respect of Church schools. [82613]

Mr. Stuart Bell (Second Church Estates Commissioner, representing the Church Commissioners): Responsibility for the management of Church of England schools lies with the individual governin bodies of the schools, supported by diocesan boards of education and local education authorities. Nationally, they are represented by the Church of England Board of Education, which, working with the National Society for the Promotion of Religious Education, provides a range of support services for dioceses and schools.

Mr. Pike: My hon. Friend will know that there are some 5,000 Church schools in England, and about one in eight of our children attend Church of England schools. Lancashire has more Church schools than any other county in England. Can my hon. Friend tell me how value added tax on repairs is dealt with differently in Church schools and county schools?

Mr. Bell: I am grateful to my hon. Friend for drawing the House's attention to the number of Church schools in Lancashire. The current estimate of the Church's contribution to capital works in Church school buildings is £20 million a year. A significant proportion of the work undertaken is subject to VAT. Equivalent work in county schools is not subject to VAT, and I hope that the Government are listening to the campaign of the hon. Member for Vale of York (Miss McIntosh) to get rid of VAT on Church repairs.

Several hon. Members *rose—*

Madam Speaker: I shall have to call the hon. Member for Vale of York (Miss McIntosh).

Miss Anne McIntosh (Vale of York): Is the hon. Gentleman aware that no VAT is charged on the building of new Church schools or new churches? Does he agree that the Government should apply for the new derogation that is about to be agreed by Finance Ministers, which would allow for VAT not to be charged on Church repairs for up to three years?

Mr. Bell: Yes. I support the hon. Lady's campaign in relation to VAT on Church repairs. I have pointed out to the House that, since 1972 at least, successive Governments have ignored any pleas on that issue. The hon. Lady raised the issue of the Council of Ministers in Europe and a new derogation. I am sure that the Church Commissioners would like to support that, and see what the Government have to say.

Ethical Investment

35. **Mr. Gerald Howarth** (Aldershot): What plans the commissioners have to dispose of their shares in GEC. [82614]

Mr. Stuart Bell (Second Church Estates Commissioner, representing the Church Commissioners): None. The Church's ethical investment working group, which makes recommendations on ethical investment policy, has made no such recommendation. The hon. Gentleman has no doubt seen inaccurate press reports, which the newspapers have since corrected.

Mr. Howarth: I am most grateful for that answer, but the hon. Gentleman knows that the Church has a policy of not investing in companies that manufacture arms. I hope that he can assure the House today that, although the Church fully supports the concept of the just war, it also supports the excellent British people who work for a first-class British company such as British Aerospace, which is in the front line of the defence not only of the freedoms of the people of this country, but of the war against aggressors overseas. Does he agree that there is every reason why the Church should invest in such an honourable company? Moreover, had it invested in British Aerospace earlier, it would have made much more money to fund the stipends, the bishops and the clergy.

Mr. Bell: I will not be tempted to go down the route of the stipends, the bishops and the clergy at this moment. I have visited British Aerospace factories and can testify to the sterling work done there and the contribution that British Aerospace makes to the nation. The Church accepts the right of nations to defend themselves and engage in peacekeeping activities. It therefore accepts the legitimacy of an indigenous defence industry supplying equipment under Government licence. The national Church investing bodies, however, have never held shares in British Aerospace.

Millennium Celebrations

36. **Sir Sydney Chapman** (Chipping Barnet): What plans the Church Commissioners have to celebrate the millennium. [82615]

Mr. Stuart Bell (Second Church Estates Commissioner, representing the Church Commissioners): Among other things, hundreds of local congregations are making plans for activities and events under the three themes: "a new start with God", "a new start at home" and "a new start for the world's poor". Every parish in England will be encouraged to distribute millennium candles to their parishioners. There is a schools arts project called JC2000, which was originated by the hon. Member for Faversham and Mid–Kent (Mr. Rowe). The Open Churches Trust is encouraging every church bell in the land to be rung on new year's day, followed by a time of prayer. That will be a joyful message and a joyful occasion.

Sir Sydney Chapman: I welcome all those initiatives. Will the Second Church Estates Commissioner say a little more about his involvement in trying to secure funding for a Christian section of the spirit zone of the millennium dome? Does he agree that Christianity should, at the very least, form the core and substantial part of that spirit zone?

Mr. Bell: I am pleased to announce to the House—where all good announcements should be made—that, under my guidance as Second Church Estates Commissioner and that of Sir Tim Sainsbury and others, a number of Christian sources have provided the majority of the funding for the zone. An official announcement will be made by the New Millennium Experience Company in the near future. Those who visit the zone will be impressed by its thoughtful but inspiring vision of Christianity, and it will dovetail with all the other millennium celebrations that the Church is planning.

Mr. Bill O'Brien (Normanton): It is right and proper that the millennium should be a Christian celebration, and that, as my hon. Friend said, the Church Commissioners are organising events. What co-operation has there been with people in the many communities who, as well as the Churches, are planning to celebrate the millennium? The Church Commissioners and the parishioners should liaise with local authorities and other community groups who are organising millennium celebrations. We should bring the Christian and local dimensions together in those celebrations.

Mr. Bell: I am grateful to my hon. Friend for drawing attention to the fact that we are not an exclusive society. We have a strong Christian ethic—this is a Christian society—and we fully recognise the major faiths of other communities, as they recognise ours. There has been great co-operation between all faiths, certainly on the spirit zone of the millennium dome. That co-operation is being repeated up and down the land.

Mr. Andrew Rowe (Faversham and Mid–Kent): I know that the hon. Gentleman shares my delight that more than 12,000 schools in the United Kingdom have signed up to the millennium arts festival for schools, JC2000. Does he also share my slight concern that, so far, the parishes and other elements of the Church of England either have had little opportunity to assist us in this work or, if they have been given the opportunity, have not availed themselves of it?

Mr. Bell: I congratulate the hon. Gentleman on his campaign for JC2000. It has at least 10,000 schools behind it, and that number is increasing by the day. Local education authorities up and down the land are being encouraged to participate. The hon. Gentleman must bear in mind the fact that there is a massive organisation for the millennium celebrations, and assets and funds will have to be shared out carefully.

Ethical Investment

37. **Mrs. Gwyneth Dunwoody** (Crewe and Nantwich): If he will make a statement on the ethical investment policies of the Church Commissioners. [82616]

Mr. Stuart Bell (Second Church Estates Commissioner, representing the Church Commissioners): The Commissioners try to invest in companies that will successfully develop their business in the interests of their beneficiaries, but that also have responsible employment practices and are conscientious about issues of corporate governance, environmental performance and human rights, and are sensitive to the communities in which they operate.

Mrs. Dunwoody: That is a clear statement of their ethics. Does it not follow that the Church will have to take some hard decisions on large companies, especially firms such as GEC? The Church will have to measure its desire for profit against the actions of companies that manufacture arms.

Mr. Bell: The Church Commissioners have £29 million invested in GEC, which has our strong support. However, when it hived off a division making equipment for offensive rather than defensive action, we made a clear statement that we would not take up the new shares in British Aerospace. The Church understands the varied views held by its membership on this difficult situation. As my hon. Friend says, it is clear that wholehearted support for every defence stock would be unacceptable to many Church members.

Kosovo

3.30 pm

The Secretary of State for Foreign and Commonwealth Affairs (Mr. Robin Cook): With permission, Madam Speaker, I shall make a statement on recent developments in Kosovo. Before I do so, however, the House would expect me to say a few words about the tragic death of Derek Fatchett. Along with all the workers at the Foreign Office, I am shocked at his sudden loss. Our thoughts today are first for his wife and family. I spoke this morning to Anita, who told me how proud she had been of what Derek had done. She and her sons had every right to be proud of him. Over the past two years, he had proved himself to be an effective and creative Minister—from the early days, when he helped to broker a ceasefire to provide relief during the famine in Sudan, until last month, when he paid a brave visit to East Timor. His early death cruelly deprives the whole House of a Member who had so much more to give. It robs many of us of a friend whom we will always remember as cheerful, whatever the difficulties.

Last Thursday, I attended a meeting of the G8 Foreign Ministers in Bonn. That meeting reached agreement with Russia on the principles on which any settlement of the Kosovo conflict must be based. They parallel the objectives that NATO requires to be met as a condition of ending the military campaign: the withdrawal of Serb military, police and paramilitary forces from Kosovo, an international interim administration for Kosovo, a political process on the basis of the Rambouillet peace accord, and the free return of all refugees under the protection of an international security presence, capable of achieving our common objectives.

From the start of the conflict we have maintained regular dialogue with Russia, and have made sure that the door is kept open to Russia. The agreement on common ground between us exposes as a lie the repeated promises of Milosevic to his people that one day Russia would come to their rescue. Work can now proceed this week between officials of our countries to turn those principles into the draft text of a Security Council resolution.

On Friday night, the Chinese embassy in Belgrade was destroyed during a NATO attack on sites in the city. It appears that the missiles hit the building on which they had been targeted, but the building had been wrongly identified in the targeting plans as the federal directorate of supply and procurement for the Yugoslav army. The review continues into how the error could have occurred, and the procedures that gave rise to it. My right hon. Friend the Prime Minister has written to Zhu Rongji, the Chinese Premier, expressing our deep regret at the error, and assuring him that there was no deliberate intent on the part of the allies to attack the Chinese embassy.

Mr. Alan Clark (Kensington and Chelsea): Did he enclose a cheque?

Mr. Cook: That was a very tasteless remark about what is a very grave and serious situation.

Yesterday I spoke to our ambassador in Beijing, who confirmed that the embassy had been blockaded by demonstrators who had hurled stones through the front windows of the embassy building. I am pleased to report that no member of the embassy staff has been injured, and we are not aware of any other British citizen in China having been attacked. We have amended our travel advice in respect of China to recommend against all non-essential visits to China at the present time.

My noble Friend Lady Symons saw the chargé d'affaires of the Chinese embassy this afternoon, and recorded our concern about the safety of our officials and other nationals in China. We welcome the appeal by the Vice-President of China, Hu Jintao, for the demonstrators to behave peacefully, and the apparent increase in the efforts of the Chinese police to protect the embassy.

On Saturday, after the news broke, I spoke to the Russian Foreign Minister, Igor Ivanov, who confirmed that Russia was firmly committed to the principles that we had agreed in the G8, and that there would be no let-up in the search for a settlement. We continue vigorously to pursue any opportunity for progress on the diplomatic track. After this statement I shall meet Carl Bildt, who has been appointed by the Secretary-General of the United Nations as his special envoy. Tomorrow Viktor Chernomyrdin, the special representative of President Yeltsin, is meeting Mr. Talbot, the United States Deputy Secretary of State.

Our best hope of success on the diplomatic track is to keep up the military pressure. If Milosevic felt any reduction in our air campaign, or sensed any weakening of our resolve, there would be no prospect of his agreeing to meet our demands.

On the ground in Kosovo over recent days, we have destroyed tanks, heavy artillery, military convoys and command posts. In total, we have eliminated within Kosovo the equivalent of the weapons and equipment of an entire brigade, but we cannot ignore the fact that the Serb forces in Kosovo are controlled and co-ordinated from Belgrade. Striking at their command headquarters in Belgrade is vital to breaking their military capability in Kosovo. On Friday night, we destroyed in central Belgrade the Hotel Yugoslavia, which had been taken over as the war room for Arkan's paramilitaries, who have killed, burned and raped their way across Kosovo. By any test, that war room was a legitimate military target and could not be ignored if we were serious about reversing the ethnic cleansing that was planned from there.

We want a settlement and we would welcome a diplomatic solution, but we will not accept a settlement at any price. It must meet our objectives—in particular, it must provide for the Kosovo refugees to go home under our protection. Anything less would condemn the refugees to a life in exile and refugee camps, and would reward President Milosevic for the butchery and brutality with which he has evicted them.

Fresh evidence continues to pour in of that brutality. In one single day last week, we received reports from refugees of three further atrocities. At Djakovica, 19 people, mainly women and children, were found by the Serb forces hiding in a basement. They were all shot in that basement and the house burned over them. At Kotlina, Serb police threw 20 villagers down a well and then threw hand grenades down after them. At Suva Reka, around 100 residents were herded into the shopping centre and shot. None of those people was killed as a result of tragic error. Every single one of them was murdered at close range, deliberately and callously.

I understand and share the concern of hon. Members on both sides of the House at the loss of civilian life when there is a tragic error in our bombing campaign, but I

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cannot understand those who focus on the tens who have been casualties of NATO's military campaign, to the exclusion of the tens of thousands who have been butchered by Milosevic in Kosovo.

I invite hon. Members to visit the exhibition space at the Foreign Office, where they can see on display drawings by children from the refugee camps. I defy any Member not to be moved to discover that the children have often drawn the guns bigger than the people and the tanks bigger than the many burning houses. It is not just the dead who are the victims of ethnic cleansing; the living also are traumatised by what they have had to see. The least we can do is enable them to return and to rebuild their homes in safety. We will continue and intensify both military and diplomatic campaigns until we succeed in doing so.

Mr. Michael Howard (Folkestone and Hythe): First, may I associate myself with the Foreign Secretary's comments about the tragic and most untimely death of the Minister of State, the news of which will indeed have shocked the whole House. Whatever our political differences, he will be greatly missed, and our thoughts and sympathy are with his family.

As the Foreign Secretary is aware, the Opposition have throughout supported the decision to take action in response to the atrocities of the Milosevic regime. Likewise, we supported and continue to support the original objectives of the action taken by NATO. Nevertheless, he will appreciate that it is our role to scrutinise, to question and, where necessary, to criticise the actions of the Government. Rarely is that role more vital than during times of armed conflict.

Does the Foreign Secretary agree that the bombing of the Chinese embassy in Belgrade was not only a tragic mistake, but an act of gross incompetence? Can he confirm that almost any street map of Belgrade clearly shows the location of the Chinese embassy? Will he tell us whether NATO has a list of targets to be avoided? If there is such a list, why did the Chinese embassy not feature prominently on it?

Will the Foreign Secretary also tell the House what measures are being taken to protect the lives of British citizens and British property in China? What consideration is being given to the wider diplomatic implications of the latest events for our relationship with China, and with Russia?

Are there not a number of other aspects of the planning and implementation of the military action that give rise to grave disquiet?

How can the Foreign Secretary reconcile the original objectives of the action stated at the start of the campaign with last week's fudged G8 Foreign Ministers' communiqué, which—in relation to the peacekeeping force, for example—contained no reference at all to NATO?

How can the Foreign Secretary justify the fact that it was not until five weeks into the air strikes that the NATO Heads of Government asked for advice on whether an oil embargo could legally be imposed? Will he confirm reports this morning that NATO is now backing away from threatening the use of force in its proposed visit-and-search regime, and intends instead to rely on a naming and shaming of countries that do not co-operate with a voluntary embargo?

What response does the Foreign Secretary have to General Naumann, the outgoing chairman of NATO's Military Committee, who has lamented the inability of NATO to use surprise or sufficient force, as a result of which, he said, the campaign has "undoubtedly" been prolonged? Does the Foreign Secretary agree with Air Chief Marshal Sir Michael Graydon that

"any failures cannot be laid at the feet of the military",

but have their root in the political parameters that were set?

Will the Foreign Secretary also clarify the position on the number of refugees that Britain has agreed to accept. Other countries have specified the total number to be admitted; will the British Government provide a similar figure?

Do not all those unanswered questions give the impression that action is being made up as we go along and has not properly been thought through?

The Foreign Secretary will be aware that there has never been any doubt in our minds that it was right for NATO to take action to deal with Milosevic's atrocities. The Opposition supported that decision, and we support it today. The international community must do all that it can to bring the unspeakable suffering in the region to an end. However, does he accept that the strength of our conviction on that matter makes us all the more concerned at the apparent lack of clarity in NATO's objectives and in the means employed to achieve them? Does he agree that clarity and consistency are now required more urgently than ever?

Is it not most regrettably the case that, seven weeks into the military action, we appear to be no nearer to achieving the primary objective set out by the Prime Minister, that of averting a humanitarian disaster? Indeed, is it not unhappily the case that the humanitarian disaster—the responsibility for which, of course, rests firmly and unambiguously with Mr. Milosevic—gets worse with each day that passes?

Mr. Cook: I am grateful to the right hon. and learned Gentleman for associating himself with my comments about Derek Fatchett. It may be of some help to his family to know that respect for Derek was felt on both sides of the House.

I have already said to the House that what happened was a tragic error, and that there must be a review of what happened and of whether procedures have to be changed to ensure that it does not happen again. However, the right hon. and learned Gentleman went on to share criticisms that have been expressed about what he described as "the political parameters" of the bombing campaign. The political parameters of the bombing campaign are there precisely to seek to minimise the risk of civilian casualties and of other non-military properties being destroyed.

The right hon. and learned Gentleman cannot have it both ways. He cannot, on the one hand, insist that we should be more careful to avoid civilian casualties, and, on the other hand, suggest that we should lift the political parameters that very clearly try to minimise those casualties by focusing on military targets.

The right hon. and learned Gentleman asked for clarity. The NATO objectives could not be clearer. We require some clarity in the Opposition's support for them.

We have repeatedly stressed those objectives: first, a ceasefire; secondly, the withdrawal of Serb forces; thirdly, the return of the refugees; fourthly, a credible international presence to protect those refugees, which will have a NATO core; and finally, a political process based on Rambouillet. Those objectives have been stated clearly, repeatedly and in the same terms for seven weeks. I wish that the Opposition would not keep shifting the basis on which they express their support for them.

The right hon. and learned Gentleman referred to General Naumann. He is behind the times. General Naumann followed the statement that the right hon. and learned Gentleman quoted by saying, when he met President Clinton, that he could not think of any change that he would make to NATO's military campaign.

Mr. Keith Simpson (Mid–Norfolk): Holding on to his pension.

Mr. Cook: The hon. Gentleman says that General Naumann was hanging on to his brief. He resigned the next week because it was his retirement date. He was not speaking to hold on to office. The hon. Gentleman should know who he is speaking about, because I understand that he claims to be a defence spokesman. General Naumann retired at the agreed date with his consent and that of the allies. He could speak freely and he said that he would make no change to the military campaign, which was achieving its objectives.

We are fighting an immense and great evil in Kosovo. It would have been helpful if the right hon. and learned Gentleman had endorsed any of the statements that I made about the nature of that evil. [HON. MEMBERS: "He did."] With the greatest respect, there was not a single reference in what the right hon. and learned Gentleman said to the immense burning, looting, killing and raping that we have witnessed throughout Kosovo. We are determined to show the necessary resolve to ensure that those policies are reversed and the refugees return. It is disappointing that it has taken seven weeks, but I can think of nothing more feeble than if our resolve and determination ceased after seven weeks. We are determined to continue until we reverse the ethnic cleansing. I ask all those in the House who share our concern to support us in seeing that through.

Mr. David Winnick (Walsall, North): Is it not clear that the intelligence community, particularly in the United States, will have to be far more accurate than it was over the bombing of the Chinese embassy? I hope that the allied Governments, including Britain, will make that clear. On the wider issue, while every effort should be made to find a diplomatic solution, and Russia is to be congratulated on its efforts, was there not a simple choice at the beginning of the allied military campaign? Either we accepted the ethnic cleansing, the crimes and the rapes that were taking place in Kosovo, or we took action. If we had not taken action and merely accepted the situation, it would have been a shame and humiliation for this country. As a Labour Back Bencher, I make no apology for supporting what has been done.

Mr. Cook: I am grateful to my hon. Friend for his clarity. There is a review of what went wrong and of the procedures. If improvements can be made to the procedures, they must be implemented to minimise any possibility of such a tragic error recurring.

Mr. Menzies Campbell (North–East Fife): May I begin by associating myself with the remarks made by the Secretary of State about his colleague Derek Fatchett. In opposition and in government, he had a sure touch on foreign affairs, and his family's loss is our loss.

Does not the incident involving the Chinese embassy reveal certain blunt but unpalatable truths? First, there was a simple but inexcusable error. Secondly, as a result, we have handed to Mr. Milosevic's regime an unparalleled propaganda opportunity. Thirdly, we have offered a public and, to some, persuasive justification for the Chinese Government's opposition to NATO's actions in the Balkans. Finally, regrettable though the incident was and sincerely though we must apologise for it, does not the catalogue of atrocity that the Secretary of State has just read to us confirm that we have no option but to see the matter through? If no settlement can be achieved, if necessary we will have to do so by deploying ground troops in a hostile environment.

Mr. Cook: I agree absolutely with the right hon. and learned Gentleman about the need to pursue the matter. All of the mounting evidence from those who have spoken to any of the refugees who have left Kosovo over the past seven weeks confirms the importance of continuing with our campaign. We cannot allow such evil to triumph. We will at every possible opportunity seek to minimise civilian casualties and to make sure that we minimise the opportunity of ordnance going to the wrong target.

However, I must be blunt with the House; one cannot wage a military campaign of this intensity without mistakes. There have been 6,000 bombing sorties over the past seven weeks, and very few have resulted in the wrong target being destroyed. However, it would be dishonest of me to stand at the Dispatch Box today and promise the House that there will never again be any mistakes. If we were to make that a condition of the military campaign, we could not wage a military campaign of the intensity and duration that is necessary to secure Milosevic's agreement to our objectives.

Ann Clwyd (Cynon Valley): Is not it the case—as my right hon. Friend has clearly said—that the way to end the war is for Milosevic to meet the conditions that my right hon. Friend has spelled out this afternoon? Was not the way in which the Opposition behaved this afternoon a clear case of their trying to undermine the Government's resolve, in exactly the same way that right-wing opposition in the United States Congress and Senate has tried to clip the wings of the President at a time when he personally—like the British Government—would prefer to commit ground troops? Would it not be the worst of all worlds if the refugees were to return to Kosovo without the situation being properly and finally resolved?

Mr. Cook: I associate myself with most of my hon. Friend's comments. May I clarify a point in relation to ground troops? We have always been committed to providing ground troops to underline a ceasefire and to make sure that any agreement would stick. That remains our position. The whole of the alliance in Washington—not just one member—agreed to task Javier Solana, the

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alliance's Secretary-General, with reviewing the circumstances in which it might be appropriate for our forces to enter and to escort the refugees back in security.

Sir Alastair Goodlad (Eddisbury): We on the Back Benches would like to associate ourselves with what my right hon. and learned Friend the Member for Folkestone and Hythe (Mr. Howard) said about Derek Fatchett, who was a greatly respected and admired colleague in the House.

Is the Foreign Secretary aware that, at the moment, the Prime Minister's expression of regret for the bombing of the Chinese embassy in Belgrade has not been reported in the Chinese media and that, in China, it is universally assumed to have been a deliberate act? The talk there is of an acknowledgement of a breach of international law, and of compensation and apologies to the families, who will be receiving the bodies tomorrow. Will the right hon. Gentleman tell the House that his mind is not entirely closed to a further gesture—perhaps by way of an apology from NATO—to improve what is a dangerously fissile situation in China?

Mr. Cook: My mind is certainly not closed to anything that would help us to reassure the Government of China that what happened was not a matter of any deliberate intent. I am aware, as the right hon. Gentleman pointed out, that that is a view widely held within China, although we are not convinced that it is a view necessarily believed by the Government of China. Nevertheless, we will seek to do anything we can to get that point across and to rebuild bridges with China. NATO has already recorded its deep regret, and we would be happy to consider what further statement might be of assistance. However, let us be clear: this was a tragic error, and there was no deliberate intent on our part. It should not deflect us from our intent and objective, which is to secure the return of the refugees to Kosovo.

Mr. George Galloway (Glasgow, Kelvin): I will visit the exhibition that the Foreign Secretary has staged of drawings by Kosovar children. I would have liked hon. Members to be able to visit a similar exhibition by Iraqi schoolchildren, except that that exhibition was banned by none other than the Foreign Secretary some months ago.

Can the Foreign Secretary not see that when in a hole, in politics as in life, people should stop digging? Whatever one's view about this war and about whether it should have been started in the first place, is it not clear that we are all now in a very deep pit? All of us—the Yugoslavs, the Kosovans, the Chinese and NATO—are in a deep hole. Is it not obvious that a settlement is within sight, based on the G8 agreement? Would it not be sensible to have a pause in the bombing—even if it is only in case any further disasters occur that make the G8 negotiations invalid or unobtainable? Would it not be wise to have a pause in the bombing and a return to the negotiating table at the United Nations, based on the G8 proposals? I feel sure that those who are following this matter closely realise that that is the basis for a settlement. If we continue bombing, we may bomb that possibility to smithereens.

Mr. Cook: I point out to my hon. Friend that none of us entered this conflict lightly; nor did we enter it without exploring every other possible way of resolving the crisis in Kosovo. We put two months into the Rambouillet-Paris peace talks. The talks were followed up by a special visit to Belgrade by Richard Holbrooke. The reason that we are currently engaged in a military campaign is that every other possible avenue was closed off by Milosevic.

We are trying to turn the G8 proposals into a resolution at the Security Council; that work will continue this week. However, no one would be happier than President Milosevic if we were now to suspend the military campaign. That would enable him to refuel and resupply the troops in Kosovo, and to strengthen, once again, those units in the field that have been weakened by our bombing campaign. That would not assist a solution, but would ensure that it would be longer before we could secure the only solution that will bring justice to Kosovo—the return of the refugees under international protection. Until we can secure that objective, it would be foolish of the House to suggest that we should cease the bombing campaign.

Mr. Andrew Rowe (Faversham and Mid-Kent): With our war aims set out, I well understand that it is extremely difficult to talk much about how long the refugees will be in the camps. However, is it not realistic to believe that a substantial number of refugees will be there for a very long time? Will the Foreign Secretary reassure us that the Government are working hard to ensure that the refugees' shelter against the cold of the winter and the heat of the summer is what they actually need? Can he assure the House that the camps will not become recruiting grounds for the Kosovo Liberation Army, as the refugee camps in the Congo became recruiting grounds for the Interahamwe?

Mr. Cook: I assure the hon. Gentleman that we are anxious to ensure that those camps do not become armed camps, as the camps in the Congo were. However, it would be foolish for anyone to deny that there will be many young refugees who will be interested in working for the KLA. We have to face the fact—as must Milosevic—that his behaviour and his brutality are the best recruiting sergeant for the KLA. That army has grown in strength during the period in which he has claimed to be wiping it out.

As for the future of the camps, it must be said that they are not prepared for winter. We must not necessarily prepare them for winter, but we must ensure that we provide a tolerable standard of life for the people in the camps until we can take them back to Kosovo. That is why, especially in Albania, we are encouraging refugees to go down to the coast where it will be easier to provide for them than it is in the mountainous border area. I stress to the House that, when we secure our objective of entering Kosovo and taking the refugees back, a large task of reconstruction will remain before they will have homes in which they can live through the winter. Whether inside or outside Kosovo, a major task of reconstruction lies in our hands.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich): Whatever the reasons—or lack of them—for the bombing of the Chinese embassy, is it not now clear that the Russian embassy to the Yugoslavs to seek a solution will be made doubly difficult? Are Her Majesty's Government prepared to put urgent and immediate support behind the widening of that embassy and the involvement of the

United Nations in the war, so that action can be taken that will make it clear that we seek an equitable and honest solution?

Mr. Cook: I certainly agree with my hon. Friend on that point. The last information I had before leaving is that the Germans expect that the visit to Beijing will go ahead; that in itself is encouraging. I hope that that visit and the many other contacts that we are making with Beijing will help to ensure that we can achieve a common way forward in the diplomatic process.

Sir Peter Tapsell (Louth and Horncastle): Will the right hon. Gentleman confirm that he is keeping in mind the war powers resolution of both Houses of the United States Congress, which applies equally to ground, sea and air forces, and which requires that if, after 60 days, Congress has not declared war, authorised the use of armed forces or given a time extension, the President must withdraw the American forces from the war zone? As it appears highly unlikely that the current Congress will pass resolutions in that sense, what will happen when 60 days of NATO bombing is completed on 26 May?

Mr. Cook: It is a brave diplomat who tries to tread in the relations between Congress and the White House, but we have had repeated exchanges with President Clinton over the past few days, including the period since that resolution was passed, and we detect no slackening of resolve on the part of our major ally. I believe that many of the Congressmen and Senators on the hill, including those whom I met only two weeks ago when I attended the Washington summit, understand full well what is at stake and would not want America or NATO to abandon the Kosovo refugees.

Mr. Malcolm Wicks (Croydon, North): I put it to the Foreign Secretary that, now that the going has got rough and tough in the former Yugoslavia, our democracy has to be clear on one fundamental point, which is that there is no comparison to be drawn, either militarily or ethically, between the accidental bombing by NATO, tragic though it was, and the callous, systematic and repugnant policies of the Serb regime, which involve organised rape and mass killings. Ministers do not need this advice, nevertheless, I urge them to keep their nerve and to listen to decent British public opinion, not to those on both sides of the House whose words—however well meaning or sincere—can only give comfort to the planners of mass murder in Belgrade.

Mr. Cook: My hon. Friend raises an important point, in that we have to weigh carefully what we say, for in an open society, our words are openly and freely reported and are then prone to being abused in Belgrade, where there is not the same open and free access to the media.

As for my hon. Friend's other point, I understand that public opinion will be concerned about what happened to the Chinese embassy, just as the Government and the other Governments of the alliance are concerned. However, public opinion would be even more outraged if the public were to sense that we had betrayed the Kosovo refugees and abandoned them to a life in the camps. The public would be even more outraged if they felt that there was to be no justice in respect of the atrocities and crimes committed in Kosovo. I am quite confident that public opinion would want us to continue until we can secure the return of the refugees and access by the International War Crimes Tribunal to Kosovo.

Mr. Tom King (Bridgwater): Does the right hon. Gentleman accept my clear view that, although he is entitled to seek the widest possible support in the House for the Government's current position and the action that they have taken, there are genuine public concerns about certain developments in respect of those events and that, in our parliamentary democracy, the Opposition have a duty to raise such concerns? I appreciate the pressure he is under, but does he recognise that it does not help when he tries to disparage the Opposition when they discharge part of their duty?

Mr. Cook: I entirely agree that there are concerns and that those concerns need to be expressed. However, if the right hon. Gentleman reflects, he will accept that the NATO objectives are clear and that it does not help us to show resolve and determination behind those objectives if it is suggested that there is any lack of clarity in them. They do have clarity. Although the right hon. and learned Member for Folkestone and Hythe (Mr. Howard) referred to the lack of clarity of NATO objectives, I believe that that is a false charge which does not enable us to show the resolve and determination that are necessary for success.

Mr. John Home Robertson (East Lothian): I have just been elected to the new Scottish Parliament. Will my right hon. Friend take it from me that one of the clearest messages that citizens in every part of Scotland sent in that election was their rejection of a party that had criticised the military action taken against the ethnic cleansers of Kosovo? Furthermore, does my right hon. Friend agree that the Kosovan refugees who arrived in my East Lothian constituency last night will be made very welcome? Surely the most important duty of the House and of the Government must be to create the circumstances that will allow those people to return to their own country safely.

Mr. Cook: I congratulate my hon. Friend on his election to the Scottish Parliament. I think that there are many reasons why the people of Scotland rejected independence as an option last week.

I am confident that the local authorities that we invite to assist us in accommodating the Kosovar Albanians will rise to that challenge. My hon. Friend has a long record and experience of providing help to the people of Bosnia, and I am sure that both he and his constituents will rise to the challenge of helping the people of Kosovo.

Mr. Andrew Robathan (Blaby): At the end of April, I and other members of the International Development Committee had the good fortune to be briefed by two British NATO generals in Albania and Macedonia. I think I speak for Committee members from both sides of the House when I say that we were very impressed by both the generals and the good humanitarian work carried out by NATO troops in those countries. However, does the right hon. Gentleman accept that there is a growing body of opinion to the effect that, although there is no problem with the armed forces' prosecution of the war, there is a problem with the political direction and a lack of understanding on the part of our political leaders? Is he

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aware that informed opinion in this country lacks confidence in our political leaders—indeed, there is a growing conviction that the political leadership both in Washington and in this country has no idea what it is doing?

Mr. Cook: I cannot say that I regard that contribution as immensely helpful in demonstrating to Belgrade our unity, resolve and determination. It is very easy to make that kind of open criticism. If the hon. Gentleman is genuine and serious about trying to find a way forward, and if he has thought of some approach that has escaped the 19 members of the alliance and its military command, we would be grateful if he would express his views rather than simply criticising what is being done.

Mr. Tony Benn (Chesterfield): Is the Foreign Secretary aware—he must be—that no one in the House is an apologist for President Milosevic or the crimes that he has committed? Is he aware that those who know war know that it is bloody and indiscriminate? When NATO decided to make war, it knew that many innocent people would be killed—and that has happened. Is the Foreign Secretary also aware that the impression is being created that the Government have lost contact with reality? The American Senate—which, unlike the House of Commons, has some power over matters of peace and war—will not support ground troops. The air war will not succeed. Therefore, the best hope for the refugees is to take up the Russian proposal at the Security Council where there is an opportunity to find a solution. Bombing and insult, in equal proportions, are getting us nowhere. The invasion will not be allowed and the danger is that the Government are misleading the refugees into believing that this policy will enable them to return home.

Mr. Cook: With respect to my right hon. Friend, I said in my statement that we are now working with Russia in order to take forward a Security Council resolution. I hope that we may be able to produce a draft of that resolution before the end of the week. It is certainly our objective to work on it as fast as we can.

The obstacle to a resolution in the past seven weeks has not been us, but Russia and the threat of a Russian veto. I welcome the fact that we have achieved common ground upon which we can take forward the resolution. However, the House must be clear: we have secured a political agreement with Russia, and that is very different from a settlement with Belgrade. There is no evidence that if we back off and relax the military pressure, Belgrade will suddenly decide to do what it resisted doing throughout the Rambouillet peace talks. I do not, therefore, believe that we are selling the Kosovo refugees an honest prospectus if we say that there is a way forward that does not involve a military campaign.

Mr. Nicholas Soames (Mid–Sussex): It is unfitting and unsuitable for the Foreign Secretary to question the Opposition's resolve and motives because they choose to question and draw attention to the monstrous and unforgivable incompetence of the bombing of the Chinese embassy. One would have hoped that if NATO truly thought that the Chinese embassy was the federal procurement executive, it might have taken action some time beforehand to remove the executive and troubled to find out exactly where the Chinese embassy was.

Much more work needs to be done by NATO and others involved to prepare for the reconstruction of Kosovo. What steps were taken at the G8 meeting to prepare for efforts to rebuild the houses that will be needed to shelter the hundreds of thousands of poor refugees, who will return to scenes of total devastation? I urge the Foreign Secretary, instead of posturing at the Dispatch Box, to give us straightforward answers without irrelevant criticism.

Mr. Cook: With respect to the hon. Gentleman, I could not have made clearer to the House my concern about what has happened to the Chinese embassy and the difficulties that the events have caused us all.

On the reconstruction of Kosovo, we committed ourselves at the G8 meeting to an interim administration under an international authority, which we anticipate will be achieved through United Nations endorsement and a resolution. That interim administration will need to call on all the resources of the international community, including the Organisation for Security and Co-operation in Europe, the European Union and the UN, as well as NATO. Reconstruction will be a major task.

At my meeting, after this statement, with Carl Bildt, the special representative of the UN Secretary-General, I hope to explore how he and his fellow envoy, Eduard Kukan, can work together to prepare plans for what happens after we go into Kosovo. The hon. Gentleman is right to say that the preparations for that need to start now. We face the task of rebuilding a whole country.

Dr. Phyllis Starkey (Milton Keynes, South–West): I welcome the agreement with Russia, not as an alternative to NATO's military action, but as a complement to it. In planning for the eventual international peacekeeping force under the direction of the UN, are special steps being taken to widen participation as much as possible, particularly to involve the Governments of Muslim countries? Is my right hon. Friend aware, for example, that the United Arab Emirates has made substantial aid available to Albania to provide a field hospital, an airport and several camps, and would be willing to participate in an international peacekeeping force?

Mr. Cook: I welcome my hon. Friend's question. It is true that several Muslim countries are anxious to help, and some are already doing so. We have always made it plain that although any international military force must have a NATO core to be credible, it need not be exclusively NATO. I would welcome Russia's involvement in such a force, and I hope that Muslim nations will also be involved, to ensure that we demonstrate a full international presence.

Mr. Alan Clark: It was not the Royal Air Force that smashed up the Chinese embassy, and as the Foreign Secretary is speaking in the British House of Commons, why does not he say so? That action was taken by the USAF, whose general and habitual standard of inept targeting and gung-ho opportunism must have been responsible for the deaths of many hundreds of civilians. In the last war, the alliance had the habit of issuing

communiqués at the end of almost every day, saying what had happened and which units within the alliance had been tasked to take the action. Why cannot we introduce that procedure, and then at least some degree of responsibility for these repetitious outrages would be easier to attribute?

Mr. Cook: I can confirm to the right hon. Gentleman that UK aircraft were not involved in the attack on the Chinese embassy. He is the first Member to ask that specific question, and I am happy to give that specific answer. However, I stress that we are operating as an alliance. It would not help us to continue to prosecute the war together as an alliance if we were to get involved in individual recrimination, and I have no intention of doing so.

Mr. Bill Rammell (Harlow): Does my right hon. Friend agree that had Labour Front Benchers during the Falklands or Gulf wars made the sort of criticisms that we have heard from Conservative Front Benchers today, there would have been howls of outrage from the then Conservative Government? Does he also agree that when the wrong target has been bombed, as happened with the Chinese embassy, the whole House is concerned, but that to try to pretend that such mistakes will not be made in a military conflict is naive in the extreme and undermines the original intention of the action?

Mr. Cook: I agree absolutely with my hon. Friend. If there is to be a military campaign of the intensity necessary to make its mark on President Milosevic, it will unavoidably, on occasions, contain errors. That is why it is so important that we rightly express our concern about such errors, seek to learn lessons from them and try to prevent them from recurring. However, that should not divert us from our central resolve to see the campaign through.

Mr. Graham Brady (Altrincham and Sale, West): The Foreign Secretary has told the House that a review will take place to consider the procedures that allowed the bombing of the Chinese embassy to take place. I invite him to give the House more details of that review, especially how long it will take and when any new procedures will be implemented. With the bombing proceeding every day, it is a matter of urgency to learn what lessons we can and to put new procedures in place.

Mr. Cook: I am sure that if changes are to be made, they will be introduced as a matter of urgency for precisely the reason the hon. Gentleman gives. It would not be appropriate for me to give a specific time scale to the review, but it will proceed as urgently as possible.

Mr. Dale Campbell-Savours (Workington): May I join my right hon. Friend in expressing my condolences on the death of our dear friend, Derek Fatchett, whom we will all miss?

The simple truth is that the wise old men in Peking who run China will know that what happened was an accident. They are not stupid and, in the pragmatic way for which they are internationally renowned, they will not overreact, as have many people in the House of Commons today. Will not those wise old men wish to keep on course the rapprochement with the west that has been their policy for the past 15 or 20 years? They will want to put the whole murky business behind them.

Mr. Cook: It is perhaps worth recalling that we have achieved major improvements in our relations with China in the past year. The visit of Zhu Rongji to London was a great success. We are sure that China will not wish to throw away those gains, but will want to build on them. Nevertheless, nobody should understate the magnitude of what happened on Friday or the importance of working hard to ensure that we can put it behind us.

Mr. Howard: May I remind the Foreign Secretary that in the course of my earlier questions, I several times condemned the atrocities of the Milosevic regime and ended my questions by saying that the responsibility for the humanitarian disaster in Kosovo rested firmly and unambiguously on Milosevic. Will the Foreign Secretary now withdraw the remarks in which he falsely alleged that I had failed to condemn those atrocities?

Mr. Cook: If I have misrepresented the right hon. and learned Gentleman, I withdraw those remarks.

Mr. Crispin Blunt (Reigate): Apologise!

Mr. Cook: Well, if I have misrepresented the right hon. and learned Gentleman, I withdraw those remarks and I apologise, because that would be right in those circumstances. However, I invite him, the next time he discusses this matter in the House, to reflect on the balance of what he says. If he examines the balance of what he said on this occasion, he will find that for every criticism of Belgrade, there were five criticisms of NATO and the alliance for what has happened. I agree with my hon. Friend the Member for Harlow (Mr. Rammell) who made the point earlier that during the Gulf war, the Government received great support from the Opposition. I hope that we can look forward to similar support from the Opposition on future occasions.

Points of Order

4.19 pm

Mr. Tam Dalyell (Linlithgow): On a point of order, Madam Speaker. Doubtless the Northern Ireland (Location of Victims' Remains) Bill raises matters of importance, but those can hardly be as important or as urgent as the matters we have been discussing. Therefore, I ask whether you would be prepared to hear an application for a debate under Standing Order No. 24 so that the matters can be further discussed later tonight.

Madam Speaker: No, I am not prepared even to contemplate a Standing Order No. 24 application at this stage. I think that the Foreign Secretary has given us a proper explanation of developments over the weekend, and we have had good questioning. I have followed very closely those Members who have put questions on this. I am very keen that all Members are called at some time or another to put a question to the Foreign Secretary. I know that the hon. Gentleman has not been called today, but he is never usually deprived on such occasions, and I will look favourably at him on another occasion.

Mr. Dalyell: Further to that point of order, Madam Speaker. This is not a complaint that I was not called, because actually I have been treated extremely well in questions. The argument is rather different.

It is all very well to hear reports of what has happened. The issue is whether the House of Commons should be able to give its opinion—and in many cases, from both sides of the House, informed views—in a way that cannot be done by the most succinct among us from the Back Benches in the form of questions. The issue for a Standing Order No. 24 application is that the House of Commons should be able to ask questions, for example, about what happens to the environment if the bombing goes on and on. Mercury, phosgene, ammonia and benzene are all spewing out. What happens, for example, to the nuclear facilities at Vinca? If one can bomb the Chinese embassy, one can bomb the nuclear core, with God knows what reaction. All those matters should be aired in debate.

Madam Speaker: I am sure that the hon. Gentleman will put his point to the Leader of the House and perhaps it could be arranged, between the two Front Benches, that a date might be set aside for such a debate, but I am not prepared to accept an application under Standing Order No. 24.

Mr. John Bercow (Buckingham): On a point of order, Madam Speaker. In light of weekend statements by Mr. Romano Prodi supporting the creation of a single European army and a single Government for Europe—policies to which the Prime Minister claims to be opposed—I wonder whether you have had any indication from the Prime Minister that he would like to come to the House in order personally to withdraw his support from Mr. Prodi as President of the European Commission.

Madam Speaker: That is not a point of order for me; it is a matter of argument.

Mr. Jeremy Corbyn (Islington, North): On a point of order, Madam Speaker. I heard the reply that you gave to my hon. Friend the Member for Linlithgow (Mr. Dalyell), declining to take his Standing Order No. 24 application; I can understand that. However, I am sure that you must understand that an awful lot of people feel very concerned and wish their Parliament—this elected Parliament—to have a debate and an opportunity to take a decision on British participation with the NATO forces in Kosovo.

What indications have you had from Ministers about how frequently they intend to make statements to this House? What pressure can you bring to bear, as a representative of the House, to ensure that the House has an opportunity to debate, on a substantive motion, the issue of the present bombing of Yugoslavia?

Madam Speaker: These are questions which are usually raised on Thursdays at business questions with the Leader of the House, who always gives a very substantive reply. I do not arrange the business of the House. I am quite prepared from time to time to consider a Standing Order No. 24 application. At the present time, I am not in a position to hear such an application.

Mr. Bowen Wells (Hertford and Stortford): Further to that point of order, Madam Speaker. Are you aware that the International Development Committee will be issuing a report on the Kosovo refugees on Thursday, and that that might be the right occasion on which to hold a full debate on these issues?

Madam Speaker: That is a point of information, not a point of order.

Mr. Tony Benn (Chesterfield): On a point of order, Madam Speaker. If I may say so, you have been very generous to those who have taken a different view from Ministers on this issue, and I have no complaint. I have never believed that the Speaker determines the business of the House.

The problem that my hon. Friend the Member for Linlithgow (Mr. Dalyell) raises is that the Crown is preventing Parliament from discussing the subject. Your famous predecessor, Mr. Speaker Lenthall, has gone down in parliamentary history for insisting that the House of Commons took precedence over the Crown. In my opinion, the Crown's powers are being grossly abused by taking this country to war when its elected Parliament is not allowed to decide.

I am not asking you to respond now, but I believe that you are being asked by the House to consider very carefully whether there is not a moment when you, as Speaker, should make it clear that those of us who represent service men and their wives and the country as a whole really must be allowed, like the American Congress, to reach a view on whether the bombing and the war should continue. For otherwise, we are spectators of our fate and not in any sense shapers of our future.

Mr. Douglas Hogg (Sleaford and North Hykeham) *rose—*

Madam Speaker: Order. We cannot continue in this way. These are not points of order, but points of opinion, about which I am perfectly understanding, but to which, in many instances, I cannot respond.

Mr. Hogg: On a point of order, Madam Speaker. I am sorry to follow on from what the right hon. Member for Chesterfield (Mr. Benn) said. However, there is a great deal of anxiety in the House about the fact that we have never been asked to authorise or approve what is going on. We have had an opportunity to discuss it and we have had an opportunity to ask questions, but we have not been given the opportunity to give our authority. That is a lacuna in the processes of the House and it would be enormously appreciated, Madam Speaker, if you could give urgent consideration to how the Speaker can ensure that the House has a substantive motion to address.

Madam Speaker: For the past three or four Thursdays when I have been in the Chair, numerous Members on both sides of the House have put this matter to the Leader of the House, asking for a debate on a substantive motion, which if necessary can be amended, and a vote. The response of the Leader of the House is there for all to see. Right hon. and hon. Members must continue pressing the occupants of the two Front Benches if they are seeking a debate on this matter.

Northern Ireland (Location of Victims' Remains) Bill

Order for Second Reading read.

4.26 pm

The Minister of State, Northern Ireland Office (Mr. Adam Ingram): I beg to move, That the Bill be now read a Second time.

Before commenting on the Bill, I wish to acknowledge the reason why the right hon. Member for Bracknell (Mr. MacKay) is not on the Opposition Front Bench as shadow Secretary of State for Northern Ireland. The right hon. Gentleman is attending his father's funeral. I am sure that the entire House would wish to echo me in offering condolences to him and his family.

It is right to begin by acknowledging the prolonged suffering that has been endured by the families of "The Disappeared". The families and friends of "The Disappeared", as they have become known, have suffered the loss of those they loved and have had to endure many years of agonising uncertainty of not knowing what happened to their loved ones and the pain of not being able to lay their bodies to rest. This is a basic human right.

I have met representatives of a number of these families on several occasions, most recently today, and I have been deeply moved by their stories and by the remarkable courage that they have shown in the face of such adversity. More than anything else, it is their suffering which the Bill seeks to address.

The Bill's overriding purpose is to ensure that the remains of these victims can be located and that, for the sake of these victims and their families, funerals can finally take place.

Dr. Norman A. Godman (Greenock and Inverclyde): I support the Bill in principle. However, the Bill makes information and evidence inadmissible in criminal proceedings. I can well understand why that is so. The Bill also places restrictions on the forensic testing of human remains. What are those restrictions?

Mr. Ingram: I intend to deal with that later. The Bill is not exactly the same as the Northern Ireland Arms Decommissioning Act 1997, but it is not too dissimilar, either. The same type of concepts are contained in that measure.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich): I think that we all support the aim that my right hon. Friend has set out. However, has he had an absolute assurance that if the Bill is allowed to go forward, funerals will take place and it will not set rather an unfortunate precedent for the future?

Mr. Ingram: I am sure that my hon. Friend is only too well aware, being a long-standing practitioner of the art of politics, that there are no such things as absolutes. We are dealing with a sensitive and difficult subject which we must address in the best way available to us. As for setting

[Mr. Ingram]

precedents, the Bill deals with a specific set of circumstances and it is not for me to determine what may evolve or develop on its back. We do not know what else may arise. At present there is no intention to change or develop the Bill. It is aimed at a specific objective, which I was setting out.

Mr. Ken Maginnis (Fermanagh and South Tyrone) *rose—*

Mr. Ingram: I have hardly said very much about the Bill. It might be useful to set the scene for it, if I were allowed to do so.

Mr. Maginnis: On that point—

Mr. Ingram: I will give way—

Mr. Maginnis: On that point—

Mr. Ingram: The hon. Gentleman is usually insistent, and he gets his way by shouting and not listening to reasoning such as I was trying to present.

Mr. Maginnis: Let me assure the House that, unlike some people who will be nameless at this stage, I do not let my liver override my brain.

What the Minister has just told us is that he is reacting emotionally to the demands of the IRA, and he has not thought out the consequences of what he is proposing. That is what I gathered from his answer to his hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody).

Mr. Ingram: I do not want to enter into a dialogue on that. We have had to introduce a considerable amount of legislation as the peace process has developed, based on the circumstances prevailing at the time. It would have been better if we did not need legislation, but if that is the way in which we achieve the objective, the Government must introduce it.

For the sake of roundness of argument, may I refer to what the hon. Member for Fermanagh and South Tyrone (Mr. Maginnis) said in relation to similar legislation, the Northern Ireland Arms Decommissioning Bill, in 1996. It would be useful if, having intervened, he would listen. On that Bill, which dealt with armaments, he said:

> "I welcome the Bill and I shall explain why it is essential."—[*Official Report*, 9 December 1996; Vol. 287, c. 66.]

We are dealing now with a similar piece of legislation, and I should like to hear him welcome it in the same way. He will have that opportunity when he makes his contribution to the debate.

I was saying that we seek to ensure that victims' remains are located so that funerals can take place. This objective is particularly apt as we, the British Government, together with the Irish Government, and the parties seek to implement the Belfast agreement. One of the key aspects of the agreement is a recognition by all parties that we must acknowledge and address the suffering of the victims of violence as a necessary element of reconciliation.

Action on the issue of "The Disappeared" was specifically mentioned in the report of the international body, the Mitchell report, on page 17, paragraph 52, in the chapter on "Further Confidence Building", which listed the

> "provision of information on the status of missing persons"

among the factors that

> "would demonstrate a commitment to peaceful methods and so build trust among other parties and alleviate the fears and anxieties of the general population".

Furthermore, Sir Kenneth Bloomfield, in his report entitled "We shall remember them", on page 38, paragraph 5.38, dedicated a paragraph to "The Disappeared" and "Exiles". Sir Kenneth voiced

> "a fervent appeal, on behalf of those whose loved ones have disappeared without trace, that those who can offer information about their fate and where bodies may lie should do so now".

The Bill provides the most effective and speedy response that the Government can give to this tragic issue.

The background to the Northern Ireland (Location of Victims' Remains) Bill is the tragic disappearance of a number of people during the 1970s and 1980s. It is believed that those people were abducted and killed by terrorist organisations although, to date, none of the bodies have been recovered.

On 29 March this year, the Provisional IRA made a public statement, declaring:

> "We believe we have established the whereabouts of the graves of nine people . . . information regarding the location of these graves is now being processed and will hopefully result in the speedy retrieval of the bodies".

In response, the Government, together with the Irish Government, announced their intention to introduce legislation in both jurisdictions to ensure that any evidence that emerged as a result of information given to help to locate the remains would not be used in subsequent criminal prosecutions. The Bill is the culmination of that commitment.

Mr. Desmond Swayne (New Forest, West): Is not the practical effect of that self-denial the granting of an amnesty for those crimes and those criminals? Would not it have been better, and more honest, to create a commission such as that presided over by Archbishop Desmond Tutu rather than to cloak the effect in such a way?

Mr. Ingram: It would have been better if the hon. Gentleman had read the legislation; it is not an amnesty any more than the decommissioning legislation is an amnesty. I say it again: I shall explain the background to the Bill and the purpose underlying it.

Sir Kenneth Bloomfield referred to the concept of a truth and reconciliation commission in his detailed, heavyweight report on the question of how we deal with victims. It is for the whole of society in Northern Ireland—not only for the Governments or, indeed, the political parties—to determine whether it wants to move forward in such a way. The issue belongs to the whole of society and has to be handled in line with its wishes.

Such a commission has not been ruled out, but communities have to come together and define what they seek to achieve. If I read the remarks of the hon. Member for New Forest, West (Mr. Swayne) correctly, he said that

we should not be proceeding in this way in respect of the information that the Provisional IRA has said that it is prepared to provide to the Governments, through the commission that will be set up, and that we should leave the issue on one side until such a body is established. It may never be established and, on that basis, the remains of the victims may never be recovered. That would be a matter of great regret.

The Bill is the culmination of the commitments that we gave in response to the Provisional IRA statement. The Irish Government published their equivalent Bill at the end of April. Together, the two Governments have shown their willingness to respond quickly to achieve a resolution of this issue.

The two Governments have recently signed an agreement to establish an independent commission which would facilitate the location of the victims' remains. I can announce this afternoon that Sir Kenneth Bloomfield has agreed to take on that role on behalf of the Government, if the Bill is approved by both Houses of Parliament.

Elements of the longer statement made by the Provisional IRA on 29 March caused further hurt and grief to the families, because of what it said and what it did not reveal. Many families were expecting to be informed that their relatives were on the list given by the Provisional IRA. The fact that they were not caused deeper pain—pain on top of what they have had to endure over the long years since their loved ones were taken from them. The unfounded allegations made against those on the list were a cruel blow to families who had already suffered too much.

It is worth while putting on record the fact that those listed by the Provisional IRA in its statement—Seamus Wright, Kevin McKee, Jean McConville, Columba McVeigh, Brendan Megrew, John McClory, Brian McKinney, Danny McIlhone and Eamon Molloy—had not been charged with any crime, were not judged in a court of law, were not given the right of a fair trial and were not given the right to appeal against the summary injustice served on them. They were probably beaten and tortured before they were killed. In short, they were denied their fundamental human rights.

There is no international call for an independent inquiry into their tragic deaths, the human rights lobby is silent on their treatment and, of course, they have lain in undisclosed sites—some of them for nearly 30 years. I want to make it clear that the measure before us does not condone any of that; it is not a concession to terrorism or barbarism—it is a wholly humanitarian gesture that has been made because the Government genuinely care about the families, who have borne so much grief and hurt over all those years with quiet dignity.

I do not speak for the families, but I know this: it is their right to know where their loved ones are buried and no one with any humanity in his heart has the right to deny the families the right of laying their loved ones to rest with the dignity they deserve. The humanitarian need to introduce this legislation with such urgency is therefore obvious.

The plight of the families of "The Disappeared" is at the forefront of our minds. Their suffering still strikes a deep chord. It has gone on for too long. However, it is not within the Government's gift to deliver the final objective—namely, the location of the remains. That can be done only if those who know their whereabouts come forward with the information. I take the opportunity today to call on them to do so as a matter of urgency.

The Provisional IRA must demonstrate its good faith by delivering on its publicly stated pledges to the families. I urge those who have information about the remaining victims to do likewise. Those families have already suffered too much. It is time for this issue to be dealt with once and for all.

I emphasise that the Bill does not grant immunity from prosecution. It is not an amnesty. These were vicious and cowardly crimes and, if evidence is obtained from other sources, it will be used to seek to bring those responsible to justice. However, just as it is absolutely right that the efforts to obtain justice should continue, it is equally important that we consider the needs of the families and do all that we can to alleviate their suffering.

Mr. Ernie Ross (Dundee, West): The Minister named the various civilians who were tortured and murdered by the IRA and whose remains are covered by this legislation. What about the body of Captain Robert Nairac? Is that also covered, and is there any indication from the Provisionals that they will surrender those remains?

Mr. Ingram: We have no information on that. Once this legislation is in place, it will hopefully remain in place after the remains of the nine who have been listed by the Provisional IRA have been located and given a burial by their families. Thus the legislation could be used for any further information that is brought forward. Hopefully, it may encourage those who have those details to give it to us.

It is not just Captain Nairac; others are on the list of known victims who have disappeared over the years. The total number is not precise—a figure of 20 has been quoted. It is about collating information from a variety of sources, and the best estimate on which we are working is in the region of 16. Only nine victims have been identified, so there is still some way to go to deal with all the families who have lost their loved ones in this way over the years.

As I said, this measure is about alleviating suffering. It is a humanitarian gesture. That is why the two Governments have decided to proceed with legislation enabling those with information to come forward and the location of the bodies to be disclosed. Like so many issues in Northern Ireland, this is a difficult one. However, I believe that the Bill succeeds in striking the right balance between taking vital steps to alleviate some of the suffering that has afflicted many families in Northern Ireland for many years and ensuring that the scheme is workable in practice.

Before I deal with the detailed provisions of the Bill, I should like to acknowledge the difficulties that the Bill's timing has posed for a number of right hon. and hon. Members who had intended to travel to north America with the Select Committee on Northern Ireland Affairs. My right hon. Friend the Secretary of State has written to the Committee on this issue. It is unfortunate that the two dates clashed because some hon. Members would have wished to participate in this debate. I am grateful to those who have taken the opportunity to be here today. Their presence is noted, and I look forward to their contributions to the debate.

[Mr. Ingram]

I am also grateful that the right hon. Member for Cities of London and Westminster (Mr. Brooke) was able to travel to the United States, albeit with a somewhat depleted delegation, on what should prove to be a very worthwhile venture. What the delegation is investigating and examining is of importance to Northern Ireland.

The Bill provides the legislative framework for a commission, which will be an independent organisation established by the agreement signed on 27 April by the British and Irish Governments. The agreement was laid before the House on 5 May in accordance with the practice known as the Ponsonby rule. It is hoped that today's debate will give hon. Members an opportunity to express views on the agreement if they so wish.

Both Governments are doing all they can to ensure that the commission can begin its work as soon as possible. We are confident that in proposing to agree with the Government of Ireland on an early date for the agreement to enter into force—before the 21 days required by the Ponsonby rule have elapsed—we are acting with the will of the House.

The Bill makes supplementary provision for the commission and the commencement and duration of the provisions relating to the commission, and enables certain immunities and privileges to be conferred on it. The commission will facilitate the location of the remains of persons killed before 10 April 1998 as a result of an unlawful act of violence committed on behalf of, or in connection with, a proscribed organisation.

The Bill further provides three types of protection for information provided to the commission about the whereabouts of the remains of the victims. First, clause 3 provides that relevant information provided to the commission, or evidence that comes to light as a result of that information, shall not be admissible in evidence in any criminal proceedings, except if that evidence might, in some circumstances, be helpful to the defence of an accused person.

Secondly, clause 4 places prohibitions on the forensic testing of the remains or other items found, subject to limited exceptions, in particular for the purposes of determining the identity of the deceased persons and how, when and where they died.

Thirdly, clause 5 provides that information provided to the commission will not be disclosed except for the purpose of facilitating the location of the remains. However, the Bill leaves the commission with a discretion to pass certain information to the family of the victim.

Finally, the Bill makes provision for the grant of warrants authorising entry and search of private premises in the special circumstances to which the Bill relates.

I shall return to the theme with which I began: the pain and suffering of the victims' families, which we can only begin to imagine. The Bill will not lessen their loss, but in some small measure the location of their loved ones' remains and the opportunity to lay them to rest will at least enable them finally to close this chapter of their lives and to begin to move on. We must afford them that opportunity. I commend the Bill to the House.

4.47 pm

Mr. Malcolm Moss (North–East Cambridgeshire): I should like to begin by passing on the apologies of my right hon. Friend the Member for Bracknell (Mr. MacKay), the shadow Secretary of State, who is unable to be here today to open the debate for the official Opposition as he is attending his father's funeral, as the Minister graciously acknowledged. We thank the Minister for his expression of condolence.

I am grateful to the Minister for setting out the main provisions of the legislation and some of the background to it, which includes some of the most gruesome events that have occurred anywhere in these islands in the past 30 years. The Bill deals with some of the most callous acts of barbarism imaginable: acts of almost unspeakable evil. They are a deep stain on the history of Ireland.

I should state at the outset that Conservative Members believe this to be an odious Bill, and we deeply deplore the fact that it is necessary to introduce it. Frankly, it sticks in the throat that we should have to bargain with terrorists to locate the bodies of people whom they have killed. The fact that we have to introduce the Bill tells us a great deal about the real nature of terrorist groups in Northern Ireland—in this instance, the Provisional IRA. The Bill shows once again the depths of depravity to which they have so often stooped in terrorising the people of Northern Ireland.

I should like to pay tribute to Seamus McKendry, whose organisation Families of "The Disappeared" has been bravely campaigning on this issue for the past five years, to Church leaders and cross-party groups such as New Dialogue, and to Sir Kenneth Bloomfield's victims' commission. They have made a huge contribution by drawing political and public attention to the plight of the victims' families. They have put pressure on terrorists to come clean and identify the burial sites of "The Disappeared", and to show, for once, an ounce of humanity.

The facts about "The Disappeared" speak for themselves. Between the early 1970s and the early 1980s, about 14 people were abducted, tortured and then murdered, mainly—although not necessarily exclusively—by the IRA. Some of the bodies were then dumped in unmarked graves on both sides of the border, and some, it is rumoured, in Scotland. It is widely believed that others suffered an even more gruesome fate.

The victims were people like Jean McConville, a 37-year-old widowed mother of 10 from the Divis flats in Belfast, who disappeared from her home on 7 December 1972, never to be seen again; people such as Kevin McKee and Seamus Wright from Andersonstown, who were abducted and murdered in October 1972; people like Brendan Megrew, who was taken from his home in Twinbrook, Belfast, in 1975 by a nine-member IRA gang, and Columba McVeigh, aged 17, from Dungannon, who in the same year was abducted and killed, again by the IRA. And let us not forget Captain Robert Nairac, who was dragged from a pub in South Armagh in 1977, tortured and killed. Like the others, his body has never been found.

Imagine the anguish, imagine the heartache, imagine the desolation of simply not knowing what happened or where those bodies are. Imagine also the anger of people who, in many cases, live in the same districts as the killers

of their loved ones, and who in many cases see the suspected killers day after day. Imagine the anger of knowing people whose information, while not necessarily wiping away the pain, could at least have eased it.

Let us take the case of Margaret McKinney, whose son Brian was abducted in 1978. I had the privilege of meeting her in the House at lunchtime today. She describes the past 21 years as

"Hell; the darkest corner of hell".

She has suffered heart attacks, and for years would sleep in her son's bed wrapped in his coat. Frequently she would see the men who had taken Brian, but remained powerless to do anything, such is the fear and intimidation endemic in the communities that the IRA controls.

For years, relatives have pleaded with the terrorists to give them the information that would allow them to give the victims decent, dignified, Christian burials; for years the terrorists and their supporters have flatly refused. Indeed, for nearly 20 years the IRA denied that it was responsible. For its own vile ends, it has chosen to remain silent for all that time. That puts in stark perspective the IRA's hollow claims to be the defender of its community. In fact its members are the terrorisers, the intimidators and the real enemies of the communities that they claim to represent.

Nothing illustrated the sickening nature of the IRA more graphically than the announcement of the results of its so-called 18-month investigation of the whereabouts of "The Disappeared", for which we were all supposed to be grateful. On 29 March, the IRA said that it had been able to locate nine people's graves—as if they are not aware of the fate of the others—stating:

"We are sorry that this has taken so long to resolve and for the prolonged anguish caused to the families".

Having made its announcement and raised the hopes of the families, the IRA then prolonged the anguish by demanding that the British and Irish Governments pass legislation granting immunity from prosecution before it would reveal any further information. Helen McKendry, the daughter of Jean McConville, said:

"I am really, really angry with the IRA. I thought when they made their statement a fortnight ago, all our suffering was over. They raised our hopes, knowing full well they had no immediate intention of delivering the bodies".

Mr. Swayne: Will the suffering and anger to which my hon. Friend has referred be expiated by the Bill, the effect of which is to make it more difficult to secure a conviction against the perpetrators of those awful deeds?

Mr. Moss: I hear what my hon. Friend says. It was a question that he put to the Minister of State. I will come to it a little later, if he will be patient.

In reality, the announcement had precious little to do with the victims' families. It was a propaganda stunt that was aimed at boosting Sinn Fein during the Hillsborough talks in the week before Easter, taking the pressure off the organisation over its refusal to decommission its illegally held arms and explosives. As Mr. Seamus McKendry of Families of "The Disappeared" said:

"I'm an out and out nationalist, but I feel terribly ashamed to call myself Irish tonight. We're being used as pawns here".

Then there was the staggering hypocrisy of Sinn Fein's chief negotiator, Martin McGuinness, who stated that he hoped that an end was in sight to the "misery" being suffered and that

"we are hopeful that the plight of these families can now be alleviated".

Does he expect anyone in Northern Ireland, or elsewhere for that matter, to believe that the organisation responsible for that misery is any other than the one to which his party is inextricably linked: the Provisional IRA? What organisation could seek to gain credit and gratitude for finally disclosing the whereabouts of people whom it has murdered other than the Provisional IRA? That is a disgraceful state of affairs, but one, sadly, with which we are going to have to live.

That rather sums up our attitude to the Bill: it is a necessary evil. There should be no need for such a Bill. If we were dealing with reasonable people who were truly committed to peaceful and democratic means, there would not be such a need—but then, that is not the IRA's way.

As the Minister of State has explained, the Bill covers three main areas: to make provision concerning the commission established by the agreement between the British and Irish Governments on 27 April; to provide various protections for information provided to the commission and any evidence that might come to light as a result about the whereabouts of the remains of the victims of violence; and to make provision in relation to the entry and search of premises where remains are likely to be found.

The most controversial parts of the Bill are clause 3, dealing with admissibility of evidence in criminal proceedings, and clause 4, which deals with restrictions on forensic testing. I hope to come soon to the section of my speech that answers the important question put by my hon. Friend the Member for New Forest, West (Mr. Swayne).

On admissibility, having studied the Bill, we are satisfied legally that it does not amount to a general amnesty, or immunity from prosecution in connection with the original offence of murder. If any other evidence comes to light other than that covered in the Bill, it could be used in a criminal proceeding. I note, however, a distinction between the Bill as drafted and the Northern Ireland Arms Decommissioning Act 1997. That legislation contains a much more explicit reference. As section 11 states:

"Nothing in this Act shall prejudice any power or discretion exercisable apart from this Act in relation to the institution or conduct of criminal proceedings."

That makes it clear, as Lord Mayhew said at the time, that

"apart from the Bill's provisions, the institution or conduct of criminal proceedings is unaffected."—[*Official Report*, 9 December 1996; Vol. 287, c. 27.]

We would have liked an equally clear statement in the Bill. We ask the Minister, between now and Committee and Report stages on Wednesday, to ask his people to look at that section.

Whatever the legal position, in practice it is difficult to see how any prosecution in such cases could be successful without the ability to carry out a forensic test on a body. In such circumstances, the reality is that the Bill does, in effect, amount to an amnesty for people who have committed the most appalling and savage acts of murder.

[Mr. Moss]

If a prosecution for any of those crimes were successful, the individuals concerned would be eligible for the accelerated release scheme and would, under the Northern Ireland (Sentences) Act 1998, therefore serve only a few months. Most right-thinking people would find that totally unacceptable.

We have carefully examined the restrictions on forensic testing, which are very wide in their application. We believe that clause 4(2) just about satisfies the legitimate concerns about post mortems, and enables the relatives to establish not only an individual's identity but how, when and where he or she died.

The Bill seeks to bring some belated comfort to grieving families and relatives of "The Disappeared", and to encourage the IRA—having announced that it has located nine graves—finally, and after many years of waiting, to tell the families. Whatever our misgivings about the Bill, the families' wishes guide our approach to it—their wishes must be paramount. They want no more delay. As one family member recently put it:

"We have been making funeral arrangements for three decades".

On that basis, despite our deep reservations about the Bill, we shall do nothing today to impede its passage.

5.1 pm

Dr. Norman A. Godman (Greenock and Inverclyde): I promise that I shall be brief.

Last week, I was told by a man in Northern Ireland whom I regard highly that one consequence of the Bill, intended or unintended, would be to give some protection to a senior IRA member who was involved in some of the killings and who is still active.

I agree with much of what the hon. Member for North–East Cambridgeshire (Mr. Moss) said. He was absolutely right to say that the victims suffered the most horrendous torture and callous murder by brutal murderers claiming to be freedom fighters or defenders of the Union. Those freedom fighters and defenders were and are terrorists, because they conduct their so-called military campaigns in a mature and parliamentary democracy.

This afternoon, together with the hon. Gentleman, I met Mrs. Margaret McKinney and another lady, whose father was brutally abducted and murdered and whose remains may well be located somewhere south of the border. If I had any doubts about the Bill—here is where I part company with the hon. Gentleman—they were dispelled when I met those two ladies. The Bill's objective, as the hon. Gentleman said, is to help families to give their loved ones a Christian burial.

I told Mrs. McKinney that, as I come from a fishing family that has lost at sea family members whose bodies were never recovered, I have a glimmer—but only a glimmer—of their heartfelt wish to recover the bodies of their loved ones, so that they may provide them with a Christian burial. They want to place their loved ones in a family plot, so that they may visit the graves. I have some understanding of that supreme wish.

I said that I would speak only briefly, and I shall honour that promise. However, I want to ask my hon. Friend the Under–Secretary of State a couple of questions. On the Bill's financial effects, the explanatory notes state that the commission will be allowed an upper limit of £100,000 for its members to pursue their laudable objectives. I tell the Minister—my hon. and old Friend from the other side of the Clyde—that I should not want any type of financial restriction to be placed on the commission's activities.

The hon. Member for North–East Cambridgeshire repeated an allegation, which I have heard back home, that more than one victim is buried in Scotland. Can any credence be given to that? If so, I hope that the commission will receive every co-operation and assistance from the Scottish Office and others who may be able to help.

In some ways, I find it difficult to support the Bill, but I remember what I heard at the meeting this afternoon about the needs and wishes of the people directly concerned. We have an obligation to those poor distressed people. We honour that obligation by passing the Bill.

5.6 pm

Mr. Ken Maginnis (Fermanagh and South Tyrone): I wonder whom the Bill is meant to benefit. I have the greatest sympathy for those who have lost loved ones and who, for two or three decades, have failed to discover the whereabouts of the bodies. I should very much like them to have their minds put at rest.

To echo what the hon. Member for Greenock and Inverclyde (Dr. Godman) said, people in my family have been killed in time of war and the bodies have never found their way back to the local churchyard, but they are not forgotten. "The Disappeared" will not be forgotten either, but I have deep reservations that we are compromising the fundamental law, which is meant to protect society as a whole, to deal with a specific and tragic problem. I am even more concerned that those who will benefit most are those who have held society to ransom for the past 30 years.

This is a moment to take stock. We are not considering the IRA exclusively, but it has the people with the information on the location of the bodies of "The Disappeared". We should look at their performance and response to all that society has tried to do over the past four years in particular. First, we had the Mitchell commission, which lasted for a year and produced a report. That was followed by two years of negotiations. Since the Stormont agreement was signed on 10 April 1998, another year has elapsed. Do Ministers believe that the measures that we are being asked to endorse will bring us one step closer to stability in Northern Ireland?

I am not the only one to have grave reservations. Monsignor Denis Faul—a member of the Catholic community for whom I have the highest regard and to whom I refer not infrequently in the House—suggested at the time that he was not convinced of the sincerity of the announcement that nine bodies had been located. The activities of Sinn Fein-IRA since then make me suspect that he was probably wise to have had those deep reservations. With virtually everything that Sinn Fein-IRA have promised, or intimated, that they might deliver over the past four years, little has come to fruition. That deeply concerns me, and society as a whole in Northern Ireland.

It is no secret that I am a wholehearted supporter of the Stormont agreement. If it is implemented in the spirit in which it was derived, Northern Ireland ultimately will be

a better place. However, I must acknowledge that many of my friends do not believe that, as I do. Many of us who believe and support the agreement have sacrificed the support and sometimes even the friendship of those who have been colleagues in the past. That is why I view what is happening here today with such gravity. If we are to pass a Bill which, in political terms, benefits exclusively Sinn Fein-IRA, we should examine the performance of that organisation—both the terrorist, active side and the paramilitary-linked political party, Sinn Fein.

When George Mitchell examined the likelihood of peace being brought to Northern Ireland, he looked at the question of disarmament and posed a question that reflected his concern about republican and loyalist paramilitaries. He asked whether there was

"a clear commitment on the part of those in possession of such arms to work constructively to achieve"

—he did not use the word "address"—

"full and verifiable decommissioning."

He answered his own question by saying that he was convinced that that was the case, and that it was conditional only upon it being

"part of the process of all-party negotiations."

That report was available for everybody to see and there was no misunderstanding of the meaning. Sinn Fein-IRA knew exactly what Senator Mitchell meant. However, nobody could have given him that assurance about the paramilitaries except the paramilitary-linked political parties, Sinn Fein, and the various loyalist parties such as the Progressive Unionist party and the Ulster Democratic party. It was on that basis that those people sat within the negotiating process and were tolerated by those of us who found their presence disturbing, to put it mildly. However, we got an agreement.

I do not believe that Senator Mitchell would have indulged in the nonsense of proposing that any party should commit itself to achieving disarmament or any other matter that was beyond the competence of that party. Yet from the time the agreement was signed a year ago, we have been through the mill again and again, trying to convince people nationally and internationally that disarmament was an integral part of the agreement.

Members of Sinn Fein, who expect to put the godfather of godfathers—Martin McGuinness—in an Executive position, do not agree; they have argued that there was no obligation to disarm. In fact, a year ago they implied that they would disarm by 22 May 2000—two years after the referendum. We are halfway there now, but they are careful not to mention that date at present. Instead, they tell us that they were led to believe that all they had to do was to call a ceasefire and they would be admitted to Executive authority in the Government of Northern Ireland. They certainly were not led to believe that by any Member whom I have heard speaking in this House. That is not the case; it has never been the case—it was made clear, not only by Members of this House, but by people in the Irish Government and elsewhere, that guns could not be on the table, under the table or outside the door of the chamber of democracy.

Through this Bill, we are pandering to Sinn Fein. Let me tell the House what the attitude of Sinn Fein was yesterday at its conference in Dublin. Francie Molloy, a district councillor and senior Sinn Fein negotiator, gave a warning that republicans would not accept exclusion and would not hand over their weapons. He said:

"If the SDLP, Dublin government and the Unionists think they can go about this"—

that is the government of Northern Ireland—

"without us, then we will make the six-county statelet ungovernable."

Mr. Andrew Hunter (Basingstoke) *rose*—

Mr. Maginnis: Francie Molloy is the same person who told us that, if members of the IRA did not get their way, they would go back to doing what they do best. I give way to the hon. Member for Basingstoke (Mr. Hunter).

Mr. Hunter: The hon. Gentleman has just made the point I had intended to make.

Mr. Maginnis: It is always good to know that I answer questions before they are asked.

The reality today is that we must consider whether to make a deal, even though its conditions are not properly defined, with the IRA. Have the Government received a total and unequivocal commitment from the IRA that, when this legislation is passed, those nine bodies will be delivered to their families? I do not believe that the Minister can give me an unequivocal assurance on that point.

At present, many things are happening in Northern Ireland. We have a commission—led by Chris Patten, a former Member of the House—to consider the future of policing in Northern Ireland based on normality. His original mandate was based on what policing in Northern Ireland would be if normality were achieved. What has that been changed into? It has been changed into a demand by Sinn Fein-IRA that dominates our press: that the RUC should be disbanded. Everything we have heard from the IRA supports that view, including the ultimate of all statements from Father Desmond Wilson, who said that if one existing member of the RUC was recruited to a new police force, that police force would be unacceptable. What sort of accommodation, realism or concern for society as a whole does that display? None; nothing.

I went to one of the public hearings of the Patten commission and I listened to the families of those who had committed the sort of atrocities that led to the deaths of "The Disappeared", and I heard them tell how their family members had been murdered—people who were killed carrying out a bomb and gun attack on Loughgall police station. I began to wonder whether I lived on the same plane as those people—I probably do not. They wondered why the police, if they knew that Loughgall was to be attacked, had not walked up, tapped the attackers on the shoulder and taken them into custody for their own safety. In effect, that was the view expressed. We all know what happens to our soldiers when they confront terrorists, because so many have died as a result of doing so.

However, I suppose there was some virtue in all that, for during those hearings, the IRA overplayed its hand and revealed the nonsense of its arguments, not prior to the agreement but in its wake, when people were supposed to accommodate one another for the good of society. Society's interests had been discarded within the short

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few months between the signing of the agreement and those public hearings. Sinn Fein-IRA recognised that they had oversold themselves and pleaded for the commission to hear them in private. Speaking on behalf of the Ulster Unionist party, I did not require or request a private hearing, but gave my evidence to the commission in public and made myself available to be questioned by the commissioners in public. Why did Sinn Fein-IRA need those private hearings? That must be carefully considered when Patten finally reports.

Having oversold themselves, did Sinn Fein-IRA go away and rethink their obligation to society—not to Ken Maginnis or the Ulster Unionist party, but to the society they claim to represent and care for? On that subject let me ask, is there any evidence that Sinn Fein-IRA care even for their own tradition? I discovered quite recently that during the troubles, 190 IRA activists had been murdered—not killed carrying out illegal acts, but assassinated. Having heard a great deal about collusion, I expected most of them to have been killed by loyalist paramilitaries. Surprise, surprise, I found that although loyalist paramilitaries were responsible for murdering 26 of them, other IRA members were responsible for murdering 164 of those 190 IRA activists.

Let us look at other figures that are available. Of the 1,543 Roman Catholics killed—I am ashamed that many were killed by people from my tradition who call themselves "loyalists"—381 were killed by republican paramilitaries. The combined total—which comprises the innocent and the guilty—killed by the RUC, the Ulster Defence Regiment, the Royal Irish Regiment and other Regular Army units was 316. In other words, more Roman Catholics were killed by republican paramilitaries than by the Army, the RUC and other legitimate forces combined. As we know, most were killed by the legitimate forces in their actions against terrorists.

Mr. William Ross (East Londonderry): Is my hon. Friend aware that Brendan "Speedy" Fegan, who was shot dead in Newry yesterday, would appear to be another addition to that total? As he lay dying, the alleged drug dealer said, "It was the Provies, it was the Provies."

Mr. Maginnis: My hon. Friend is probably right: very few illegal activities in Newry are not controlled by the Provisional IRA. While I do not want to jump to conclusions, I have no doubt that Mr. Fegan would have known and been able to identify his attackers.

I mention these issues, which are not related directly to the Bill, because of the specific understanding that somehow, those who are connected with militant republicanism can behave normally and can assimilate back into society. Many of us wish that such people were willing to do that and that we could move towards the new millennium in the way in which we have dreamed about for the past three decades. However, I hear nothing but propaganda from Sinn Fein-IRA. Having tried recently to pervert the work of the Patten commission—I am confident that they will not succeed—those same people are now claiming that the RUC and others are in collusion.

I have been associated with the Royal Ulster Constabulary since about 1958, and I know that it is, and has been, in possession of very specific details about militant terrorist activists on both sides of the community. If the RUC had colluded even half-effectively with one terrorist group or another, one might expect to have seen the top terrorists removed from society. We would have expected to see many terrorist leaders killed in the past 30 years. However, the figures that I have cited show that that is not so: in fact, few top terrorist leaders have been assassinated by the opposing side. The same is true of loyalist paramilitaries. About 30 per cent. of loyalist activists were killed by republicans and two thirds by their own loyalist paramilitary colleagues.

One case that is receiving a great deal of publicity at the moment is that of a solicitor, Pat Finucane. I have dealt very publicly outside the House with Pat Finucane and the implications of all the activities of the Finucane family. Rather than go over that ground, I want to draw to the attention of the House the fact that during the terrorist period in Northern Ireland, a considerable number of people in the judiciary and the legal profession have been murdered.

Three judges have been killed: Lord Justice Gibson, Judge Rory Conaghan and Judge William Doyle. Three resident magistrates have been attacked: William Staunton and William McBirnie were killed, and Mary Travers was killed while protecting her resident magistrate father, Tom Travers. Rory O'Kelly, a constituent of mine and a Crown prosecutor, was murdered, as was Edgar Graham, who was a friend of mine, a law lecturer and a very active member of my party. Last, but not least, solicitor John Donaldson was killed. I know that Rosemary Nelson was horrifically murdered recently, but I am referring to past murders, the last of which occurred in about 1987.

Those nine murders were carried out by the IRA, yet I have not heard any of that band of professional, middle-class solicitors, who are now highlighting the Finucane case, ask whether there was any collusion when Lord Justice Gibson was killed on the very border while crossing from the Irish Republic into Northern Ireland. I have not heard any cry about whether Superintendents Breen or Buchanan, returning from a conference with the Garda Siochana, were killed as a result of collusion. In neither case am I questioning the integrity of the Garda Siochana—and just as I exercise that discretion, so I believe society must exercise discretion and judgment when people point the finger, in an organised and malicious way, at the Royal Ulster Constabulary.

Those matters concern me when we propose to introduce a Bill that is tantamount to, if not technically, an amnesty for those who have committed murder. It is understandable that, in our sympathy for those who have suffered, we seek a solution, but we must do that not emotionally or in isolation, but while considering the interests of society as a whole.

There will be those who will say to me after I have spoken, "Well, you agreed to the release of prisoners." Reluctantly, I did so, but those prisoners have been brought before the courts and convicted, their sentences have been determined and those who are released early will serve the outstanding part of their sentence on licence. Murderers are on licence for the rest of their lives. That is an accommodation. I believe that the Bill is a travesty and it would be wrong of me not to point out those facts to right hon. and hon. Members.

I remember that in that past, we heard a great clamour to get Sinn Fein-IRA back on our television screens. People told us that if only they were back on the air,

the presenters, the interlocutors and those who produce programmes would put Sinn Fein-IRA to the sword, would test them and would reveal the true nature of terrorism. Where have all the people who said that gone? The terrorists are treated by Ministers in the Northern Ireland Office with greater courtesy than elected Members of Parliament, and the same is true of presenters on television. There is no reality attached to the enormity of the crimes that those terrorists have committed.

There is no real need for the Bill except that Sinn Fein-IRA have the knife into society in Northern Ireland and further afield, and if they can twist it further they will do so. *[Interruption.]* The Minister will excuse me if I tell him that I would prefer it if he did not mutter his obscenities under his breath. If he wants to intervene, he may do so.

Mr. Deputy Speaker: Order. The hon. Gentleman is an experienced Member and he knows that we do not tolerate that sort of thing in the House. There was no question of obscenities.

Mr. Maginnis: I think it is obscene when a Minister thinks more of those who have committed crimes against society than of his colleagues in this House, who are elected and who seek to represent the views of their constituents. Muttering under the breath is irksome, to say the least, but I take your point, Mr. Deputy Speaker.

We are none of us experts in forensic science, but hon. Members know enough to know that if the IRA were genuine in wanting to meet the needs of those families who have suffered, we would not require this legislation. What possible forensic evidence could be gleaned after 30 years? Well, we might get some details about the extent to which the victims were tortured, their limbs broken and their bodies disfigured before they were disposed of.

Dr. Godman: I have listened to the hon. Gentleman in silence and I have not been muttering. Does he intend to divide the House on the Bill? He mentioned all those terrible murders of legal representatives by members of the IRA, but does he accept that there are profound differences in the circumstances surrounding the murder of Robert Hamill and the dreadful murders of those legal representatives?

Mr. Maginnis: My apologies; I am not sure that I picked up everything that the hon. Gentleman said to me. I shall try to answer him in so far as I heard what he said.

I believe that every killing is wrong. I believe that murders often take place in widely differing circumstances. The death of Robert Hamill—about which I shall provide the hon. Gentleman with a great deal of detail in the not too distant future—had nothing to do with neglect by the RUC of its duties. The RUC extricated Robert Hamill from where he was being beaten by a mob of loyalist thugs and saw him off to hospital, where his injuries—I need to be fairly careful what I say—would not have led to his death if they had been properly diagnosed and treated. I do not want to enlarge on that now, but that is the reality, because on the same night, a son of a councillor colleague of mine was beaten up and much more severely injured and, thanks to good medical care in the same hospital—

Mr. William Ross: At the same time.

Mr. Maginnis: Indeed, at the same time. Thankfully, he survived. Therefore, we need to be very cautious about believing the republicans' propaganda tales. I believe that if someone—the Minister could do it—obtained and made public the radio messages that were passed by the police that night, a great deal of light would be shed on Mr. Hamill's tragic death.

I am not sure whether the hon. Member for Greenock and Inverclyde touched on the points that I made about lawyers who were clamouring for an inquiry.

Dr. Godman: One question that I asked was whether the hon. Gentleman intended to divide the House on the Bill.

Mr. Maginnis: I do not intend, if but a handful of Members are prepared to vote against the Bill, to divide the House. In fact, I certainly do not intend to do so. I gather from what the Conservative spokesman has said that the Conservatives intend to abstain. I had hoped, in so far as they have quite vociferously condemned the release of prisoners, that they would give us a lead on this—I believe much more serious—issue. If they gave us a lead, I would be happy to vote against the Bill, but, as the hon. Gentleman knows, there is not much point in the small number of Northern Ireland Members of Parliament pitting themselves against the serried ranks of Labour Members.

I had hoped that there might have been a little bit of sympathy for society as a whole, instead of the self-satisfied looks on the face of one or two members of the Government. The Government know that they can force the Bill through Parliament by weight of numbers, without any serious opposition. I had hoped that they would have considered the implications of what is being enacted as carefully as I am trying to consider them.

I have made my feelings clear. For 30 years the House has sought to make accommodation with those who cannot and will not be accommodated. I sought to do that as a publicly elected representative. I have hoped against hope that at some time people would realise the futility of it all. However, I believe that we won part of the argument. There is now little doubt that the Irish Government have on many issues, including disarmament, a conviction not far removed from mine. On this issue, however, I believe that they are wrong. They are creating an accommodation for Sinn Fein-IRA that will be hurled back in their teeth.

I will be delighted if the victims of violence, the families of "The Disappeared", are able to give a Christian burial to their family members as a result of the Bill. However, I must caution again and again that accommodation with those who will not accept accommodation is a futile exercise and merely brings demands for more and more, which is not in the interests of society as a whole. Further demands merely help those involved to keep their evil grip on areas within Northern Ireland where they have dominated by gun, bomb and threat for three decades.

5.46 pm

Mr. John McDonnell (Hayes and Harlington): In the short time that I have been a Member of this place and listened to debates on Northern Ireland, I have become accustomed to the wide circuit of issues that we go through despite whatever we are debating. I understand that. It is part of the process of coming to terms with the

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future and part of the process of coming to terms with the past and securing peace. However, sometimes I wish that we were not reliving every day the vendettas of the past.

I shall refer specifically to the Bill and to its implementation, and especially to clause 5. I shall be brief. I am concerned to hear from my hon. Friend the Minister concretely what he envisages as the next steps in the implementation of the Bill. Sometimes these debates become not heated, but perhaps angry. Throughout debates on Northern Ireland over the past two years, and especially during the most difficult period, the Minister and the ministerial team, far from muttering obscenities, have been courtesy itself to right hon. and hon. Members on both sides of the House and to all sections of the communities of the Six Counties. As a result of that skilled diplomacy and courtesy, we have been able to weld together the peace process so far.

On clause 5, and with regard to the next stages, who will be the agents of the Independent Commission for the Location of Victims' Remains? We are to establish it, as my right hon. Friend the Minister has said, with a budget of about £100,000. We need to consider carefully who will be responsible for the detailed undertaking of the implementation of the commission's wishes.

The hon. Member for Fermanagh and South Tyrone (Mr. Maginnis) has raised allegations of collusion in the past, allegations which have some currency and in some instances some accuracy. It is important that, as we implement the proposed legislation, we guard against any potential for even an allegation of collusion that may put lives at risk.

What powers will the commission have over its agents, the staff who will be implementing the detail of the legislation, and what security will be in place, particularly for the protection of information that will be supplied as a result of this measure? I am concerned about clause 5 because the security of the information given is important. The providing of information may put further lives at risk on all sides. I am anxious under clause 5 because, there are no penalties for those who disseminate information who have no authority to do so, or who may wish to undermine the process on which we are embarking. This is not a sectarian point, because information may be forthcoming from all sides of the different traditions within the Six Counties. Therefore it is important that we give security to those who provide information. We must ensure that those who are charged with implementing the legislation are properly controlled and managed, and that, where necessary, penalties are levied against them. On all sides there is the danger of collusion.

It is important that we put aside recriminations and past vendettas. The question has been asked about the prime motivation for the Bill. As my right hon. Friend the Minister said, the prime motivation is to ensure that those people who have lost loved ones will now be able to bury them, further come to terms with their grief and their loss, and move forward in their communities. Those families are the prime beneficiaries, and there may well be secondary beneficiaries, as we have heard.

I support the Bill and wish it good speed. It is an important step forward in the peace process, and one of the confidence-building measures to which we have looked forward for so long. However, it is critical that we hear from my right hon. Friend in detail how security will be provided to all sides when the Bill is implemented.

5.51 pm

Mr. Andrew Hunter (Basingstoke): I profoundly disagree with the conclusion of the hon. Member for Hayes and Harlington (Mr. McDonnell). I shall return to that in a moment.

I listened with interest to the contribution of the hon. Member for Fermanagh and South Tyrone (Mr. Maginnis). I regret that he and I have not entirely agreed on every aspect of Northern Ireland affairs in recent months, but on this issue we can find appreciable common ground.

I appreciated the Minister's comments on the fact that the debate clashed with the visit of the Select Committee on Northern Ireland Affairs to the United States. That was most unfortunate. I was one of the members of the Committee, and the hon. Member for Belfast, East (Mr. Robinson) is another, who decided to be present for this debate, rather than go to the United States. The Committee understands that the Government felt obliged to keep to a strict timetable. I do not agree with that, but I accept that it is a legitimate position for the Government to take and acknowledge the reason for the Government proceeding with the debate at this time.

I listened carefully to the Minister introducing the Bill. He said that the Government were motivated with good intention and that the Bill was a wholly humanitarian gesture. With respect, I disagree with the right hon. Gentleman. I believe that his intentions are misdirected, mistaken and misplaced. I fear that this is an obnoxious and dangerous Bill. My hon. Friend the Member for North–East Cambridgeshire (Mr. Moss) used the word "odious". I would not quarrel with him in that respect.

The Bill is the antithesis of many of the values that the House exists to protect and promote. Under the provisions of the Bill, the political wish of the Executive further compromises and undermines the independent operation of the judicial process. The House should not accept that. Moreover, the fact that the Government are introducing the measure and that the Government of the Republic of Ireland are shortly to introduce a similar measure is a stark and gruesome illustration of the truth that the process of appeasement corrupts the appeasers.

Civilised society is underpinned by core values, which we compromise or abandon at our peril. We are doing so with the Bill. Those values include the absolute rule of law, a judicial process that is free from political interference, and genuinely accountable democratic structures. Each of those values has been compromised in Northern Ireland as a direct consequence of Government policy and is being further compromised by the Bill. With the Bill, I fear, we plumb new depths.

Northern Ireland is now a society in which morality and justice are twisted in the cause of political expediency. We delude ourselves if we think that a stable society can be built on such foundations. The Bill draws us deeper into the moral vacuum that we have created in Northern Ireland. It marks further inroads by the state into what should be the independence of the judicial process.

Mr. Ingram: The hon. Gentleman is expressing his strong opposition to the Bill. If not through the Bill, how

would he bring about the return of the victims' bodies to their families? What measures would he prefer to be put in place, if not this measure?

Mr. Hunter: I gave way to the Minister because of his Front-Bench position, and I note what he says. If I had a say in the matter, we would not be where we now are. My answer is that the process of law must operate independently of political interference, and in no case should politicians create circumstances that diminish the likelihood of prosecution. That is what the Bill, as I see it, achieves.

Mr. Ingram: Can the hon. Gentleman then tell the House why he did not oppose the Bill on the decommissioning of illegally held weapons? That was a similar measure containing similar precepts. He did not oppose that Bill, but he is arguing strongly against this one. If I remember correctly, he supported the then Government—his Government—on that measure.

Mr. Hunter: The Minister's observation is factually correct, but he may not be aware of the internal debate that accompanied that Bill—the attempts to dissuade that I and a number of my colleagues made. However, that Bill passed, and as the right hon. Gentleman correctly says, I did not vote against it. He will also acknowledge that on other measures, I did. Perhaps he is aware of the complexities of trying to influence Government.

Let me make a comparative and illustrative point. Some of us have consistently argued that there is no justification whatever for the early release of terrorist prisoners. We maintain that it is morally wrong for others to argue that acts of violence are less serious if they are committed with political motives, and their perpetrators therefore can be treated more leniently. Early release, we maintain, has undermined and continues to undermine the rule of law, the bedrock of civilised society.

Terrorism triumphed when the two Governments advocated early release and the political parties signed up to it. With this Bill, as the hon. Member for Fermanagh and South Tyrone said, the Government are trying to go a stage further. Until now, they have asked us to accept only that terrorists who have been convicted of murder and other hideous crimes should be released early. Now the Government ask us to accept that in specified circumstances use will not be made of certain evidence that might help to secure the conviction of terrorist murderers.

With this Bill, the Executive seek to acquire further powers to tamper with the judicial process. The Executive—in addition to the powers that they already have to disregard, for political reasons, sentences passed by the courts—now, also for political reasons, want powers to ensure that, in specified circumstances, incriminating evidence, which might secure the conviction of terrorist murderers, cannot be used. That is an intolerable intrusion by the Government and one that the House should resist. Parliament should not grant the Executive such powers.

I see the Bill as merely the latest obscene landmark that the Government have placed in the way of a process that was publicly launched with the Downing street declaration in December 1993—a process that I supported under the Conservative Government. After the then Prime Minister, my right hon. Friend the Member for Huntingdon (Mr. Major), had made his statement on the Downing street declaration to the House, I asked him, with precisely such developments as the Bill in mind, for an assurance that there would be

"no let-up in the hunt for those that perpetrated terrorism".—[*Official Report*, 15 December 1993; Vol. 234, c. 1080.]

He gave such an assurance. The Bill is yet another example of how the present Government's policies towards Northern Ireland have departed from those of the previous Government and why some of us have little, if any, confidence in their handling of Northern Ireland affairs.

I, too, have the deepest sympathy for the families, relations and close friends of "The Disappeared". I understand their grief. I certainly understand the wish of many of those people that the remains of "The Disappeared" should be transferred to consecrated ground and reburied with religious rites, but that desirable end does not justify these means.

In Northern Ireland, democracy, decency and justice have been sacrificed for an agreement that does not remotely excise from society the belief in violence or the practice of violence. This measure corrodes and corrupts further; it further undermines the rule of law; it further extends political intervention in the judicial process; and it goes some way towards absolving murder and thereby diminishes the value of human life. That is not the route to follow if we want to establish stability and lasting peace in the Province.

6.2 pm

Mr. Peter Robinson (Belfast, East): The hon. Member for Basingstoke (Mr. Hunter) referred to the Downing street declaration. My views on it are on the record of the proceedings of this House, but I have often contended publicly that one aspect of that agreement made common sense: if terrorists want to be part of the democratic process, it is up to them to leave violence behind, to enter the democratic process on the same basis as everyone else, to be exclusively committed to peaceful and democratic means and to end their violence permanently.

That is what paragraph 10 of the Downing street declaration said, but, in the months and years that have passed, the terrorist has not come to play by the rules of democracy. The democrats have had to lower their standards to the level of the terrorists. Today, the House once again finds itself introducing unprincipled, dangerous and—as the Opposition spokesman, the hon. Member for North-East Cambridgeshire (Mr. Moss) said—odious legislation.

May I enter part of the discussion that has been taking place? I do not think that the Minister is taking a giant leap from the release of prisoners and decommissioning legislation with this Bill. Its underlying principles are very much the same and, if one only looks at the short-term outcomes, one could even argue that it might be less problematic than the others, to the extent that there could be an upside—the long agony of those who have been waiting to hear something about the discovery of the remains of their loved ones might be lifted.

Each of us would find it difficult to understand the anguish of people in such a situation, but I ask the Minister to think again about the long-term danger of this kind of appeasing legislation. The Bill clearly sets a

[Mr. Peter Robinson]

precedent, though I know that people will say, "Only for Northern Ireland." There will be a precedent none the less within Northern Ireland. Effectively, we are saying that there will be an amnesty—albeit in this limited area—for those who have carried out offences that have resulted in the death of individuals in the Province.

I remember the signing of the Belfast agreement in April 1998. When pressed about the long list of concessions that were being made to Sinn Fein-IRA, the Prime Minister told us that the concession process was at an end, but, ever since, the concession process has been prominent in this so-called peace process. We are told by the Government that they are creating the necessary conditions for peace, and the Minister has told us that again today. Much of the apologia in the documentation handed out by the Government—the notes on clauses and so on—says that all the concessions may be hard for us to stomach, but they are necessary if we are to build a credible peace process.

Can anybody show me where is the reciprocity within this process? What has Provisional IRA—and its fellow traveller, Provisional Sinn Fein—given to this process? Are we to thank them because, in name, they have called a ceasefire? As the hon. Member for East Londonderry (Mr. Ross) said earlier, the dying words of a man last night identified the Provisional IRA as his killer.

The Provisional IRA clearly has not lived up to what was expected by its fellow signatories to the Belfast agreement. The Government are creating evidence of the success of the terrorist organisations within Northern Ireland—effectively, they have been rewarded for their violence and can get away with murder. We have a terrible situation in which all we need to hear is a threat from the leader of a terror gang or one of his political spokespersons and the Government are running to appease them.

Churchill was right when he said that an appeaser is a person who feeds a crocodile in the vain hope that it will eat him last. Over the past number of days, the Prime Minister has seen the teeth of that crocodile as it begins to move towards his hind quarters. His concessions to the IRA are appeasement of the worst possible kind—short-term payments to the ransom demands of the IRA. They will not build real and lasting peace, they cannot buy peace and they are destroying the genuine hopes of Ulster people for a peaceful future.

Look at what has happened in Northern Ireland over the past 12 months: the Government have sought to create the conditions for peace by letting terrorist killers and bombers out of jail, by reducing the number of British troops in Northern Ireland and by turning a blind eye to the callous and multiple punishment beatings in Northern Ireland carried out by the terrorist organisations—and turn a blind eye they have. The Secretary of State has a power to stop prisoner releases if she considers that any of the organisations that the Chief Constable has publicly said are carrying out those punishment beatings are guilty of such crimes.

The Government have also been establishing an international policing commission, which has effectively demoralised RUC members and will undoubtedly undermine the RUC when it eventually gives the results of its findings. They have established a human rights commission, which consists of nationalists, their political representatives and those sympathetic to the republican and nationalist cause. None of its members represent the Unionist community.

The Government have never insisted that the IRA decommission in order to be part of a Northern Ireland Government. I understand that today, a German magazine quotes the Prime Minister as reassuring republicans that words alone will be enough to satisfy him of their commitment to peace. Last year, the Prime Minister pledged that he would not let armed gunmen into the Northern Ireland Government. At the weekend, we were told that it is expected that the leader of the Provisional IRA, its supremo, who sat around a table while many of the odious deeds referred to in the Bill were carried out—everybody knows that he was the commander of the IRA—will be a Minister if Sinn Fein find entry into the Northern Ireland Government. He will be a Minister without ever having apologised for the Provisional IRA's deeds under his leadership, and without the least apology to the people of Northern Ireland for the decades of mayhem that they have had to endure.

Today, we have before us another act of appeasement to the IRA. It is being bandied about as another confidence-building measure, a necessity on the road to peace. However, the Bill is nothing less than an up-front payment of another instalment in the IRA's ransom demand.

The Belfast agreement promised us a "new beginning" and told us that peace was on the way. We were told that concessions to the IRA had all been worth it because the promised peace was here at last, yet just a year later, the British Government are engaged in another round of concessions to the IRA. The Belfast agreement is no doubt the master, but like all masters, it has slaves. The Prime Minister is undoubtedly one of those, slavishly devoted to a master plan that is not bringing about peace, but is capable only of bringing about IRA demands for a united Ireland.

The Government must stop the pretence that they have a peace deal and face the reality that they must cease the endless conveyor belt of concessions to terrorism. Whether the Minister wants to face up to it or not, the Bill is an amnesty for those terrorists who were never caught, whose files remain open and who want accreditation from the Government that they will never face prosecution for their terrible crimes against humanity. Indeed, I note from paragraph 9 of the notes on clauses that the Government talk about the Bill providing protection for those people. Thus, this is a Bill to provide protection to terrorists, murderers and those guilty of the heinous crimes that we have seen throughout the decades of troubles.

The irony of the Bill is that it comes at a time when this nation is engaged in a war in the Balkans. The Government tell us that we are there for "humanitarian purposes". The Prime Minister says that those who have breached the human rights of the Kosovo refugees face prosecution, yet in his own back yard, he asks us to agree to legislation that will expunge the guilt of those who murdered men, women and children in Northern Ireland, who kidnapped and who destroyed life, and who unceremoniously dumped bodies in unmarked graves, perpetrating an anguish untold on the families of so many in Northern Ireland.

How often have we been told over the years from the Dispatch Box that the Government will make every possible effort to ensure that people are brought to justice? They have said that terrorists will be hunted down. It is now abundantly clear that they have changed their minds.

Mr. Ingram: The hon. Member for Basingstoke (Mr. Hunter) did not answer the question that I posed to him about how we could recover those bodies and help those families if not by means of this Bill. Can the hon. Member for Belfast, East (Mr. Robinson) address his mind to that point? If not by means of this Bill, how, other than by his rhetoric, will he recover those bodies?

Mr. Robinson: That question shows the moral decline of the Government. It assumes that it is society's responsibility to put right the wrongs of the terrorists. It is the terrorists who are responsible for "The Disappeared", so it is for them to say where the graves are. It is not for society to make concessions to the terrorists in order that they might do so. The question shows how the Government have declined over the past years and are now pandering to terrorists—give the terrorists what they want in order that they might give something back to society.

Mr. Ingram: Is the hon. Gentleman saying that we should just continue to hope that the people who carried out those murders will eventually own up to their crimes? They have not done so for 30 years and they are unlikely to do so now. It is also unlikely that we could make them amenable to their crimes because we do not have the evidence. If the hon. Gentleman has evidence that would allow those people to be made amenable, he can, of course, pass it to the RUC. It does not stop any one of those who have carried out those acts being brought to justice. I urge the hon. Gentleman to address his mind to that. This measure deals with limited immunity; it is not an amnesty.

Mr. Robinson: That is the same nonsensical principle that the Minister enunciated in terms of decommissioning. He argued that we could not get the guns off those people unless we had this kind of legislation. The reality is that we did not require the terrorists to give up their guns. If the terrorists wanted to enter the democratic process, they should have abided by the rules of democracy, otherwise they should have been left outside the process and should not have had it both ways.

Again, the Minister asks what we are to do to discover the graves of "The Disappeared". The finger of responsibility points directly and only at the terrorist organisations that are responsible. It does not point towards the rest of society. The rest of society has a duty, if it has information that could lead the security forces to the unmarked graves, to pass it on. Indeed, the Minister must accept that even if the Bill is passed, even after the knee-jerk reaction, we shall still need information in order to discover the location of the bodies of "The Disappeared". After its so-called 18-month investigation, the IRA has been able to indicate only a limited number, and time alone will tell whether information comes forward.

However, there is no guarantee and this is a futile stab in the dark. The Government are acting like a puppet on a string, being pulled and pushed this way and that by the IRA, while the IRA laughs and guffaws at the Government's weakness and ineptitude. Look at the lies that the IRA has already told. One moment it claims to have divulged information and the next it retracts it. This legislation exonerates the terrorists. It contains no punitive measure, no condemnation and no punishment for their now sanitised "unlawful acts". The commission that will be established is just a sop to the Provisional IRA. The lawful security forces are not even to be entrusted with, or given control of, these matters. Another so-called independent agency is to be established that will cost taxpayers thousands of pounds for endless searches and blindfolded goose chases. Look at the millions of pounds of taxpayers' money that has already been wasted on the arms decommissioning body, and for no tangible benefit. The Government are throwing good money after bad.

The spokesman for the official Opposition, the hon. Member for North-East Cambridgeshire, said earlier in our debate that the Bill tells us much about the inhumanity of the terrorists. I have to say that it also tells us a lot about the depths to which the Government are sinking in terms of appeasing the provisional IRA.

It is exceedingly difficult truly to understand the torment of the families of "The Disappeared". They should never have been put in that position. Let the House be very clear: it is the IRA's responsibility to undo the evil that it has done—it is not the responsibility of the House or of society.

6.20 pm

Mr. Lembit Öpik (Montgomeryshire): I apologise for my slightly late arrival for the debate. A certain little local difficulty in Cardiff has been occupying my mind, and it continues to be a labour of love.

The Liberal Democrats cautiously support the Bill. Like many hon. Members, we have some reservations about it. I am uncomfortable about some of the restrictions that the Bill will impose. Its approach is similar to that taken on forensic testing for decommissioned weapons, so a precedent exists. Many people did not like that approach, but it was required to move the peace process on, and the work on decommissioning is still in progress.

It is paramount that the remains of the victims are found and returned to their relatives. That is what the families want, and it is the humane thing to do. The fact that the legislation is needed shows how cynical the paramilitaries have been about "The Disappeared", and about the peace process in Northern Ireland as a whole. The location of the graves should have been divulged long ago without any need for legislation. That would have ended many decades of anguish, pain and heartache for the families, and would have been seen as a confidence-building measure by the paramilitaries.

The IRA showed its contempt by releasing a statement at the end of March in which it said that it had located the graves of nine people who had been murdered by the organisation, but did not reveal the location of the remains. It seems to think that its cause is more important than the feelings of people in Northern Ireland. It was a bitter and cruel blow for the families to have their hopes built up and then dashed again.

We are not trying to appease the terrorists: we are trying to do something for the families. The paramilitaries could have ended their suffering if they had wanted to. The fact that the British and Irish Governments found it

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necessary to introduce this legislation is a sad and damning indictment of the cynical attitude of the paramilitaries.

Mr. Swayne: Does not the hon. Gentleman realise the contradiction inherent in his position? He accuses the terrorists of being cynical, yet he supports a measure that rewards their cynicism. He said that the return of the bodies was paramount. However hard a truth it may be to accept, does he not realise that the rule of law and righteousness is paramount?

Mr. Öpik: The hon. Gentleman's point is at the heart of the argument about which side one takes. We are not granting a victory to the paramilitaries. We are trying to right a terrible wrong and to alleviate the continuing suffering of people who want to know where their deceased relatives have been buried or where their remains are located. We could take the intransigent position described by the hon. Member for New Forest, West (Mr. Swayne) that this is solely about whether the paramilitaries gain a victory. I choose not to take that position. As the Minister explained in his introductory comments, the Bill focuses on the victims rather than on the paramilitaries.

The hon. Member for Fermanagh and South Tyrone (Mr. Maginnis) questioned the sense of hoping for any act of good faith from the paramilitaries. I understand his scepticism, not least because he is well versed in the feelings of people who have experienced loss and unbelievable suffering at the hands of the paramilitaries. I do not belittle his position, but I beg the House to remember that the people at the centre of this issue have given the strong impression that they support what we are trying to do.

It is my understanding that the families of "The Disappeared" have welcomed the Bill. They have said that they would agree to a great deal to get the victims' remains back. It depends on what one thinks is more important: the return of victims' remains to their families so that they can be given a proper burial and the long suffering can be put to an end, or the potential for a conviction and the avoidance of any hint of a precedent being set. My judgment is that the families of the victims are more important than the tenuous justification of not setting a precedent. Other hon. Members are entitled to take a different view: I am expressing the view of my party. I ask those who take a different view to consider seriously whether they have understood the feelings of the families who want the return of the victims' remains.

The hon. Member for Basingstoke (Mr. Hunter) said that appeasement corrupts the appeasers. I am not sure whether I agree with that in general terms, but I do not think that the Bill constitutes appeasement. It could more accurately be said of the Bill that the process of conciliation empowers the conciliators. The Bill is not about appeasement; it is about compassion. It is not about the killers, but about the victims.

I take issue with the hon. Member for Basingstoke, because, as other hon. Members have implied, the approach that he is taking is different from that taken by the Bill. The evidence suggests that his negative attitude towards the peace process has not been vindicated. Although enormous difficulties are still ahead of us, there has been some degree of success. Some of the doubts expressed in the House have not been borne out in practice.

The hon. Member for Belfast, East (Mr. Robinson) said that the Bill was unprincipled and dangerous. I doubt whether it is easy to characterise it as unprincipled. I have to believe in the Government's good intentions. I do not see what unprincipled motive could be ascribed to them in introducing the Bill. Perhaps it is a little dangerous and perhaps there is a risk, but we must recognise that there are risks for both sides as we move forward with such measures.

There must be some give on both sides. I agree with the hon. Member for Belfast, East that there has been precious little give by the paramilitaries. The Bill provides them with an important opportunity to show a modicum of humanity by releasing the information so desperately wanted by the families of the victims. We may be proved wrong, and if no action is taken as a result of the Bill, hon. Members who doubt that the Bill will do any good will have been proved right. We must let history decide, and I am willing to take a risk and lay the responsibility entirely at the door of the paramilitaries.

The IRA has kept the locations of the victims' remains to itself and has disregarded the human rights of the relatives. The Families of "The Disappeared" group has welcomed the Bill, because it hopes that it will bring an end to the great suffering. The families have suffered a terrible injustice. Not knowing where one's relatives are buried is something that I would not wish on anyone. I can hardly believe that there are people who think that that promoted their cause or did anything other than condemn the organisations that carried out the killings. Let us remember that we are doing this for the families of "The Disappeared". They have been clear that they want us to respect their wishes.

The Bill is not the ideal outcome, but nothing is ideal about the subject that we are debating. I should have liked the paramilitaries to act without any pressure and any conditions. The Bill should not be necessary, but we must deal with the real world and take the opportunity that we have before us. Without some movement by us, there will not be much chance of movement by the IRA, which will continue to hold the victims' families to ransom. That cannot be allowed to happen.

The Minister said that this was a "wholly humanitarian gesture", and that is probably a genuine and correct aspiration on the Government's part. I do not think that there is anything for us to celebrate in the Bill, which we debate to the distant beat of a funeral drum; but I feel that a grief that, perhaps, we must all merely say we respect without being able to appreciate it fully is sufficient justification for us to act, even if that involves the small risk of a precedent that could prove problematic in the future.

As the hon. Member for North–East Cambridgeshire (Mr. Moss) rightly said, we are discussing gruesome acts, and what tragedies and crimes are concealed in the soil of Northern Ireland hardly bear thinking about. What a step it would be, however—albeit a small step—for us to pass the Bill, if it will end so much suffering in Northern Ireland. Another small step would be taken if, following the Bill's passage, the paramilitaries responded in kind and ended that great suffering. In effect, they have robbed

people of the opportunity to grieve. I accept that risks are involved, but perhaps after this debate the paramilitaries will find the decency to give them back that opportunity.

6.31 pm

Mr. William Ross (East Londonderry): The divisions of opinion in the House, which are widespread, have already been made fairly clear.

The Minister said that the Bill's purpose was to facilitate location of the remains of people who have been tortured and murdered by the IRA and buried in secret, and to restore them to their relatives so that their concern might be alleviated. My hon. Friend the Member for Fermanagh and South Tyrone (Mr. Maginnis) said that that was the responsibility of IRA-Sinn Fein in any event. He also said that the IRA was simply twisting the knife. I note that the IRA is twisting the knife and being well paid for it—rather better paid than the soldiers and members of the RUC who were active in Londonderry on 30 January 1972, to whom no prospect of immunity will be available should they give evidence against allegations that are now widespread.

Bereavement is, of course, always a painful experience, and those who are closest to the deceased always experience a sense of emptiness and desolation. That is what happens when a loved one passes away. The misery is multiplied when the death is unexpected, and there is no time to prepare for the loss of a family member or close friend. Most of us must come to terms with such an event at some time in our lives, but, when the unexpected tragedy is the consequence of an accident—and, above all, when murder has been the means of removing a family member—bitter anger is added to the grief. Such horrors have been visited on literally thousands of families in Northern Ireland and, indeed, Great Britain during the past 30 years by terrorist organisations which, in the pursuit of political and constitutional change with the aim of dismembering the kingdom, have used murder as the principal means of intimidation.

Those of us who have the honour of representing Northern Ireland constituencies have visited many homes that have been torn apart by this wickedness, and have observed—indeed, on occasion have partaken in—the suffering of the families concerned. We are, therefore, not unaware of the feelings of men, women and children in such circumstances. The misery that has confronted us in such homes will live with us for the rest of our lives. Following our visits, bereaved relatives have come to us for help with compensation and other payments, and with numerous problems that have flowed directly from the murders that have torn their families apart.

When I came to consider the Bill, I had those experiences—gained over 25 years as a Member of Parliament—to guide me to my conclusions. Furthermore, I have always lived in an area that is predominantly Roman Catholic, and, over the years, I have visited the homes of adherents of that religion as well as my own when friends and neighbours have died. The House will know—and, given your background, Mr. Deputy Speaker, you will know better than most—that Irish wakes, in Great Britain and further afield, have acquired the music-hall image of alcohol-imbibing parties; but that is far from the truth. Such events provide an opportunity for neighbours and friends to express sympathy and regret to the family, and, in the homes of deceased Roman Catholics, to offer prayers. It is the religious element that pervades those dwellings between the death and the funeral, no matter what caused the death.

I am also well aware of the importance that the Roman Catholic population attaches to the attendance of a priest at the time of death. When I read that the family of one of the unfortunates who have been tortured and murdered by the IRA are desperate for the remains to be returned so that they can give them a decent burial, I feel sure that the lack of the rites of the Church at the time of death is one of the factors that weigh most heavily with those relatives. To members of the Roman Catholic Church, that is an important aspect of their religion. As a member of the reformed tradition, I would attach much less importance to the attendance of a churchman at the death bed.

It is against that background that I come to the Bill: a background of knowledge of members of the faith, many of whom have been employers and employees of my family in the past with whom I have grieved over the death of a loved one. I must say immediately that I consider this to be, in many respects, the most offensive Bill that I have ever seen.

I ask the House to consider the circumstances in which the people now known as "The Disappeared" died. The term "Disappeared" is, I believe, of South American origin, and refers to the victims of regimes there. The root of the term is that those who died were killed by the Government and their agents, and that those killed and buried secretly in unknown graves were democrats seeking relief from the excesses of South American regimes.

That does not apply to the victims of the IRA. Indeed, nothing could be further from the truth in their case. With the exception of Captain Robert Nairac, they have all been civilians who angered the IRA for one reason or another. The IRA, of course, is a terrorist organisation committed to the destruction of the United Kingdom, and to using violence to achieve that. According to the IRA, all those victims were arrested, questioned, tried and executed for crimes allegedly committed against the IRA and its objectives. The first three terms, however, are simply euphemisms for being kidnapped, being tortured in the most foul and brutal fashion—in some cases, until death—and being brought before a kangaroo group of vile thugs, and at best being informed that they were guilty of crimes against the Irish nation. There was no defence lawyer and no independent jury, and there were no independent witnesses. Fourthly, the victims were sentenced to death without appeal, then taken out and murdered, or possibly simply shot on the spot. When that was over, their mutilated bodies were taken away and buried.

Those are the vilest of crimes, which deserve the condemnation of every citizen—and, indeed, have been condemned by every citizen except members of the IRA and their apologists. Moreover, I believe that those who committed such crimes should be pursued to the end of their days in an effort to bring them to trial and impose just punishment. That is the normal standard in this country, and in every civilised state. If such crimes were committed in the United States, it would not be a question of Congress passing legislation to get the perpetrators off; they would be on death row, and would stay there until they were executed. Not only is that the normal standard in this country but the House of Commons, with the

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enthusiastic support of the Labour party, created a law which allows us, 50 years after the event, to bring before the courts those who butchered the unfortunates who dared to oppose Hitler.

The present Government are co-operating with Spain over the detention and extradition of General Pinochet. We have listened to the Foreign Secretary and the Prime Minister on the subjects of Kosovo and Brick lane. The Prime Minister drew a parallel between the fight to defeat "injustice and intolerance" at home and NATO's battle against ethnic cleansing in Kosovo:

"The values we are fighting for are the same values: the right to live in freedom from fear, whatever your race or religion." .

He said:

"When defenceless people are butchered by Milosevic in Kosovo, young men murdered, women violated, it is an outrage against the very values of humanity which are the world's only salvation. We must act to stop it."

He went on to say:

"This is not a battle for NATO, this is not a battle for territory, this is a battle for humanity. It is a just cause".

He said later:

"As far as the eye could see, a queue of humanity stretches through no man's land to Kosovo. I felt an anger, a loathing, of what Milosevic's policy stands for, so powerful, that I pledged to them as I pledge to you now: Milosevic and his hideous racial genocide will be defeated."

With regard to the nail bombing in Brick lane and elsewhere in London, the Home Secretary told us:

"This is a terrible outrage committed by people with no humanity. I know that the police are devoting huge efforts to find the perpetrators."

The Prime Minister delivered a powerful condemnation of the same bombing, declaring that an attack on a single community was an attack on Britain as a whole:

"when the gay community is attacked and innocent people are murdered, all the good people of Britain, whatever their race, their lifestyle, their class, unite in revulsion and determination to bring evil people to justice."

He called for

"the decent majority in society to take a stand against prejudice and bigotry."

He said:

"On the face of it, it is a long way from Soho, Brick Lane and Brixton to Kosovo. But they are linked by the battle against bigotry and hatred—a battle of values."

That is what the Bill comes down to.

In all those instances, the nation claims, through our top Ministers, to believe in the rule of law, and expresses its determination to see it applied despite the costs in trade, the blood of our fighting men and the treasure involved, yet the Bill continues down the path of undermining the rule of law, which was so well begun by the Northern Ireland (Sentences) Act 1998 and the Northern Ireland Arms Decommissioning Act 1997.

The latter Act is costing £90,000 per month—the total cost so far is, I think, £2 million—for no weapons. It introduced the abhorrent principle—and it is abhorrent—that evidence as to the identity of murderers and other criminals that is uncovered in the operation of the Act could not be used in evidence in court. Clause 3 builds on that hideous principle. It prohibits the admissibility of evidence that is found during the recovery of a body where such evidence would be useful to the prosecution.

It does not stop there. Any evidence that would help the defence of such people could be used in court. In other words, half truths—a fancy name for lies—are now legal tender to protect the most vile and brutal of thugs, who have tortured and murdered citizens whom the Government, the police and courts have a duty to defend. It is, of course, a sickening fact that, even if detailed and assiduous police work managed to secure a conviction for any of those murders, the persons convicted would be out of prison in a maximum of two years.

The Bill is the product of a Government who, in opposition, accused others of a lack of morality. This is a question of morality—of simple right and wrong and nothing else. The Bill should never have seen the light of day. It should be opposed for the idea that easing the pain of victims' families is a good reason to forget the sobs, screams and pleas for mercy that were uttered to the merciless.

The Bill is a foul, odious besmirching not only of the House, but of the nation. In passing it, we become defenders of those same torturers and murderers, and accessories to the crimes that they commit. The Under-Secretary may smile at what I say, but at least I believe what I say. I wonder: does he believe what he is putting before the House?

6.45 pm

Mr. Harry Barnes (North–East Derbyshire): I apologise to you, Mr. Deputy Speaker, and to the House for arriving so late and then wishing to contribute to the debate. My excuse is that the issue that we are dealing with is a matter that I have raised on numerous occasions in the House and elsewhere.

In fact, the Secretary of State for Northern Ireland was usually aware of what I was going to say. Time and again, I had pushed forward the issues of intimidation, terror, people being placed in exile and the bodies of "The Disappeared" so much that she knew where the question was coming from. She would then produce the answer, and we would see what the latest stage of that particular game was.

My reason for being late is that, suddenly, a constituency issue of some considerable importance emerged, a matter that may form part of the Adjournment debate that I have on Thursday night.

I support the Bill, but I realise that it has many of the problems that hon. Members have stressed. Moral and legal dilemmas are involved in a such measure, which have been strongly stressed by certain Members.

The hon. Member for East Londonderry (Mr. Ross) said that it was a simple matter of right and wrong. The problem is that matters of right and wrong are seldom simple. This is a complex matter of right and wrong. Arguments on one side outweigh legalistic and constitutional considerations about how we should handle matters of law and order—they are overruled by other considerations.

It seems that the overwhelming argument why we have this unfortunate legislation is that it is for the benefit of the families of "The Disappeared". They have been through horrendous experiences, which have gone on for

years and years. Not only have they not been able to lay to rest their loved ones and to grieve. Often, they have been unable to express in the communities in which they have lived their concerns and their condemnation of those who have not allowed the bodies of their loved ones to be returned to them.

Initially, after their loved ones were murdered, those people may have sought justice. As time has gone on, what they have wanted is some concern, some compassion, and the ability to bury their loved ones and to complete the grief that they have had for years and years. That must be a strong consideration. The issue of right and wrong must be weighed against that consideration. It has tremendous weight.

We are talking about potentially, we believe, 14 bodies. It might seem that, in the weight of things, and with all the terrors that have occurred in Northern Ireland, it is a minor and small problem, but it is not for the people who have been consumed by the experience of losing loved ones in such circumstances. It is right that we should be concerned with such a matter in the House, and consider legislation to help them to overcome the considerable problems that they have faced.

The second reason why the Bill deserves support is that it will help in furthering the peace process. I have always argued that we have to address the issues of recovering the bodies of "The Disappeared"—so that they may receive a Christian burial—and of stopping intimidation and violence. Recent debate has helped to address the latter issue. Although violence and intimidation have not stopped, they—especially IRA intimidation and violence—have been reduced. I am sure that the attention paid by legislators to the issues has helped.

We have yet to address the issue of those who have been sent into exile and are not allowed to return to Northern Ireland. We should never forget those people, or allow the IRA to forget them.

I believe that if progress is made on the three issues—recovering the bodies of "The Disappeared"; stopping violence and intimidation; and enabling the exiles' return to Northern Ireland—the IRA will have demonstrated a shift in its horizons, attitudes and approach.

I condemn the IRA as much as any other hon. Member speaking in the debate, but we have to seek a shift in the IRA's position. We need to encourage the creation of shifting sands—the ultimate aim of which will be an arrangement on decommissioning. If the IRA takes a step in the resolution of one problem, it should be able to take another step, until we reach the big prize—thereby firmly establishing the peace agreement and the Assembly. Addressing the three issues will not solve all Northern Ireland's problems—that will take a considerable time—but the most intractable problem of all will almost have been cracked.

The Bill will assist us in starting that process. I grant that it would have been better if the IRA, in response to all the arguments and pleas that have been made, had readily announced the locations of the bodies and allowed access to them, so that "The Disappeared" could be returned to their loved ones. It would have been better if there were no need for the Bill. But no one was able to find the bodies. Given the IRA's position on the issue, we have been pushed into passing this legislation.

I accept that the IRA has helped to shape the legislation; but circumstances often shape our legislation. We have to respond to circumstances, and do so in a way in which our moral case is advanced, and in which the least possible damage is done to legal and constitutional principles. The Bill is not without problems, but I believe that it advances our moral case.

Mr. Maginnis: The hon. Gentleman has always been positive, and most tangibly so when addressing Northern Ireland issues. However, does he agree that his very honourable objective will be frustrated if the obligation does not fall fairly and squarely on the shoulders of IRA-Sinn Fein, and if not remorse, but reward motivates the actions of IRA-Sinn Fein? That is the point that I have tried to make in the debate. We are not seeing any sign of remorse from IRA-Sinn Fein, but we are offering reward.

Mr. Barnes: I agree that the IRA's position on the issue is disgraceful and that it has shown no remorse. However, I do not believe that the IRA will be rewarded by the legislation. I also believe that, at long last, the families of "The Disappeared" will not be given a reward, but be shown the decency that they should have been shown years ago. Although their relatives should never have been the victims of any organisation, once they had been, their bodies should have been returned. As the IRA—for various reasons—did not want to accept responsibility, that was not done.

I should say what I believe is wrong about the IRA's position on the issue, so that there is no doubt about it. Although we may disagree on this particular legislation, our attitude and approach to the issue may be the same.

Mr. Hunter: The hon. Gentleman mentioned "reward" in relation to the families. Does he accept that—using his own terminology—if a "reward" is the Bill's desirable end product, it extends to absolving murder?

Mr. Barnes: "Absolving murder" is a rather grand description of the Bill's provisions, as it suggests that we shall be able to catch the criminals involved and properly to pass sentence on them. We know that that will not happen. Without such legislation, there will be no possibility that the bodies will be returned.

The Bill may allow people to get off the hook, but I do not think that that hook will catch anyone anyway. Moreover, we do not have any other means of achieving our objective. Although the Bill deals with a complicated issue and is not entirely good, concern and compassion for the victims and their families should lead us to support it.

It took the IRA far too long to move on the issue. When it did make a move—at a delicate stage in the negotiations on establishing the Assembly—it was more like a ploy, as if the IRA was not genuinely moved and concerned by the issue. The IRA's action seemed to be only a cynical concession, for which it expected something in return. However, its concession must have gained it no advantage among any "audience" in Northern Ireland or Great Britain.

Subsequently, the IRA said that it knew the location of only nine of the 14 victims. It has yet to make any provision for the other five victims. We also have no guarantee—but only the possibility—that, when the legislation is passed, the bodies will be returned.

Worst of all, the IRA listed the "crimes" of those whom it had so ruthlessly murdered. Even then, the IRA had it wrong. The family members tell us of the obnoxious claims made about the "crimes" of their loved ones.

[Mr. Barnes]

The Bill is not really about the IRA; it is about the families of "The Disappeared" and how we may assist them. If the Bill also encourages the IRA in making what it considers—in its own terminology and chopped logic, not ours—to be "a concession", it may be easier to make subsequent progress, getting us a little further down the road. However, it has taken us ages to get this far. The IRA should have taken its limited action—and we should have been considering this type of legislation—ages ago. The IRA should at least have made that limited move to allow us to produce such a Bill before.

I hope that the Bill is supported. We understand the problems, but it is justified by the circumstances and the opportunity that it will give to the families to bury their loved ones and overcome some of the massive traumas that they have suffered year after year. For some, being able to visit the graves of their loved ones in their last few years of retirement would be more important than it is to anyone else who has buried a relative. For most people, visiting the grave of a loved one is a ritual because they have a regular opportunity to do so. For the families of "The Disappeared", it will never be a ritual.

7.1 pm

Mr. Dominic Grieve (Beaconsfield): This has been a sombre debate. It has reminded all of us who have been listening of the horror that has been visited on the people of Northern Ireland over the past 30 years. It has allowed us to focus on the activities of the Provisional IRA and the way in which it has treated sections of its own population, whom it said it would protect. IRA members have murdered people, concealed their bodies and refused to give any information about their fate or their whereabouts.

We are all united in believing that it offends every tenet of human decency for the IRA to act in that way after murdering someone. For many years, one of the most characteristic views of Northern Ireland on our television screens has been of funerals. Often, they have been the funerals of terrorists—members of the Provisional IRA—who have been lawfully killed in the course of carrying out their murderous enterprise. At no time in the past 30 years has it been suggested that, as happens in certain countries, the state should deny burial to those who have perpetrated such crimes or the opportunity to mourn them, because we stand by human rights and human decency. Even if we try to see some rightness in the cause of the Provisional IRA and to apply its selective morality, it is impossible to find a shred of justification for what has happened. The IRA has offended every tenet of human decency. The debate has provided an opportunity for hon. Members to express their contempt for that behaviour.

Two mutually irreconcilable views have been expressed during the debate. We have heard powerful and eloquent speeches from the hon. Members for North–East Derbyshire (Mr. Barnes), for Montgomeryshire (Mr. Öpik), for Greenock and Inverclyde (Dr. Godman) and for Hayes and Harlington (Mr. McDonnell). They all pointed to the need for constructive measures to give those who mourn the opportunity to bury their loved ones. That is a powerful argument, which the House should not lightly disregard.

Equally, it has been impossible not to have considerable respect for the views of the hon. Member for Fermanagh and South Tyrone (Mr. Maginnis), my hon. Friend the Member for Basingstoke (Mr. Hunter) and the hon. Members for Belfast, East (Mr. Robinson) and for East Londonderry (Mr. Ross). We cannot minimise the step that we are taking with legislation that invites immunity from prosecution—or at least disallows any forensic evidence that might accompany the discovery of the remains of those who have been murdered from being brought in any prosecution.

Comparisons have been made during the debate between this Bill and the Northern Ireland Arms Decommissioning Act 1997. I accept that the same tests were applied. Any forensic evidence that is gleaned from weapons that are handed in will not be used against anyone. There is a powerful argument that the mere removal of weapons from circulation is an important step in preventing their further use. It is highly unusual for a prosecution for murder to take place without direct forensic evidence relating to the remains of the deceased. It has happened, but it is very unusual and very difficult. I fully accept that the Bill does not provide an amnesty to those who perpetrated the offences, but it is right to acknowledge that its practical effect must be to make it most improbable that anyone will ever stand trial for the murders, unless someone confesses or provides evidence so powerful that it would convict those responsible without forensic evidence.

There are two matters on which I should like assurances from the Minister. We very much hope that if the Bill is passed, remains will be disclosed and discovered. If that happens, it is essential that in the forensic examinations that take place with a view to the inquest, the full facts and circumstances, in so far as they can be found, should come to light. The Bill should not result in those facts being brushed under the carpet for the convenience of those who perpetrated the offences. It has been pointed out during the debate that there are powerful grounds for suspecting that those who were murdered were also tortured and treated in the most abominable fashion. It is right that those facts should not be concealed from the public if they come to light when remains are found. I hope that the Minister will reassure the House that, although the evidence will not be admissible in a prosecution, it will be available through the inquest procedure so that people will know what happened.

Mr. McDonnell: I should like clarification on that from the hon. Gentleman and my hon. Friend the Minister. Is the hon. Gentleman saying that the further dissemination of information should be at the behest of the family, or should it be determined by the commission? Members of the family may wish to be aware of some of the information, but they may not want it to be disseminated more widely.

Mr. Grieve: Some clarification from the Minister on that would be helpful. Clause 4 clearly

"does not prohibit a test or procedure the purpose of which is to discover information in relation to an item where the information is sought for the purpose of establishing, for the purposes of an inquest, the identity of a deceased person, or how, when and where he died."

I infer from that that there will be inquests if remains are found and that the usual consequence will flow from an inquest: the public will be made aware of how the people died. However unpalatable some of the facts that emerge

as a result may be, those matters should be made public. I see no reason why they cannot be made public, even if the main thrust of the Bill were to go through.

Mr. Swayne : I agree entirely with the thrust of what my hon. Friend is saying, but does he not believe that he is raising the idea of increasing the public demand for justice while the Bill removes the possibility?

Mr. Grieve: I take my hon. Friend's point, and that was a matter to which I was going to refer in a moment. When the full facts emerge, it is likely that they will cast considerable doubt on some of the comments made by the IRA in its mealy-mouthed responses to the events of the past 30 years, and they may well excite a great deal of public comment. However, we should bear in mind the fact that there is powerful evidence that the relatives of the deceased support the Bill. That is an important consideration; although, as has been said in the debate, it is clearly not the overwhelming consideration.

In the same way, from time to time, people may ask in a court of law that malefactors should not be punished, even though they themselves have been affected personally. However, the law is there to be upheld, and generally the views of victims—although they will be listened to politely—are not necessarily given priority over what is regarded as the public interest. The public interest aspect of the Bill is of paramount importance.

Another matter on which I seek clarification is this; the point has been made that we are dealing with the possible location of the remains of nine murdered people, as alluded to by the Provisional IRA. Yet there is a general public suspicion that there are a number of others who were victims of the Provisional IRA, although it is possible that some may have been the victims of other paramilitary organisations. It is clearly desirable that, in so far as it is possible, an explanation should be forthcoming as to why the locations cannot be divulged. There may be a number of unpalatable reasons. One may be that the locations are wholly inaccessible. Another may be that, as a result of the ruthlessness of the killers, the remains of the murdered have been effectively destroyed.

I ask the Minister to clarify why, under the Bill, there would not be immunity for a person who cared to give the commission details of how someone met his end as a victim of the Provisional IRA and an explanation of why there was no possibility of recovering the remains. If such a provision is not in the Bill, we might wish to reconsider the matter. It is clearly desirable that, in so far as it is an informant's information, he should be protected if we are to get an explanation of what happened. That goes hand in hand with the question of finding remains. I hope that the Minister will address that point. When I read the Bill, I felt that it was inherent—or at least implicit—that such information would be covered by it. I would be grateful for the Minister's comments.

We must consider also some ironies in the situation. It has been said that the measure should be proposed as part of a general pattern of reconciliation; something that may be desirable. However, I am sorry that if we are coming to this point, it should not be at a time where there is clear evidence that reconciliation has taken place. If we were confronted with the Bill at a time when the Executive had been set up, when decommissioning was under way, when Sinn Fein was participating and when there were clear signs that democracy was beginning to thrive, it would be easier for hon. Members—particularly those who represent constituencies in Northern Ireland—to accept the need for the Bill, notwithstanding the problems that it poses.

I can well understand the fears expressed that the Bill is seen merely as another ratchet by which concessions are made to terrorists who have no intention of giving anything in return. It may be that terrorists, or those who wish to give the information, should beware. If some of the victims were tortured, it seems to me that the immunity that we may provide them with in terms of evidence in relation to the findings of the bodies may be limited, if recent court decisions in this country in respect of international conventions are accepted.

One can foresee a situation where, in 10 years' time, someone might find that their best remedy, if they wished to see prosecuted a terrorist of whose guilt there was clear evidence, but for whom evidence in relation to the remains was also required, was to go abroad and seek extradition from a third country, in exactly the same way as this country has faced problems in terms of General Pinochet. It is important that we remind ourselves of that. We are going down a similar road of making concessions, as was done in Chile, for the sake of achieving limited amnesties and some degree of reconciliation.

It seems to me that there are a number of clear and possible benefits from what the Government are seeking and—notwithstanding our reservations—it is for that reason that we will abstain tonight. First, I wish to refer to the families. Clearly, their views are not paramount, but they are entitled to great consideration. That must be weighed against the likelihood of remains ever being found so that they could be used in evidence in criminal proceedings in any event.

In many cases, we are talking about episodes—dark and horrible episodes—that are now many years old. Others are far more recent. However, the inability to detect the remains of those murdered up to now does not suggest a great likelihood of that happening in future. If it were to happen in future, it is more likely than not that it would happen in circumstances either of denunciation or of confession, which would, in all probability, get round some of the problems in terms of the amnesty element of the Bill. The question of the families' wishes merits great consideration.

Another matter has not been addressed fully in the debate. It has been suggested that, in this case, a concession is being made to terrorists. It is true that—strictly speaking, and in purely legal terms—such a concession is being made. However, the fact that we have debated this matter for some three and a half hours—and the fact that if the remains of those murdered are discovered, there will be massive attendant publicity about what the IRA did over this period—seems to me scarcely a victory for the IRA's cause.

If anything was likely to expose the hollow rhetoric of that organisation and the underlying nastiness that has characterised its operations, it must be the public exposure of what they did to those victims. There was never any justification for that, and the best weapon that the IRA ever had in the matter was the silence that it brought to the matter. The IRA was silent about what it had done. The IRA denied it year after year, and it has been forced in the peace process—however imperfect it may be—to

[Mr. Grieve]

accept and admit its actions. If it honours its commitments as a result of the Bill, the IRA will be forced down a road which, over time, will be shaming to it; and it will deserve every ounce of shame that it receives.

I do not see the Bill as a victory for terrorism. If the Bill works—I very much hope that it does work in the way in which the Government desire—the cause of democracy, freedom and those who believe in human rights can be enhanced.

Mr. Maginnis: The hon. Gentleman made the point that the legislation was in the interests of the families. Taking into consideration the point he made about how it would reflect on the IRA, is there not a possibility that the legislation will go through, but that members of the IRA will drag their feet and the bodies will still not be revealed? Does he see any merit in at least time limiting the Bill, so that it facilitates, within a specified period, what the Government intend? I am still not in favour of the Bill, but would there be some merit in that course, in terms of what we want to achieve?

Mr. Grieve: The hon. Gentleman makes an important point, although I wonder if, in reality, it will be of any advantage to the IRA if their members do drag their feet. Let us consider the following scenario. The IRA have given several assurances. Legislation passed not only in this House, but in Ireland, is designed to facilitate the honouring of their pledge, but they then decide to do nothing. I should have thought that nothing could be more damaging to them—especially in view of the public disquiet that exists in the communities from which, over the years, they have claimed to derive their support—than to be seen to be unable and unwilling to honour their commitment. In those circumstances, the only possible conclusion that could be drawn would be that they were so frightened or ashamed of what they had done that they were unable to face up to it. That is not likely to do their cause much good at all.

In the meantime, if the IRA did not divulge the information, there would be nothing to prevent anyone from being prosecuted if remains were found by some other means. In those circumstances, the benefit to the IRA would seem to be slight. We could time limit the Bill; the Minister may want to comment on that matter. However, once the measure is up and running, there must be an argument that there is no need to time limit it. However, I should be grateful if the Minister would address that question, because it might be argued that, if nothing has happened after a year, there was no point in introducing the measure in the first place. That might be a proper time to say enough is enough.

I do not wish to take up much more of the House's time in concluding this debate on behalf of the official Opposition.

Mr. McDonnell: I do not want to be confrontational in any way, but I should like to be clear about the views of the Opposition. If Opposition Members are to abstain in the vote on Second Reading tonight, is that because they are abstaining until they hear the response from the Minister on the detail of the Bill or because they oppose the Bill in principle—or, perhaps, a better form of words would be that they cannot support the Bill? If the latter—that they cannot support the Bill—I reiterate what my right hon. Friend the Minister said earlier: the onus is on those who cannot support the Bill to offer an alternative that will allow those families who have lost their loved ones to discover their bodies and bury them, and put that part of their lives behind them.

Mr. Grieve: The hon. Gentleman makes a reasonable point, but it seems to me that he might be missing one aspect of the case. He and other hon. Members have laid great stress on the need to help to satisfy—in so far as we can—the perfectly understandable desires of the relatives of those who have been murdered. I sympathise with that. However, as I said, there was nothing wrong with the point made by some Opposition Members that it is not the job of the Government or of the House to alter the law, or the way in which the law should normally operate, in order to satisfy that need. The answer to the hon. Gentleman's question must be that we could tell people, "We cannot do that for you." If we were to say that, it would not be inherently wrong in any way, but at the same time, I say to the Government and to the Minister that I am sympathetic to what they are trying to achieve.

The Government have a primary responsibility to carry through their business and to take policy decisions that are often difficult. That is why it appears to Opposition Members that the correct course of action, in this particular circumstance, is to abstain. We shall of course participate in the Committee, in so far as we are able to do so. If we can make a sensible contribution at that stage, we shall do so.

What it comes down to is that the Government hold out the hope that the legislation might be constructive for the families and for the peace process, and constructive in making those who have perpetrated these crimes face up to their actions. There are legitimate grounds for that hope, but that must be set against what appears to Opposition Members to be the proper repugnance of right-thinking people to indulge those who have committed such offences by even going to the extent that we propose for the purpose of achieving that result. That appears to us to be a legitimate reason for abstaining on the Bill. We share the Government's hope and wish them every success in implementing the measure. We hope that it fulfils the Government's expectations for it, but we shall take the course that I have outlined.

7.26 pm

The Parliamentary Under-Secretary of State for Northern Ireland (Mr. John McFall): As the hon. Member for Beaconsfield (Mr. Grieve) said, this has been a sombre debate. However, it has also been moving, and for me it has been educative. We have heard many contributions from Members who have had experience in Northern Ireland during the past 20 to 30 years. We might be travelling along different paths, but we all want to achieve the end result of ensuring that there is comfort for the families of "The Disappeared".

The House has realised that the Bill has a humanitarian purpose—that is a core issue of the Bill. I share in the moving tributes that have been paid to the families of "The Disappeared". Several hon. Members referred to some of the families who were in the House today. Members on both sides of the House met members of those families. Margaret McKinney, whose son Brian was

killed, was in the House today, as was Anna Macshane, whose father, Charles Armstrong, was abducted from Crossmaglen. One group has not been mentioned today, but it deserves to be recorded—WAVE, or Widows Against Violence Empowered. Members of that group have played a positive and constructive role—they were represented here today by Sandra Peake, and I pay tribute to them.

I shall try to deal with the points that were made in chronological order. My hon. Friend the Member for Greenock and Inverclyde (Dr. Godman) made a number of points. He asked about the financial provisions of the Bill. The explanatory notes give a figure of approximately £100,000 for the commission, but, in giving that figure, we do not suggest that there will be any financial restrictions. Those resources will be shared when the commission comes into being as a joint international body, but we do not want to limit its work. If extra commitments are envisaged, we shall consider sympathetically any representations from the commissioners.

My hon. Friend also asked if credence could be given to stories of victims being buried in Scotland. He expressed the wish that the Scottish authorities should co-operate with the measure. I know that distressing comments have been made about the disappearance of the victims. The problem is that the lack of firm information has given rise to rumours, and the sad fact is that, until information is forthcoming, we cannot know for sure. However, the Bill is drafted so as to cover all possibilities and I have every confidence that the Scottish authorities would co-operate fully if that was deemed necessary.

I welcome the positive comments made by the hon. Member for North-East Cambridgeshire (Mr. Moss). He drew to our attention section 11(2) of the Northern Ireland Arms Decommissioning Act 1997, which states:

"Nothing in this Act shall prejudice any power or discretion exercisable"

and so on. I assure the hon. Gentleman that we shall consider that issue and report back before Committee stage.

The hon. Member for Fermanagh and South Tyrone (Mr. Maginnis) made a lengthy speech. He asked about the deal with the IRA without a guarantee of nine bodies. I cannot stand here and say with conviction that nine bodies or their location will be forthcoming. However, we have the evidence received from the families and others who are willing us to act and the statement made by the IRA on 29 March, to which my right hon. Friend the Secretary of State and the Irish Government responded. We are legislating on the basis of that information and in the sincere hope that the agony of the families will end.

I acknowledge that the statements made by the IRA and others gave families hope in the short term, and that some of those hopes have since been dashed. We do not want that hope to be lost, which is why we are legislating—so that the sorrow of the families can be ameliorated to some extent. We are acting in a positive spirit. I acknowledge the hon. Gentleman's comments, but I hope that he accepts the sentiments I have expressed.

The hon. Gentleman also said that the legislation was needed and that Sinn Fein and the IRA were twisting the knife. He said that the only danger posed by forensic testing is that it might reveal the degree of torture employed. However, the British and Irish Governments believe that, without the legislation, there is no chance of information emerging. We want that information for the benefit of the families, which is why in the Bill we propose that there should be limits on forensic testing.

The hon. Gentleman said that we need to examine the activities of both the IRA and Sinn Fein in respect of decommissioning—a point made eloquently by other hon. Members. I believe that the sole beneficiaries of the Bill will be the families of the victims. As the hon. Member for Beaconsfield said, it will do the IRA and Sinn Fein no credit at all if there is no movement. No credit will be given to those who disclose information, for it is they who have shown great cruelty and inhumanity by prolonging the families' suffering for so long; nor, I believe, will there be any political credit associated with the paramilitaries.

The hon. Gentleman mentioned the Northern Ireland Arms Decommissioning Act, and I looked up the speech he made on that legislation in December 1996, in which he paid tribute to Monsignor Denis Faul, as he did tonight. Monsignor Faul has been extremely helpful in acting as an intermediary between the families. He sees the merit in this process, and I hope that the hon. Gentleman will be comforted by the role that Monsignor Faul is playing, for over the years there has been no greater critic of the IRA's activities than that courageous man.

The hon. Member for Basingstoke (Mr. Hunter) called the Bill an obnoxious and dangerous Bill. I shall not indulge in party politicking tonight, because that would be inappropriate, but I looked up the hon. Gentleman's 1996 comments on what became the Northern Ireland Arms Decommissioning Act. He said then that he would support the Government. At that time, the hon. Gentleman was a Government Back Bencher and although that legislation exercised his mind greatly and he had considerable doubts about it, he gave the then Government the benefit of the doubt—I paraphrase, but I think those are the sentiments he expressed.

On the face of it, none of us here tonight would want anything to do with the Bill, but we have to acknowledge the reality of 30 horrendous years in Northern Ireland and the continued grief and suffering of individuals. We have to respond to that humanitarian plea from the families by going some way toward helping them. We do not agree with the Bill from first principles, but we are proposing it because it deals with reality.

The hon. Gentleman asked about the judicial process, and I can state clearly that the Bill does not affect the judicial process, only the admissibility of certain criminal evidence, and the limited guarantee extends only to information given to the commission. If any other criminal evidence is found elsewhere, the case can be prosecuted on that basis. The provision is included for a specific reason, which is to enable the bodies to be located.

The hon. Member for Fermanagh and South Tyrone referred to Sinn Fein's allegations of collusion by security forces. I note his points and recognise his sincerity, but to comment on them would be to stray from the Bill.

The hon. Member for Basingstoke said that the Government have departed from the principles underlying the previous Government's policies in Northern Ireland, adding that the end, although desirable, does not justify the means. The Bill does nothing to undermine such principles—yes, it gives limited protection in limited

[Mr. John McFall]

circumstances, but it does so for humanitarian reasons. It does not undermine a principled approach to Northern Ireland matters, nor does it condone or lessen our disapproval of any of the crimes committed. The crimes were horrendous, and that the whole House shares that disapproval should be a matter of public record.

My hon. Friend the Member for Hayes and Harlington (Mr. McDonnell) mentioned article 5 of the agreement between the British and Irish Governments and asked about the next steps in the implementation of the Bill. He asked who will act as the commission's agents, and who will guard against the danger of collusion. If the Bill becomes law and the treaty comes into effect, the commission is established. The staff will be appointed by the commission, and it will be for the commission to ensure that the staff are aware of their obligation of confidentiality under clause 5 of the Bill.

My hon. Friend also asked about penalties. Because the families are in receipt of confidential information, it is difficult to legislate comprehensively. However, if there were a breach of confidentiality, I understand that the individual involved could be subject to dismissal and would certainly be subject to the full disciplinary process.

The hon. Member for Belfast, East (Mr. Robinson) said that legislation would expunge the guilt of the murderers. Nothing will expunge their guilt, and their crimes can be prosecuted if other evidence is available. We are at one on that point: nothing will expunge their guilt. The hon. Gentleman also claimed that the Bill sets a dangerous precedent by giving limited amnesty and that concession is a prominent part of the peace process. He said that the Government are giving concessions to the Provisional IRA and Sinn Fein without reciprocity.

This process is not about concessions. It is about an agreed way forward in Northern Ireland, starting with the Belfast agreement. It is about an agreed way forward that is endorsed by the people, and that involves the British and Irish Governments and political parties from both sides of the community. I recognise that the process makes difficult demands of people on all sides. However, tonight we are replicating the courage and determination displayed by the politicians and the people of Northern Ireland. We have one aim: to achieve peace, stability and a normal democratic society in Northern Ireland.

The hon. Member for Belfast, East asked whether the lawful security forces will be allowed to conduct searches. The searches will be conducted by the security forces—that is, the RUC or the Garda Siochana—on the basis of information provided to the commission. I assure the hon. Gentleman that it was never intended to replace the security forces with the commission, and that information will be passed to the security forces.

The hon. Member for East Londonderry (Mr. Ross) asked about the read-across to Bloody Sunday. The Attorney-General has provided an undertaking that persons giving evidence to the Bloody Sunday inquiry will not do so to their own detriment in respect of possible criminal proceedings. However, neither this Bill nor the Attorney-General's undertaking will prevent criminal proceedings being brought. The hon. Member for Montgomeryshire (Mr. Öpik) made several positive points that focused precisely on why we are debating this issue tonight, I can do no more than commend him for that approach. This debate is about the families and their pain and about minimising their suffering if possible.

Mr. Maginnis: The Minister referred to the soldiers in Londonderry. He said that the Attorney-General has given certain guarantees, but he said also that the soldiers will have to be identified. We know that, however innocent they may be, identification will blight their lives and leave them vulnerable to threats, and perhaps violence, from illegal organisations. Will he not reconsider the point raised by my hon. Friend the Member for East Londonderry (Mr. Ross) and perhaps view it in the context of this Bill?

Mr. McFall: The hon. Gentleman's point about Bloody Sunday is a judicial matter and will be referred to the Saville inquiry. The Attorney-General has made a clear public statement in that regard.

The hon. Member for East Londonderry referred to the horrendous nature of the crimes and said that those responsible must be pursued. The Government agree: the crimes are horrendous and the perpetrators can expect to pay for their actions. However, that issue is separate from this Bill, which has an humanitarian purpose.

It is nice to see my hon. Friend the Member for North–East Derbyshire (Mr. Barnes) back in the House after a long illness. He has a long-running interest in and dedication to Northern Ireland issues, and he made some very potent and moving points, focusing on the families and on the genuine desire for peace. I congratulate my hon. Friend on his speech and on his commitment to Northern Ireland issues.

In summing up for the Opposition, the hon. Member for Beaconsfield raised several issues. We agree that the Northern Ireland Arms Decommissioning Act 1997 is quite similar to the Bill before us tonight, and I welcome the hon. Gentleman's comments in that regard. He raised several questions about remains that are found and asked whether the full facts will come to light at an inquest. I assure the hon. Gentleman that a full post mortem and inquest will take place, as is usual with any murder. The findings will be made known in the usual way and the same amount of information will be made public. For example, the coroner might ask for evidence from a pathologist, and that will be given in public. As with any other inquest, the coroner will have full powers.

The hon. Gentleman asked why someone giving evidence only about the cause of death will have no immunity. The Bill is about locating the remains of victims. The provision of relevant information by the commission will trigger the protection that is mentioned in clauses 3, 4 and 5.

By way of intervention, the hon. Member for Fermanagh and South Tyrone asked about time-limiting the Bill. The Government are not keen to close the door to the provision of information about "The Disappeared" either from the IRA or any other organisation. The hon. Gentleman knows that the IRA produced a list of nine names at the end of March. Some people—such as the individuals who came to the Palace of Westminster today—have expressed dismay that their relatives' names were not on the list. The families of those who were not on the list hope that, in time, details of the location of their loved ones' remains will be provided. That is why we are not time-limiting the Bill.

I hope that I have responded to most of the points raised today. This has been a very moving experience for us all. I pay tribute to my right hon. Friend the Minister of State, who has met family members and others in Northern Ireland on many occasions. He knows more than anyone about the pain and the anguish, but we have seen it for ourselves today. We have spoken to the mothers who lost sons under the age of 21. Those mothers brought their sons into the world full of hope and joy for the future, but that hope and joy were cruelly extinguished. Those mothers and their families want to retrieve the remains of their loved ones so that they can celebrate their lives in a dignified and a Christian manner. We owe it to them to do everything possible to effect that outcome. If we can, we must ease their pain, not continue it.

That is why the Government have introduced this Bill. We welcome hon. Members' comments, but we remain focused on its humanitarian purpose. We hope that the passage of this Bill will bring some comfort to those who have waited for it for far too long.

Question put, That the Bill be now read a Second time:—

The House divided: Ayes 289, Noes 10.

Division No. 168] **[7.50 pm**

AYES

Ainger, Nick
Alexander, Douglas
Allan, Richard
Allen, Graham
Ashton, Joe
Atherton, Ms Candy
Atkins, Charlotte
Ballard, Jackie
Barnes, Harry
Barron, Kevin
Bayley, Hugh
Beckett, Rt Hon Mrs Margaret
Beith, Rt Hon A J
Benn, Rt Hon Tony
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry, Roger
Betts, Clive
Blizzard, Bob
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Burden, Richard
Burgon, Colin
Butler, Mrs Christine
Campbell, Mrs Anne *(C'bridge)*
Campbell, Rt Hon Menzies *(NE Fife)*
Campbell, Ronnie *(Blyth V)*
Campbell–Savours, Dale
Cann, Jamie
Caplin, Ivor
Caton, Martin
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Chidgey, David
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Eric *(Midlothian)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Colman, Tony
Connarty, Michael
Cook, Frank *(Stockton N)*
Corbett, Robin
Cotter, Brian
Cousins, Jim
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cummings, John
Cunliffe, Lawrence
Cunningham, Jim *(Cov'try S)*
Dalyell, Tam
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Dobbin, Jim
Doran, Frank
Dowd, Jim
Drown, Ms Julia
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Ellman, Mrs Louise
Ennis, Jeff
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Lorna
Flint, Caroline
Follett, Barbara
Foster, Rt Hon Derek
Foster, Don *(Bath)*
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Foulkes, George
Fyfe, Maria
Galloway, George
Gapes, Mike
George, Bruce *(Walsall S)*
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Dr Norman A
Godsiff, Roger
Goggins, Paul
Griffiths, Jane *(Reading E)*
Griffiths, Win *(Bridgend)*
Grogan, John
Hain, Peter
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Harvey, Nick
Heal, Mrs Sylvia
Healey, John
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hoey, Kate
Home Robertson, John
Hood, Jimmy
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Ingram, Rt Hon Adam
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
Kingham, Ms Tess
Kirkwood, Archy
Kumar, Dr Ashok
Ladyman, Dr Stephen
Laxton, Bob
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Linton, Martin
McAvoy, Thomas
McDonagh, Siobhain
McDonnell, John
McFall, John
McIsaac, Shona
Mackinlay, Andrew
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWilliam, John
Mahon, Mrs Alice
Mallaber, Judy
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Marshall–Andrews, Robert
Martlew, Eric
Maxton, John
Meacher, Rt Hon Michael
Michie, Bill *(Shef'ld Heeley)*
Michie, Mrs Ray *(Argyll & Bute)*
Miller, Andrew
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Ms Julie *(Cardiff N)*
Morris, Ms Estelle *(B'ham Yardley)*
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Naysmith, Dr Doug
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
Olner, Bill
O'Neill, Martin
Öpik, Lembit
Organ, Mrs Diana
Palmer, Dr Nick
Pearson, Ian
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quinn, Lawrie
Rammell, Bill
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Rendel, David
Roche, Mrs Barbara
Rooker, Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Roy, Frank
Ruane, Chris
Ruddock, Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Shaw, Jonathan
Sheerman, Barry
Simpson, Alan *(Nottingham S)*
Skinner, Dennis

Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Stoate, Dr Howard
Strang, Rt Hon Dr Gavin
Stringer, Graham
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Gerry
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Taylor, Matthew *(Truro)*
Temple-Morris, Peter
Thomas, Gareth *(Clwyd W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr George *(NW Norfolk)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Ward, Ms Claire
Watts, David
White, Brian
Whitehead, Dr Alan
Wigley, Rt Hon Dafydd
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Willis, Phil
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Wood, Mike
Woolas, Phil
Worthington, Tony
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Ayes:
Mr. Robert Ainsworth and Mr. David Jamieson.

NOES

Clark, Rt Hon Alan *(Kensington)*
Colvin, Michael
Garnier, Edward
Hogg, Rt Hon Douglas
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jenkin, Bernard
Maginnis, Ken
Robathan, Andrew
Robinson, Peter *(Belfast E)*

Tellers for the Noes:
Mr. William Ross and Mr. Desmond Swayne.

Question accordingly agreed to.

Bill read a Second time.

Motion made, and Question put forthwith, pursuant to Standing Order No. 63 (Committal of Bills),

That the Bill be committed to a Committee of the whole House.—*[Mr. McFall.]*

Question agreed to.

Committee tomorrow.

NORTHERN IRELAND (LOCATION OF VICTIMS' REMAINS) BILL [*MONEY*]

Queen's recommendation having been signified—

Motion made, and Question put forthwith, pursuant to Standing Order No. 52(1)(a),

That, for the purposes of any Act resulting from the Northern Ireland (Location of Victims' Remains) Bill, it is expedient to authorise the payment out of money provided by Parliament of any expenditure incurred by the Secretary of State under the Act.—*[Mr. Clelland.]*

Question agreed to.

Travellers

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Clelland.]*

8.4 pm

Mr. Tim Loughton (East Worthing and Shoreham): Shoreham, in the heart of my constituency, is currently a town under siege. That quiet, mostly residential Sussex coastal town, with a population of around 15,000, is an unwilling host to some 200 travellers, who occupy a derelict former council depot in an array of some 100 assorted charabancs, buses, caravans, lorries, ex-ambulances and former military vehicles, on a site known as Ropetackle, bordering the river Adur, on the edge of Shoreham's town centre.

The shanty town at the gateway to Shoreham, in the heart of my constituency, is hardly a good advertisement for visitors or potential investors in our town—let alone the immense disruption, anxiety and anger that is being forced on the local community. It is also seriously jeopardising the long awaited Ropetackle development plan set up by English Partnerships and, I hope, to be carried forward by South East regional development agency in the near future.

The number of travellers has been growing towards the current level of 200 since the end of 1997, but it was only a few weeks ago that the local council felt able to initiate legal proceedings to have the travellers evicted. Residents in the area around Ropetackle have been driven to despair. They have faced all-night parties and flashing lights. Their houses have vibrated to the thumping noise of music. Bonfires and smoke frequently engulf the whole area at night. There is heavy drinking among the occupants, and many others, suspected of being under the influence of various other illicit substances, stumble around the area.

Rubbish is strewn across the site, wrecked cars are being done up, discarded gas canisters are strewn on the public highway—certainly a danger—electricity cables have been stretched across a public highway, and welding equipment has been left where children can play with it. Ropetackle is, in short, an environmental hazard, with 200 people living in cramped conditions. Human waste is dumped at the bottom of residents' gardens. Sewage and pollution are gratuitously dumped into the river. Fences are broken down, kids play on top of dangerous piles of wrecked cars and climb on to the adjacent railway line. Guard dogs bark all night long and scavenge around the site and the town, causing traffic accidents and attacking residents.

A neighbouring garage site—a private business—has also been occupied by the travellers, and is in danger of going under. The garage has been broken into, the proprietor is unable to use part of the land for his legitimate business, he may lose insurance cover for his business, and he has been threatened with violence by the travellers.

The whole town of Shoreham is being intimidated. Drunken travellers, often crazed out of their minds, roam the town, rummaging through bins, causing traffic accidents, being abusive to residents and terrorising little children on the way to school. There has also been an outbreak of petty crime, which is more than a coincidence. Many shops and pubs in the town of Shoreham have now

barred travellers. Residents have organised petitions, and they are frustrated by the local police, who in many cases are powerless to bring the siege to an end.

I shall read out comments from some of the many letters that I have received on this subject from my constituents. One that I received a few weeks ago reads:

"On the night of Saturday, 13th March, there was another all night party in the Council building area . . . There was a lot of noise and very loud music until 7.30ish in the morning which meant another night of very little sleep . . . Once again the piece of land at the rear of one of our neighbour's garden . . . was used as a toilet by some of the people from the party (and not just as a urinal)."

Another letter states:

"The stress of having this in our backyard is unbearable. We could not function as a family with three young children, after losing sleep, so we have taken to sleeping in the front downstairs room of our house at weekends . . . We cancelled a Bank holiday break in Wales—which we had already paid for in advance—because we had no confidence in leaving our property vacant for 2 nights . . . This is the effect those 'spongers' of society have had on us."

Another report by residents says:

"Children have been seen defecating over the edge of the wall on the riverside as well as people emptying buckets of waste into the river . . . It is impossible to sell houses in the vicinity of Ropetackle due to the presence of the travellers."

Many of my constituents are literally prisoners in their own home.

We are not talking about gypsies or Romanies, who are officially defined as legitimate nomadic communities, who have a pattern of travel for a specific economic purpose and who are necessarily limited in number. We are talking purely about travellers, in this case from as far afield as Eastbourne and Edinburgh and with a penchant for strong brew, who choose to opt in or out of that existence at whim—a potentially limitless constituency of people.

To prevent the travellers from encroaching on adjacent sites and other nearby council-owned open spaces, the local council has recently instituted a number of earthworks as barricades, constructed from building waste. Such are the desperate measures now being taken. The barricades are an eyesore, denying residents access to their leisure amenities, and the whole area now resembles something out of the Somme rather than the quiet, friendly Sussex coastal town that it usually is.

The Criminal Justice and Public Order Act 1994 should have been able to deal with all this. Plainly it is failing in this case and in many others throughout the country. Since securing this Adjournment debate I have had calls from my hon. Friends the Members for Runnymede and Weybridge (Mr. Hammond) and for Rutland and Melton (Mr. Duncan), and from my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory), who are terrorised by similar traveller occupations in their constituencies.

It was right to introduce, in the 1994 Act, measures enabling local authorities to move on travellers and giving the police powers to direct that land be vacated if at least six vehicles were present, even if no criminal activity or damage to the land was involved. Sections 61 and 77 of that Act apparently gave such powers.

However, subsequent court cases, notably those involving Lincolnshire county council and Wealden district authority, as well as cases in the European Court of Human Rights, have largely emasculated those powers, because now, unless a raft of social welfare conditions are taken into account, the local authority risks a legal challenge in the courts. Conditions regarding the education of travellers' children, and housing and social service needs, including statutory duties placed on local authorities under the Children Act 1989 and under the Housing Act 1985, are all used as loopholes to circumnavigate legal action.

Local authorities are now taking months—even years, in this case—to instigate legal proceedings against travellers, for fear that a successful legal challenge will ensue in the courts owing to some loophole. In the meantime, travellers literally dig themselves in deeper, the encampments attract more and more itinerants, the life of the local community is made more and more miserable, and a great deal of council time and resources are taken up by the need to prepare legal cases, to clear up around travellers and, in the case of Adur council, to build defences—fortification works—around the travellers—not to mention the immense cost of the police time involved.

The Government have now actually made matters worse. Despite parliamentary questions tabled by many hon. Members, Ministers continue to insist that powers given to police and local authorities under the 1994 Act are perfectly adequate and that the Government have no plans to change them. A while ago, the Minister for Local Government and Housing tantalised us by promising a research project on the subject, and the Minister for London and Construction today promised us the good practice advice which he launched in October 1998.

However, at that time the Government effectively relaxed restrictions on where new age travellers and gypsies can camp, specifically advising police and local authorities in future to identify acceptable temporary stopping places, and imposing on them a duty to tell travellers under what circumstances they will be allowed to stay on unauthorised sites without being evicted. In practice, this amounts to nothing less than a charter for squatters—an invitation to travellers to occupy first and ask questions later.

This last consideration has been seized upon by travellers at Ropetackle and elsewhere to apply for tenure when occupying derelict council-owned land for which no immediate development plans are in force. Indeed, some of the smarter occupants of the site in Shoreham submitted a formal proposal to Adur district council requesting a short-term licence agreement to stay. In a letter to councillors, the very word processor-proficient organiser of the travellers specifically drew attention to the recently issued Government guidance to local authorities on managing unauthorised camping in support of their claim to remain on the land.

The letter said:

"Toleration can be for a matter of weeks, months or years, depending on the circumstances, and in some cases an authority may decide that eviction action is not necessary at all. Local authorities must weigh the needs of Travellers against any nuisance being caused and have due regard to their statutory duties with regard to the education of and welfare of children."

The letter refers to circular 18/94, which the travellers are using in support of staying on an unauthorised encampment where they are causing merry hell for the indefinable future.

Mr. Ivor Caplin (Hove): Perhaps the hon. Gentleman would advise me whether he agrees that an authorised site, wherever it is, should therefore be used by those travellers.

Mr. Loughton: There is scope for using authorised sites. There may be a lack of authorised sites in some cases; that is an entirely different matter, and the hon. Gentleman, who represents a neighbouring constituency, well knows the problems. His own council has been confronted by enormous difficulties in disposing of travellers. I shall mention that a little later, if he will bear with me.

There is evidence to suggest that centrally organised traveller groups are specifically targeting council-owned derelict land for their illegal encampments, now making it easier for them, as the Minister put it in an Adjournment debate,

"to use every ruse to prolong their stay on a totally unsuitable site."—[*Official Report*, 16 July 1997; Vol. 298, c. 376.]

Certainly an unusually large quantity of these travellers seem to have had some advice bordering on training from a co-operative establishment in the Tunbridge Wells area.

In our legal system, a defendant is innocent until proved guilty. In current practice, though, it appears that the unwitting victim of traveller occupation—be it a local authority or private landowner—must bear the burden of proof in order to refute the charge that they have no formal plan for use of their land. It is almost as though to snatch and occupy confers a right of tenure on the traveller until the owner negotiates a lengthy and costly series of legal hoops to prove otherwise. That cannot be right, and was certainly not what the 1994 Act was intended to achieve.

My hon. and learned Friend the Member for Harborough (Mr. Garnier)—who has joined us and is now sitting on the Front Bench—in an Adjournment debate that he initiated on this subject last year argued that the 1994 Act could be used more often than it is. Specifically, he contended that the police can take direct action against trespassing travellers without the need for additional legal proceedings. That is as it may be, but it is simply not happening. The Government need to consider further legislation to define and streamline local authorities' powers more clearly.

I am no lawyer, and the Government need to produce detailed proposals of their own. However, as long ago as November 1997, I did ask the Minister to consider amending section 77(3)(b) of the 1994 Act to make it a criminal offence for travellers, having been evicted, to return to any land in the same district within three months. That would help to prevent the farce of travellers who have been taken off a site nipping across the road to another site and setting up another encampment—which starts the legal clock running again.

I also asked whether the Minister would consider amending the 1994 Act to enable agents acting for local authorities to confiscate property belonging to travellers subject to eviction orders, as compensation for damage done to public land and legal costs incurred in securing convictions. Currently there is no practical redress for all the environmental damage, the petty crime and the nuisance factors—the noise, the pollution and the human waste. If you, Mr. Deputy Speaker, or I had all-night bonfires in our garden, had loud music blaring out at 3 am, or decided to strew our waste across the pavement or the public highway, the local authority or the police would be down on us like a ton of bricks, and we should rightly be carted off and prosecuted if we did not comply; but it is just not happening.

Even if local authorities can discover who did it, there are few practical means of pursuing the matter through the courts. I think that it is necessary, therefore, to have general powers of confiscation over entire camps without having to prove which individual caused the most noise or dumped the most rubbish on the public highway. There is also scope to use the lever of social security benefits to secure more considerate and compliant behaviour on the part of the travellers drawing on those benefits. I would like to see greater use made of public order offence legislation at the outset, before an encampment escalates. That is another possible avenue for the Government to explore.

The system needs to be streamlined and the relevant legal processes need to be fast-tracked. The Government need to take a lead, and I fear that at present they are abdicating responsibility for doing so. There are other measures that the Government could take with regard to planning law—for example, making unauthorised development an immediately punishable offence. It is a common practice of certain unsavoury characters, including travellers—this happens in my constituency—to take over an area of agricultural land, either unlawfully or on a short lease, and to turn a green-field site into a breaker's yard of scrap vehicles, some of which they occupy while they provide them with a living, with the maximum disruption and annoyance caused to those living in residential areas nearby.

The Government could address these problems. The deterrent effect of immediate court action would give the police faster powers and serve in no small part to restore some public credibility to the planning system.

In desperation, my constituents have written to the main party leaders and to the Liberal Democrats. They have written to the Prime Minister, the Deputy Prime Minister and the Home Secretary. The reply from the Home Office stated that if the current legislation is not working, the Government will look closely at changing the law. It is clear that the law is not working. It is not working in Shoreham, nor is it working in Rutland and Melton, Runnymede and Weybridge, Wells and in many other constituencies throughout the country. It is clear that the Government need to act. Much could be done before the introduction of new legislation or amendment to the 1994 Act.

I invite the Minister to admit that that is the position and to give my constituents and those of many other right hon. and hon. Members some comfort by making it clear that the existing highly unacceptable state of affairs will be addressed as a matter of urgency by the Government.

8.23 pm

Mr. Alan Duncan (Rutland and Melton): I am grateful for the opportunity to add a few words to what my hon. Friend the Member for East Worthing and Shoreham (Mr. Loughton) has said. The House will be grateful to him for raising this topic because it affects many Members of this place. It is, as he has so vividly described, a scourge on decent people who find their decent lives interrupted and intruded upon by these so-called travellers.

My constituency has proved particularly vulnerable to these people. For months now, on the Leicestershire-Lincolnshire border, near Buckminster and Skillington, an encampment of travellers has caused no end of upset to those who live nearby. Likewise, in Rutland, at Barrowden and Belton, and elsewhere, this situation is a recurring problem. It has caused many difficulties for farmers and villagers going about their lawful business.

If I solve the problem in my constituency by persuading the police to move on the travellers, it is not much of a solution if they merely move on to the constituency of my hon. and learned Friend the Member for Harborough (Mr. Garnier), who has to take on the same problem and find somewhere else to move them on to. They are pretty grubby people. Their dogs terrorise sheep. As my hon. Friend has described, their sanitation is disgusting. They frighten and threaten people in otherwise peaceful villages. They have the gall to drive along country lanes carrying, on the back of lorries, hydraulic equipment that is designed for no other purpose than to rip up fence posts so that they can invade private property and pitch their tents, as it were, where they should not.

We are not talking about folksy gypsy types. They are revolting vagabonds who seem to give nothing to society and demand everything from it. They stay for weeks, even months, and are very intimidating to the communities that they invade.

It is clear that they know how to use the law. They are not stumbling and bumbling their way from one village to another. They know exactly what to do to get round the law so that they can stay put. It seems that the police do not enforce the powers that they have, or are reluctant to do so. I shall be grateful if the Minister will tell us what guidelines and clear instructions he might have given to the police to ensure that where the law exists it is properly enforced.

Knowing the law as they do, these so-called travellers know how to get social services wrapped round their little finger so that they cannot have an enforcement order put upon them. They simply claim that one little child has a snuffly nose and that there is thus a social services duty that stops them being moved on.

Perhaps the Minister will tell the House the status of social security payments to such people. What is the law governing the compulsory provision of water through standpipes by the local authority? Will the Minister consider the law on congregation? Where there are 10 vehicles, for example, designed for living and illegally parked on private or public property, causing a nuisance around them, perhaps the law can be strengthened so that the police have power to move them on.

This is a continuing problem. The way the law is being implemented, if not the law itself, seems inadequate to solve the legitimate concerns of people in my constituency, as in many others. I hope that the Minister can give me some satisfaction in his response this evening.

8.28 pm

The Parliamentary Under-Secretary of State for the Environment, Transport and the Regions (Mr. Nick Raynsford): I start by congratulating the hon. Member for East Worthing and Shoreham (Mr. Loughton) on securing a debate on unauthorised camping, which is clearly an issue of major concern in his constituency, as it is in many others, including that of the hon. Member for Rutland and Melton (Mr. Duncan).

We do not underestimate what a nuisance such encampments can be, particularly when they involve many travellers, as I understand is the case at the Ropetackle site. I hope that after he has heard my response, the hon. Member for East Worthing and Shoreham will be reassured that the Government take the issue seriously, and that he will recognise our efforts to ensure that local authorities and the police have effective joint policies in place to deal with unauthorised camping. I can assure the hon. Gentleman that, contrary to what he claims, the Government have not by any means abrogated responsibility for this issue. We have taken action and we have been diligent in pursuing policies to try to ensure that there are effective provisions in place to deal with what everyone recognises is a serious problem that requires a serious and thorough response.

I understand that Adur district council has been working in partnership with the newly formed South East regional development agency—SERDA—on proposals for the development of the Ropetackle site. The development of community facilities, housing and leisure facilities, in accordance with the views of local people in Shoreham, is a positive and much needed step forward for the site, which I understand has been in a poor and partially derelict condition for some 25 years, its only recent uses being as a council depot and sewage pumping station. No one can be satisfied that the site was left in such a state for such a long time, and I am delighted to know that there are now proposals to bring it into use.

The regional development agencies have a key role in promoting sustainable development and addressing the needs of social and physical regeneration in the regions. It is clear that the fruits of that partnership, which was initiated, as we heard, under English Partnerships, before SERDA came into existence, are coming together in a positive way. I am delighted that SERDA is taking such a proactive role in the regeneration of that run-down area. I can well imagine the frustration and anger that have been generated in the locality by the continued trespass of a large number of travellers on such an important site.

It is precisely because of concern expressed by local authorities about how they deal with such encampments that my Department, working with the Home Office, produced joint good practice guidance for local authorities and the police to manage unauthorised camping. The good practice, which is based largely on research carried out for our Department by the university of Birmingham, draws on the real, often hard won, experience of local authorities and police forces in managing such issues in various parts of the country.

We published the good practice last October, after consulting a wide range of interested groups, including local authorities, gypsy and traveller representatives and land-owning bodies. The good practice has been welcomed as a positive and innovative step in managing what can be a highly emotive issue locally.

We have considered carefully whether we should amend the existing local authority powers in sections 77 to 79 of the Criminal Justice and Public Order Act 1994 to deal with unauthorised camping, and we have concluded that that would be counter-productive. There

[Mr. Nick Raynsford]

are no obvious, easy solutions to unauthorised camping and no short cuts. If there were, they would have been found long before now.

Recent case law has confirmed that local authorities must balance the nuisance caused by an encampment against the needs of the campers concerned. Local authorities that do not adopt such an approach are likely to find their actions challenged successfully in the courts. Consequently, we have no plans to make changes to the 1994 Act powers or to make unauthorised camping a criminal offence. To do so could well bring the UK Government into conflict with both the domestic and the European courts.

Mr. Loughton: I am grateful to the Minister for giving way. Will he say specifically why he is not prepared to amend the 1994 Act with regard to successfully evicted travellers who return to the same district? It has happened in my constituency and, I am sure, in many others, that an eviction order is at last successfully executed, yet the same travellers turn up a few hundred yards down the road on an alternative site, and the whole process has to start again.

Mr. Raynsford: I accept that that problem can arise, but the powers do not prevent the local authority from taking further action on a second site, nor do they prevent the police, who have powers under section 61, to which the hon. Gentleman also referred, from taking action where there is a nuisance. Powers exist, and the correct question is how they are used to ensure the outcome that we all regard as necessary. We do not wish to encourage local authorities to act in a way that would bring them into conflict with the courts in this country and possibly the European courts. That would be counter-productive, for the reasons that I have given.

Mr. Edward Garnier (Harborough) *rose—*

Mr. Raynsford: I give way to the hon. and learned Gentleman.

Mr. Deputy Speaker (Mr. Michael J. Martin): Order. May I make it clear that there is no activity from the Opposition Front Bench during an Adjournment debate.

Mr. Garnier: Will the Minister give way?

Mr. Raynsford: The hon. and learned Gentleman has made a rapid move from the Front Bench to the Back Bench. On this occasion I shall give way to him, because I know that as a constituency Member he has taken an interest in the subject and has had an Adjournment debate on it.

Mr. Garnier: I am grateful for the Minister's forbearance. The Conservative party is moving all over the place at present. The Minister kindly acknowledged my contribution to the debates in the House in July 1997. Much of what he is now saying I heard in July 1997 at about 10.22 pm. He referred a few moments ago to the correct question, but he did not go on to answer it. Will he now answer his own correct question?

Mr. Raynsford: I am trying to do that, but as the hon. and learned Gentleman will recognise, I have a little progress to make. This evening's debate began almost half an hour ago, and I hope that we will complete it slightly earlier than 10.22 pm.

We believe that in a properly inclusive society, people who legitimately wish to adopt a travelling life style should be free to do so. However, the right to adopt such a life style does not bring with it licence. It brings with it responsibilities towards the settled community. We recognise that there are occasions when it is simply not possible for travellers' presence to be tolerated because they do not accept those responsibilities and do not behave in a way that is compatible with the normal decencies of civilised life, which all of us wish to uphold. From everything that has been said, I am well aware that that is an issue in Shoreham.

The concept of toleration in the context of unauthorised camping has caused some controversy and has wrongly been interpreted as meaning that the Government want local authorities to tolerate the anti-social and sometimes criminal behaviour that can accompany some unauthorised encampments. That is emphatically not what we mean by toleration. Nor is toleration something that was invented for the good practice guidance.

Government advice to local authorities has, for many years, advocated that gypsies who are camped on council land and who are not causing a nuisance should be tolerated wherever possible. Providing basic facilities such as skips, drinking water and toilets may minimise nuisance. Forced eviction, on the other hand, could result in campers moving to a more unsuitable site, whether on public or private land. That is particularly true in those areas where there is little or no site provision and thus nowhere where gypsies could camp with permission.

The good practice guidance simply reflects what has been found to be successful, through detailed examination of the way that local authorities deal with unauthorised camping. Toleration can be a pragmatic option for dealing with a short-term encampment, particularly where the level of nuisance is low or non-existent. That does not imply toleration of people who are behaving anti-socially and causing nuisance. Gypsies or travellers who indulge in anti-social or even criminal behaviour are not above the law; they are subject to exactly the same penalties as anyone in the settled community.

The Crime and Disorder Act 1998 requires local authorities and the police to develop local crime and disorder reduction partnerships and to work together to reduce particular problems of crime and disorder in their areas. If anti-social or criminal behaviour associated with unauthorised encampments has been identified, we would expect local crime and disorder reduction strategies to encompass measures to deal with it.

Turning to the particular encampment described by the hon. Member for East Worthing and Shoreham, I understand that a hearing has been fixed in the High Court for Tuesday 18 May to consider the council's application for repossession of the land. It would, therefore, be inappropriate for me to express any view on the actions taken by the council in this instance, but, in advance of the court hearing, I find it difficult to accept his claim that the 1994 Act is not working.

I understand that the fact of the case, as set out by the council in a series of news releases, is that it gave notice to the travellers camped on the Ropetackle site that it would take legal action to evict them if they did not leave the site within seven days. The travellers did not leave, and the council commenced proceedings in the High Court to regain possession of its land shortly after those seven days expired. The case will be heard on 18 May, within a month of the action being initiated.

Mr. Loughton: Of course the facts that the Minister describes are absolutely right, but the bottom line is that it has taken 17 months to initiate that legal action—17 months of misery, anxiety and disruption for my constituents. Does he think it acceptable for such a period to elapse before the legislation should start to come into play, as is the case here?

Mr. Raynsford: I do not know why the local authority did not take action earlier. I am not commenting, and I am not saying that it should or should not have taken action. All I know is that the council's notice to the travellers saying that it would take legal action if they did not leave within seven days was issued on 14 April and its initiation of possession proceedings was announced in a press release on 23 April.

I do not know why action was not taken earlier by the council or why the site was allowed to remain derelict for 25 years. Those are issues on which other people will have to find answers. All I would say is that, in advance of the possession proceedings, which are due to be heard on 18 May, it would be premature to say that the legislation is not working.

I further understand that Adur district council has been working in partnership with the Sussex police on this issue and that the police have used their discretionary powers under section 61 of the 1994 Act, to which the hon. Member for East Worthing and Shoreham referred, to evict travellers from privately owned land adjacent to the Ropetackle site.

Regular liaison between the police and local authorities and the development of joint protocols clearly setting out respective roles and responsibilities are key messages in our joint practice guidance. The police are obviously key stakeholders in any local strategy for managing unauthorised camping because of their role in the prevention and detection of crime and in maintaining public order. It is vital that local authorities and the police have a clear idea of each other's roles and responsibilities and that they work together to find a solution that suits the particular circumstances of each encampment. That avoids the potential for confusion and for frustration on the part of local residents who may feel that nothing is being done. It also avoids the potential risk of inappropriate action being taken because a blanket approach is being adopted, which may be appropriate in one case but not in another.

Mr. Duncan: The Minister keeps referring to the good practice guidelines, almost as though his guidelines supersede the law. Does he agree that if the law allows the police to take action, that action should be taken, not just permitted to be taken?

Mr. Raynsford: I would not wish to take away from the police operational responsibility for deciding when it is appropriate to take that action. It would be inappropriate for Ministers to try to interfere in that way. What I do believe is that it is right that the police should have the powers to take action where they believe that it is appropriate, and that the police should be in close liaison with local authorities to establish the protocols that I have described governing how they will respond in difference circumstances. If there is that understanding, it is possible for both the police and local authorities to respond quickly, to give clear messages to reassure local residents, and to avoid confusion about who is using the available powers, how they are proceeding and any other relevant matters that need to be covered. As I said, regular liaison between the police and local authorities is vital if the policy is to work successfully.

My hon. Friend the Minister of State, Home Office is hosting a series of regional seminars, primarily for police and local authority representatives, which are aimed at promoting better joint working between the police and local authorities in managing unauthorised camping, particularly where criminal or anti-social behaviour is associated with the encampment. He has made it clear that he expects police powers to remove trespassers to be used at an early stage, where necessary. I hope that that gives the hon. Member for Rutland and Melton the reassurance that he seeks. We are clear that the police should use their powers where they consider it appropriate to do so.

It is for local authorities, working with all the relevant agencies, including the police, to develop policies for managing unauthorised camping which best suit local circumstances. In doing so, they will be taking into account existing circular advice, case law and the joint DETR-Home Office good practice guidance. Local authorities need to ensure that they can convince the courts that eviction is necessary and justified, given the circumstances of each case. We want all local authorities to take a fresh look at their policies on unauthorised camping in the light of the good practice guidance, and I hope that Adur district council is taking that opportunity.

Eviction of a large number of travellers inevitably raises the question of where they will go when they are evicted. I have much sympathy with local authorities that are faced with such large encampments, which can cause awful problems for local people. It would clearly be unrealistic to expect individual local authorities to be able to offer suitable authorised accommodation to so many people on a long-term basis, although our good practice guidance encourages local authorities to be receptive to the idea of providing sites for travellers, perhaps on council land, where that is feasible and in accordance with local needs. As I said earlier, site provision should be part and parcel of a local authority's overall strategy for managing unauthorised camping.

I appreciate that the provision of sites for travellers is a difficult issue for local authorities to deal with, and that it requires a tremendous level of local political will to get proposals agreed. However, it can be done. I understand that Brighton and Hove council, for example, recently started work on a site for travellers at Horsdean, in line with the advice in our good practice guidance. My Department's circular 1/94 entitled "Gypsy Sites and Planning" makes it clear that local authorities should include policies in their development plans which meet the accommodation needs of gypsies in their areas. It was therefore disappointing to discover that the Adur district plan specifically states that the provision of further sites will not be permitted.

[Mr. Raynsford]

Nothing in the circular prevents local authorities that have identified a need for sites for other travellers from looking sympathetically at such proposals, and considering whether site provision would be a more pragmatic option than eviction. Brighton and Hove council appears to have done just that.

I hope that the hon. Member for East Worthing and Shoreham feels able to reassure his constituents that the Government take this problem very seriously, that we are committed to ensuring that unauthorised camping can and will be dealt with effectively and sensitively, in line with good practice, and that we are determined that anti-social or criminal behaviour by travellers, or by anyone else, will not be tolerated.

The hon. Member for Rutland and Melton raised several other issues. He asked whether there were different rules relating to social security benefits. As I did not have notice of his questions, I hope that he will appreciate that I shall have to write to him on those issues to ensure that he has a full and thorough answer. I also hope that he recognises our determination to ensure that people who cause a nuisance to others and whose behaviour is unacceptable do not enjoy the benefit of the tolerance of the agencies of society that ensure that the law is enforced, whoever is involved. Whether they be travellers or members of the settled community, the law applies to all of them. I hope that these policies will work, will continue to be used and will ensure an effective outcome—

Mr. Garnier *rose—*

Mr. Raynsford: I hesitate, because I was about to finish my speech. I shall resist the good practice guidance that tells me I should sit down, and I shall give way briefly and finally to the hon. and learned Member.

Mr. Garnier: I am extremely grateful to the Minister. I simply want to draw his attention to the fact that, even under the Labour Government, good things have happened. He and his Home Office colleagues may wish to consider the anti-social behaviour orders in this context.

Mr. Raynsford: I endorse that point. We introduced the concept of anti-social behaviour orders as a means of tackling these problems. We want the police and local authorities to work together. I hope that in Adur district and in other areas, the police and local authorities will consider how to use those powers as an additional weapon. It is not their only weapon, and I have no doubt that Adur district council had good reason for deciding on its course of action. I cannot say more, as the matter is due to be considered in the courts. Anti-social behaviour orders have an important role among the armoury of weapons available for tackling anti-social behaviour, and I am glad that the hon. and learned Gentleman made that point.

We have thoroughly gone through this difficult and controversial issue, which causes a disproportionate amount of anxiety to many people. We must provide policies that achieve a proper balance between effective action to tackle nuisance and a respect for the rights of individuals. People are entitled to a life style that involves movement from one area to another rather than being settled in one area. However, that is no excuse for anti-social behaviour: we will have no truck with that. I hope that I have reassured hon. Members that the Government are determined to put effective policies in place to deal with this problem.

Question put and agreed to.

Adjourned accordingly at twelve minutes to Nine o'clock.

House of Commons

Tuesday 11 May 1999

The House met at half-past Two o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

Oral Answers to Questions

ENVIRONMENT, TRANSPORT AND THE REGIONS

The Secretary of State was asked—

Council House Sales

1. **Mr. Phil Sawford** (Kettering): If he will list the moneys held by local authorities from the sale of council houses. [82779]

The Minister for Local Government and Housing (Ms Hilary Armstrong): My Department collects figures for housing receipts, primarily from the sale of council houses, annually; but, it is not possible to distinguish separately amounts held by an authority at a given date in terms of accumulated housing and other receipts. I shall place in the Library of the House the relevant figures for each local authority for the last financial year.

Mr. Sawford: I thank my right hon. Friend for that answer and welcome the Government initiative to release some of those capital receipts. How is the money that has been released being used, and what impact has that had on existing housing stock throughout the country?

Ms Armstrong: Hon. Members will remember that, in the comprehensive spending review, the Government announced that, during the lifetime of this Parliament, an extra £4.7 billion would be provided through the capital receipts initiative to improve council houses. Nearly £1.4 billion has already been allocated and used to carry out practical and important work, such as improving bathrooms and heating systems and supplying new windows. In that way, we can ensure that all people, no matter what sort of house they live in, have a decent house that they can make into a home.

Mr. James Gray (North Wiltshire): The Minister carefully speaks about improving council houses and so on, but she should remember that 250,000 new social housing units were built under the previous Conservative Government, whereas 23,000 have been built in the first year of the Labour Government; I understand that 130,000 are planned during the lifetime of this Parliament. Does she agree that that is a disgraceful record on providing new social housing? If capital receipts are to be used, cannot they be used to build new houses?

Ms Armstrong: The programme for new build of social housing continues where it is needed, but the Conservative Government left a shameful record of deterioration of perfectly good houses because they did not like the people who lived in those houses. That was a disgrace and we are going to put it right.

Mr. Barry Jones (Alyn and Deeside): Does my right hon. Friend know how many jobs are created when moneys of the order that she describes are released? Does she agree that a warm, draught-proof and dry house that has been modernised is a priority for every one of our citizens? My councillors are glad of the moneys that have been released, but they urge me to ask the Government for a little more such money.

Ms Armstrong: We are doing what we can to increase and improve the housing programme. In addition to the capital receipts initiative, we have recently initiated new pathfinder programmes for private finance in council housing. I know that several hon. Members are grateful for those initiatives, which have resulted in more people being employed in the building industry. Crucially, more of those people are being trained, so we shall once again have a building industry that is able to employ the unemployed and increase the skills of many people who live in council houses.

Integrated Transport Strategy

2. **Mrs. Ann Winterton** (Congleton): What assessment he has made of the role for the car in the integrated transport strategy; and if he will make a statement. [82781]

The Minister of Transport (Dr. John Reid): The integrated transport White Paper sets out our assessment of the role of the car in our integrated transport strategy and the ways in which the Government will tackle the legacy of congestion, deteriorating road infrastructure and pollution left by the previous Government.

Mrs. Winterton: Will the right hon. Gentleman acknowledge that motoring remains the most popular form of transport; and that, for many in both rural and suburban areas, a car is essential to daily life? How best can he ensure that the car is taken into consideration within the wider transport system, so as not to deny the freedom and personal mobility it brings? Will he ensure that car access is not restricted in any way until a meaningful alternative in the form of a public transport system is in place?

Dr. Reid: We accept fully that the car remains a necessity for many people. It would be entirely unrealistic to envisage that the car will not remain the dominant method of private transport in rural and urban areas over the next three decades. However, unlike the previous Government, we want to present real transport choices that people want. We aim to develop public forms of transportation. That is why we have allocated an extra £150 million for buses in rural areas, why we spend nearly £300 million a year on the bus fuel duty rebate, and why we increased the rural challenge in the last Budget. In transport, as in so many other fields, the Government are the champion of rural areas.

Mr. Richard Burden (Birmingham, Northfield): Does my right hon. Friend agree that, while we recognise the

value of the car for journeys appropriate to that mode of transport, it is important to discourage the use of private cars for inappropriate journeys? Does he agree also that we should welcome the European motor manufacturers' voluntary agreement to reduce CO_2 emissions by 25 per cent? They should be encouraged in that endeavour and asked to do more.

Dr. Reid: As my hon. Friend says, the car has brought to generations of people increased ... bility, social experience and convenience. That is beyond doubt. It is also beyond doubt that, if we do nothing, future generations will not reap the benefits of car ownership that were extended to previous generations. That is why, while protecting the right to car ownership, we are attempting to persuade people to use their cars differently. We realise that we can do that effectively only if we give people a real choice. That is why the Government strongly support public forms of transportation.

Mr. Matthew Taylor (Truro and St. Austell): The Minister will agree that the Government must sort out their catastrophic inheritance as a result of the Conservatives' privatisation of the railways. Do we not require legislation for the Strategic Rail Authority? Will the Minister confirm that it is realistically too late to hope to see such legislation in this parliamentary Session? Can he confirm further that the Government do not intend to legislate for the Strategic Rail Authority until the next parliamentary year?

Dr. Reid: No, I will not confirm that. We obviously want to introduce transport legislation as soon as possible, including legislation for the Strategic Rail Authority. If the hon. Gentleman and others on the Opposition Benches can encourage those in the other place to accept the working time directive that we are extending to them, in order to give them a rest after 600 years of making decisions while being elected by no one, we shall be able to introduce legislation for the Strategic Rail Authority in this session.

Mrs. Anne Campbell (Cambridge): Will my right hon. Friend do all that he can to encourage the privatised rail companies to provide good access not only to car parking, but to a regulated taxi service? When the Under-Secretary, my hon. Friend the Member for Hampstead and Highgate (Ms Jackson), visits my constituency—which she will do in the next few weeks—will he ensure that she takes the time to observe the problems that passengers experience when arriving at Cambridge railway station, which does not have good access to a regulated taxi service?

Dr. Reid: I certainly hope that the points my hon. Friend makes will be noted not only by the new head of the Strategic Rail Authority, but by the companies themselves. Access to safe and secure car parking at railway stations is part of an integrated transport policy. That is why I am glad that, following the last Budget, we were able to announce considerable investment in closed circuit television for car parks, including those at railway stations. As to my hon. Friend the Under-Secretary, I am sure that my hon. Friend the Member for Cambridge (Mrs. Campbell) will understand if I refrain from dictating her hour-to-hour programme on any visit. I am sure that my hon. Friend the Under-Secretary has heard my hon. Friend's comments.

Mrs. Gillian Shephard (South-West Norfolk): Hon. Members will have listened with some incredulity to the right hon. Gentleman's claims for his integrated transport policy. It is true that he has come fairly late to his post, but will he not admit that all his Government have to show for two years of talking about an integrated transport policy are cuts in road improvements, cuts in investment in public transport, a failure to legislate and 100 glossy publications about transport? The Government's actual transport policy has taxed off the road working people—particularly the elderly and those in rural areas—and all those not fortunate enough to have access to helicopters and two Jaguars.

Dr. Reid: I am sure that I speak for the whole House when I say how much we regret the fact that the right hon. Lady's friendly face will not be seen on the Opposition Front Bench for much longer. Considering the companions with whom she has to share breakfast round the kitchen table, it is understandable that she wishes to join the real world outside.

We have made it clear that the worst and most anti-car policy would be that adopted by the Conservative Government—to do nothing. We outlined a range of measures in the White Paper to assist motorists. For example, we intend to make it easier for people to buy the new car of their choice, including those not type-approved by the European Union, by removing the current numerical limit on commercial imports of cars. Many people feel that it is a disgrace that our motorists have to pay so much more than those on the continent for cars.

Ms Rosie Winterton (Doncaster, Central): My right hon. Friend is aware of the misery that is caused to thousands of car owners by the activities of cowboy wheel-clampers. He is also aware of the welcome given by motoring organisations to the Home Office's promise to do something about regulating the industry. Is he aware that there is concern that the current proposals may not be strong enough? Will he agree to convene discussions with the Home Office, the police, motoring organisations and the respectable arm of the wheel-clamping industry so that we can take tough measures to put an end to the preying on unsuspecting motorists by those modern day highway robbers?

Dr. Reid: There will be considerable sympathy with my hon. Friend's points. My colleagues in the Home Office are already taking action on the issue. I do not want to usurp their prerogative by convening a meeting, but I shall discuss the issue with them.

Fuel Poverty

3. **Mr. David Rendel** (Newbury): What steps he has taken to end fuel poverty among pensioners. [82782]

The Secretary of State for the Environment, Transport and the Regions (Mr. John Prescott): The hon. Gentleman will recognise that, although Britain does not have one of the coldest climates in Europe, it suffers the highest rate of deaths caused by the effects of cold and hypothermia. There were 30,000 last year. That is unacceptable. That is why we cut the VAT on fuel that the previous Government imposed. We have increased the winter fuel payment by 500 per cent. from £20 a year to £100. Today, we have published our consultation

proposals for the new home energy efficiency scheme, which will provide warmer homes for pensioners on low incomes. We believe that that will make a real difference.

Mr. Rendel: We welcome the increase in the home energy efficiency scheme, for which we have been pressing for a long time, but should not the Government consider two further measures? First, they should reduce VAT on energy insulation materials to 5 per cent. across the board. Secondly, to integrate properly across Departments, they should accept the Health Care and Energy Efficiency Bill, which is coming back to the House on Friday and which they have previously opposed. It will ensure that the health services are involved in the issue and made to play their part in avoiding pensioner fuel poverty.

Mr. Prescott: The hon. Gentleman makes two sound points. We are involved in consultation with the Department of Health on how we can help in the production of the Bill and improve it. We have made a considerable contribution to reducing fuel bills. Under the old scheme, they would have been reduced by approximately £45 a year. Our measures will lead to a reduction of £1,000 a year, which is a considerable advance.

Mr. Andrew F. Bennett (Denton and Reddish): Does my right hon. Friend accept that there are hundreds of thousands of pensioners whose homes are still very poorly insulated? Their heating raises the temperature of their neighbourhood far more than it raises the temperature of their homes. Will he confirm that the regulations relating to this morning's announcement will ensure that all such people will be eligible for proper grants for complete home insulation, even if they have had a partial grant in the past? It has been a ridiculous anomaly for a long time that people who have had small draught-proofing schemes are not eligible for cavity wall insulation and proper loft insulation.

Mr. Prescott: My hon. Friend's point is sound. Those who were receiving partial grants were about only 2 per cent. of the total, and we are wiping the slate clean and making the grants available to all. We estimate that about 3.6 million households will be eligible for them, and our proposals for the first two years will directly affect about 500,000 of them.

Mr. Simon Burns (West Chelmsford): Will the right hon. Gentleman accept that the Opposition welcome his announcement this morning? However, given the overall scale of fuel poverty in this country, why will not he support the all-party warm homes campaign, which he and his hon. Friends fully supported in opposition?

Why are the Government seeking to redefine fuel poverty by excluding 5.5 million homes from a strategy to eradicate it? Does not the exclusion of those homes give a whole new meaning to the term social exclusion?

Mr. Prescott: It is a bit much for the hon. Gentleman to be concerned about the campaign for warmer homes when the Conservatives doubled VAT on fuel. I am pleased that he welcomes the 500 per cent. increase in cold weather payments, from £20 to £100, which was made by this Government, not the previous Administration. The changes that we now propose will immediately benefit 500,000 people and will be targeted to help individuals in private homes rather than people in social housing, who will be helped by the £3.6 billion of capital receipts.

I am sad to hear that the right hon. Member for South-West Norfolk (Mrs. Shephard) will be standing down from the Opposition Front Bench, but looking around her and hearing the latest contributions from those who are jockeying for her position, it is hard to find anyone with a face that is younger or fresher than hers who is able to match her ability.

Mr. Bill O'Brien (Normanton): I congratulate my right hon. Friend on his comments about the Government's action to end fuel poverty for many people throughout the country.

I suggest that social exclusion, to which the hon. Member for West Chelmsford (Mr. Burns) referred, was caused by the previous Government denying local authorities the chance to build old people's homes and bungalows. That means that there is now greater demand for old people's accommodation. In my constituency, old people living in a three-bedroomed house are paying £16 a week for fuel because their home is too large, and there is a shortage of bungalows and old people's accommodation.

Will my right hon. Friend take action to encourage local authorities to build more such accommodation, and to encourage the lettings programme, thus ensuring that old people in large houses will be transferred to more suitable accommodation, allowing them to escape from the fuel poverty in which they are now trapped?

Mr. Prescott: I agree with my hon. Friend. We have a couple of pilot schemes that are dealing with those particular problems and seeking solutions. However, when I hear Opposition Members talking about the sale of council houses, I am bound to say that the greatest indictment of the Conservatives is that they accumulated between £4 billion and £5 billion in housing receipts and did not allow local authorities to use them to deal with the problems to which my hon. Friend referred.

Road Building Programme (Essex)

4. **Mr. David Amess** (Southend, West): What recent representations he has received about the road building programme in Essex. [82783]

The Minister of Transport (Dr. John Reid): My right hon. Friend the Secretary of State has received various representations about aspects of road building and associated transport issues in Essex.

Mr. Amess: The delays in completing the M11 link road are an absolute disgrace—for which I blame the Government—and Labour's partners, the Liberal Democrats, suffered huge reverses in Southend, West on Thursday as a result of their road-building policy. How does the Minister expect us to maintain any roads in my constituency when we have suffered a 12 per cent. cut in road maintenance as a result of the Government's policy? What exactly have the Government done since 1 May 1997 to ease traffic congestion in Southend, West?

Dr. Reid: One road into Southend certainly seems to have been effective—the road from Basildon.

As the hon. Gentleman will know, we have adopted a policy of targeting roads for schemes that have been not only costed, but funded, unlike the fantasy football league wish list produced by the last Government. I would have thought that the hon. Gentleman would welcome the Government's decision to provide £92 million for the A130 in Essex. That is largely—although not exclusively—a result of the efforts of, among others, my hon. Friend the Member for Castle Point (Mrs. Butler), who has made a much more constructive contribution to the Essex infrastructure than the hon. Gentleman.

Mr. Andrew Mackinlay (Thurrock): Southend, and Essex generally, will benefit from the new A13; but will the Minister ask his Department to examine the impact of the new road as it crosses from Thurrock into the London boroughs, where there is considerable congestion, partly as a consequence of the improved road structure? Additional road traffic management schemes could provide greater mobility not only for commuters, but in the important corridor to the Thames gateway and the industrial areas on the river frontage. There is a problem on the London borough boundary, and I hope that the Minister will get his Department to look at it—at minimal cost.

Dr. Reid: Everything that we do is done at minimal cost, to the benefit of the taxpayer.

Of course I will examine the problem. My hon. Friend has made a good point. We have been contributing to an integrated transport policy in Essex, using radical but rational criteria for road building, as we have elsewhere in the country. It must be said that we have not always been helped by a Tory regime in Essex—the Tory regime that cut education spending to £3 million below the Government's recommended level, knocked £8 million off the social services budget and increased school meal charges by 15 per cent. The whole House will welcome the news that that Tory administration was toppled this morning, and that there is now a Labour leader.

Sir Teddy Taylor (Rochford and Southend, East): Is the Minister aware that it is a nightmare trying to persuade firms to establish themselves in Southend-on-Sea, where unemployment is relatively high? The problem is particularly bad in Shoeburyness. It takes about half an hour to get outside the town, because of traffic congestion. I realise that many areas suffer from congestion, but will the Minister persuade his Department to look at the congestion in Southend to see whether it is worse than the average, and whether there might be a case for a ring road? That would greatly ease all our problems.

Dr. Reid: I speak from memory, but I believe that some years ago, there was a plan for a Rochford bypass in the hon. Gentleman's area. I think—again, I speak from memory—that the scheme was withdrawn because the last Conservative Government refused to make funds available, or at least were extremely unlikely to do so. I assure the hon. Gentleman, however, that since then Southend, and Essex as a whole, have been promoting more sustainable transport measures as part of the south-east Essex transport package. I am glad to say that my Department has supported that for the last four years, under both Conservative and Labour Governments.

Opencast Mining

5. **Dr. Nick Palmer** (Broxtowe): What the response has been to the new guidance on opencast mining from groups who submitted comments during the consultation phase. [82784]

The Minister for the Regions, Regeneration and Planning (Mr. Richard Caborn): The Council for the Protection of Rural England has written welcoming the new guidance. We have not as yet received any other responses since the guidance was published on 31 March.

Dr. Palmer: As my right hon. Friend will know, there are cynical people out there who tend to have doubts about consultation exercises. When he announced the consultation on mineral planning guidance note 3, a number of my constituents expressed doubts about whether that was genuinely meant. May I pass on the congratulations of many constituents? They were pleasantly surprised by the open-mindedness and creativeness of the Department in responding to their comments and in producing guidelines that are seen as balanced, fair and a good basis for the future.

Mr. Caborn: I thank my hon. Friend for those comments. It was an extremely good exercise, and I welcome the constructive comments on the guidance from Opposition Members who have problems with opencasting in their constituencies. I thank the House generally for the constructive approach to the consultation, which produced a welcome solution to the problem of opencasting. The fact that we arrived at a solution with the support of some Opposition Members is a credit to the House.

Single Regeneration Budget

6. **Mr. Alan Johnson** (Hull, West and Hessle): If he will make a statement on the single regeneration budget for Yorkshire and Humberside. [82785]

The Parliamentary Under-Secretary of State for the Environment, Transport and the Regions (Mr. Alan Meale): The single regeneration budget—SRB—provides resources to support regeneration initiatives carried out by local partnerships. The SRB in Yorkshire and Humberside is now managed by the Yorkshire and the Humber regional development agency. It is considering 22 final bids for round 5, and will make recommendations to Ministers, who will take final decisions around the end of June this year.

Mr. Johnson: With respect to the competitiveness of businesses in the Yorkshire and Humber region, does my hon. Friend agree that the emphasis in SRB programmes needs to be placed on measures to improve learning in the work force, and on better links between businesses and the further and higher education sector?

Mr. Meale: My hon. Friend is right. The Government are committed to giving everyone the opportunity to have a stake in society through better education and training. We must all develop and sustain a regard for learning at any age.

Mr. David Curry (Skipton and Ripon): Will the Minister have regard to the importance of making sure

that the various funding flows—national and European—that contribute to regeneration are properly co-ordinated, integrated and prioritised? To that end, does he recognise the importance of the difficult circumstances in the rural uplands, particularly in North Yorkshire, and will he make sure that, when objective 2 designation for the rural strand is agreed, it will include all the areas currently under 5b? The situation in the hills is desperate, with a whole society in crisis.

Mr. Meale: The right hon. Gentleman is correct. In rounds 1 to 4, Yorkshire and Humberside got co-ordinated investment income of £242 million and an SRB direct contribution of £52 million. The new regional development agencies must pay due regard to the needs of rural areas.

Housing

7. **Mr. Desmond Swayne** (New Forest, West): What measures he is taking to encourage local authorities to transfer their housing stock to housing associations. [82786]

The Minister for London and Construction (Mr. Nick Raynsford): Our guidance on local authority housing strategies makes it clear that housing transfer is one of the options that an authority should consider when developing its strategy. However, we would not seek to encourage authorities to pursue transfer where it appears inappropriate or where a majority of tenants oppose it.

Mr. Swayne: As a result of the changes that the Government introduced to the scheme last year, New Forest council will have to pay out £7 million for disposing of its stock—£7 million that would otherwise have been available to improve the life of tenants in the New Forest area. Can the Minister justify that? Will he undertake to review the 8 per cent. charged by his Department, as that is no longer consistent with market rates?

Mr. Raynsford: This year, we have the largest programme ever of authorities seeking transfer, so the financial circumstances are not such as to put them off. The hon. Gentleman is a little out of date. Is he not aware that we have already announced that we are reducing the 8 per cent. discount rate to 7 per cent?

Mr. Peter L. Pike (Burnley): Is it not right to emphasise the point made by my hon. Friend the Minister that all housing stock transfers must receive the approval of the tenants concerned? Is it not important to remember that, in some cases, it will enable local authorities to tackle both their private sector and their public sector problems better if such approval is given? In councils such as Burnley, with low-value properties, there will be a residual debt problem, through no fault of the authority. Has that yet been overcome?

Mr. Raynsford: My hon. Friend makes an extremely valid point about the importance of keeping tenants closely involved and securing their support for any proposal for transfer. What a contrast with the previous Government, who introduced a botched and rigged voting system for their infamous tenants' choice scheme. It was designed to imply that anyone who did not vote was in favour. That sort of gerrymandering has no place in this Government's approach.

I say to my hon. Friend that we are looking closely at the issue of overhanging debt, which we recognise is important. We are conscious of it and are seeking to make progress in ways that will help authorities such as his.

Mr. Nigel Waterson (Eastbourne): Will the Minister confirm that the Government have recently approved the transfer of no fewer than 130,000 homes? Given his acceptance in an earlier answer that that is a record for large-scale voluntary transfers, will he also confirm that, as long as the Government are still casting around for their own distinctive housing policy, they will continue to apply proven Conservative housing policies such as LSVT?

Mr. Raynsford: I will do no such thing, but I will confirm that the Government are pursuing housing policies that are designed to respond to the needs of the country and to the aspirations of tenants. I have referred to the very real difference between our attitude and that of the hon. Gentleman's party, which took tenants for granted and tried to impose voting systems that were an absolute caricature of tenant consultation. We are determined to ensure that housing needs are met through the release of additional resources, to which my right hon. Friend the Minister for Local Government and Housing has already referred, through the comprehensive spending review.

Dr. Brian Iddon (Bolton, South-East): Does my hon. Friend agree that, under the previous Administration, stock transfers from councils to housing associations were not always in the best long-term interests of the tenants? They drove rents even higher than they drove up council rents; they did not foster tenant involvement in the housing association sector, which they did in the council sector; and they paid no attention to management costs, from the chief executive's salary downwards. Will he assure the House that this Government will take heed of those matters?

Mr. Raynsford: My hon. Friend makes an extremely fair point and highlights the extent to which the previous Government drove rents upwards in a way that led to extreme poverty for many tenants and increased the poverty trap. That is why this Government are pursuing a policy to ensure that there is moderation in rent increases for social housing and are seeking to ensure that tenants have genuine choice when they choose their appropriate future home. That is a principle on which the Government will continue to operate.

Rural Bypasses

8. **Mr. Peter Luff** (Mid-Worcestershire): What plans he has for the funding for rural bypasses in 2000–01. [82787]

The Minister of Transport (Dr. John Reid): Construction is due to begin on five rural bypass schemes in our targeted programme of improvements in 2000–01.

Mr. Luff: The Minister can no longer take decisions on bypasses in Scotland, although he represents a Scottish

constituency, but he remains the prime authority for decisions on funding for bypasses in England and in Worcestershire. May I seek an assurance from him that there will be large and adequate sums of money available to fund the construction of the urgently needed bypasses in the English shire counties, such as the Wyre Piddle bypass? The need for an improved environment and increased road safety was tragically demonstrated by the serious accident there only last week.

Dr. Reid: I am delighted that I was able to announce 15 bypasses within two days of having the honour of becoming a Minister at the Department of the Environment, Transport and the Regions—three times more than the Conservative Government announced in the previous three or four years. The hon. Gentleman referred to the Wyre Piddle bypass. I am aware of the tragic accident of 28 April, which the police are investigating, and, as he will know, his own county council may submit an application under its local transport plan, which is due in July.

Mr. Bob Blizzard (Waveney): Will my right hon. Friend confirm that, where there was no alternative, the Government would support the building of bypasses for small rural market towns? One such case is Bungay in my constituency, where, every day, many trucks from Bernard Matthews—a major East Anglian employer—simply have to squeeze their way through the ancient and narrow streets of Bungay because there is no alternative route to the processing factory 10 miles to the south. Would it not be a major improvement for the environment of Bungay if a bypass were built?

Dr. Reid: I congratulate my hon. Friend on his clever question. He will understand if I agree only with the general proposition; that, where there is no alternative, we will look at the creation of bypasses. That is why we have created more than the previous Government. I am pleased to say that five of the seven schemes in our targeted programme of improvements to start in 2000-01 are rural bypasses. I shall restrain myself from commenting on the specific merits of Bungay and associated roads in the area.

Mrs. Eleanor Laing (Epping Forest): Is the Minister aware of the enormous damage that is being done to the environment—particularly the ancient trees of Epping Forest—as a result of the amount of traffic that is passing through the forest because of the cancellation of the planned north-facing slip roads at junction 5 of the M11, which would have created, effectively, the Epping bypass? Given the new evidence of the vast environmental damage being done to those protected trees, which have been there for more than 150 years, will the Minister reconsider his decision not to build the north-facing slip roads, and build them?

Dr. Reid: I am always grateful for all information given to me by the hon. Lady on arboriculture. She would not expect me—however convincing her one-minute question might have been—suddenly to announce a change to the complete roads programme of Britain.

Road Haulage Industry

9. **Mr. Gareth Thomas** (Clwyd, West): When he last discussed the problems facing the road haulage industry with representatives of the industry. [82788]

The Minister of Transport (Dr. John Reid): I frequently meet the road haulage industry associations. For instance, on 27 April, I met a number of individual hauliers and held informal talks with the director-general and president of the Freight Transport Association. On the same day, I met the director-general of the Road Haulage Association. I very much look forward to meeting the industry tonight as the guest of honour at the Road Haulage Association dinner.

Mr. Thomas: May I express support for my right hon. Friend's policy of promoting dialogue with the industry, rather than the confrontation pursued by certain groups within the industry, not to mention by the Conservative party? However, does he accept that the significant increases in fuel duty have imposed burdens, particularly on smaller road hauliers in more remote areas; including the successful company in my constituency, L. E. Jones International? Does he take those concerns to heart, and will he redress that problem?

Dr. Reid: One of the reasons why we have established the road haulage forum is to address issues such as those raised by my hon. Friend. We will be looking at all issues, particularly competitiveness and matters affecting it. As far as his support for dialogue rather than disruption is concerned, I fully support that, and I hope very much that that is shared by everyone attending tonight's dinner.

Mr. Nicholas Winterton (Macclesfield): If the Minister met representatives of the road haulage industry in my constituency—I have some big road haulage companies which operate not only nationally, but internationally—one of the road projects that they would like to see included in a roads programme would be the Poynton bypass—*[Interruption.]*

Madam Speaker: Order. We are dealing with road haulage matters. I know that the hon. Gentleman tried to get in on an earlier question, and was not successful.

Mr. Winterton: The question refers to

"the problems facing the road haulage industry"

one of which is the problem of inadequate roads. In that particular area, there are grave problems with the road infrastructure, not least because the second runway at Manchester airport is shortly to be opened—*[Interruption.]*

Madam Speaker: Order. The hon. Gentleman is Chairman of the Procedure Committee, so I think that he knows better than that. Would the Minister like to answer about the road in that area, and not get on to Manchester airport?

Dr. Reid: I am deeply grateful to the hon. Gentleman for preparing me with that information for the Road

Haulage Association dinner that I shall attend later tonight, for any future aviation dinners and for any Conservative association dinners in his constituency.

Mr. Derek Wyatt (Sittingbourne and Sheppey): Will my right hon. Friend also take into consideration hauliers in Kent, particularly in north and east Kent, who are suffering from the cheap costs of fuel in France? Will he give some thought to the fact that Customs and Excise has the right to charge fuel duty as drivers come into this country? Where is he with the current discussions with road hauliers?

Dr. Reid: The first meeting of the road haulage forum took place on Thursday 8 April. The Freight Transport Association said that it was

"very impressed and encouraged by the will, intent and urgency of the Forum to get to grips with our industry's problems without delay."

Further meetings of officials were held last Friday; more will take place this week and next week. I expect the next meeting of the forum to take place as soon as it is practicable, probably towards the end of this month, so we are addressing the issues seriously. We do take the industry's representations very seriously, but we have said that there is over-capacity in the industry.

It is doubtful whether all the industry's ills can be laid at the door of one or two particular aspects, but we take them all seriously and we will continue our fruitful discussions with the industry. I hope that the whole road haulage industry will accept that dialogue is the fruitful way forward—as everyone else agrees—rather than disruption and inflicting yet more punishment and inconvenience on the general public.

Mr. Bernard Jenkin (North Essex): It has been a privilege to serve under my right hon. Friend the Member for South-West Norfolk (Mrs. Shephard)—may I get that in first? May I also point out how welcome it is that the right hon. Gentleman has given up misusing the KPMG report on these occasions?

Following the Secretary of State's pitiful performance at the Freight Transport Association dinner last month, may I welcome the fact that it is the Minister of Transport who will be addressing the Road Haulage Association dinner this evening, not the Secretary of State? However, if the Minister wants dialogue and not disruption, will he tell the House what the road haulage forum is meant to achieve? Why the delay? When is the next meeting and what is the agenda?

Dr. Reid: May I say in reciprocation that it is a great honour and privilege to serve under my right hon. Friend the Deputy Prime Minister? With all due respect to the right hon. Member for South-West Norfolk (Mrs. Shephard), I think that I have gained more from that experience than the hon. Gentleman has from his.

On the road haulage industry, two formal meetings of the forum, three meetings of officials, a separate meeting with the Freight Transport Association, plus another meeting 10 days ago with the Road Haulage Association—all in a period of six weeks—can be called many things, but it can hardly be called sluggish. The hon. Gentleman knows fine and well what is being discussed at the forum. We are covering the range of issues that the hauliers themselves wish to raise to ascertain the facts pertaining to the competitiveness of the industry, and those factors that influence it.

We have made it plain that we are not going to unpick political decisions that have already been made because a gun is held to our head. The forum is part of the continuation of discussions that we have with road hauliers and the Freight Transport Association, but we have made it equally plain that, if we can come to some agreement on the facts of the case, that will be useful in informing the future decisions of all parties.

Crossrail Project

10. **Mr. Mike Gapes** (Ilford, South): What representations he has received about the crossrail project. [82789]

The Secretary of State for the Environment, Transport and the Regions (Mr. John Prescott): We have received a number of representations from hon. Members and hon. Friends, mostly on behalf of individual constituents and local authorities.

Mr. Gapes: I am grateful for that reply. Does my right hon. Friend agree that a fast rail link from east to west London, including Stratford to Paddington, would not only take a great deal of pressure off the underground system—the District, Circle, Metropolitan and Central lines—but greatly benefit those who live in one side of London, but work in the other, and the many millions of visitors to our capital city?

Mr. Prescott: My hon. Friend makes a fair case for crossrail. However, we have not cancelled the project—although the previous Administration said that it should not proceed any further. The crossrail route has been protected, and we have taken all measures necessary to ensure that it is available when a decision is taken on the project. I should say that that decision is more likely to be made by the London mayor and assembly.

Mr. John Wilkinson (Ruislip–Northwood): Does not the prospect of road-user and workplace car-parking charges make it more important than ever that effective public transport links—from the west into London, and to the east—such as crossrail, be instituted? Is not the real problem that the Administration have been unable to build public-private partnerships in selling London Underground leases, so that its capital budget is so constrained that money is just not available?

Mr. Prescott: Most people will recall that, under the previous Administration, an assessment of various transport links—to the north, south, east and west, and crossrail—was made, and that a good case was made for building all the links. However, a choice had to be made. The previous Administration chose to build the Jubilee line extension; we are choosing to create a public-private partnership for London Underground, and that programme is on time. We are currently in the pre-qualifying period and inviting bidders. We shall, by autumn 1999, issue invitations to tender, and those tenders should be returned by spring 2000. Progress on the programme is continuing, as stated to the House.

Road and Canal Transport

11. **Mr. Michael Fabricant** (Lichfield): If he will make a statement on the integration of road and canal transport. [82790]

The Parliamentary Under-Secretary of State for the Environment, Transport and the Regions (Mr. Alan Meale): A key message of the integrated transport White Paper is to ensure that all forms of transport, including waterways, work well together, and that each is able to make its maximum contribution.

Mr. Fabricant: In practice, that "key message" is a load of old tosh. Is the hon. Gentleman aware that, as planned, the Birmingham northern relief road would cut the Lichfield-Hatherton canal in half? Is he also aware that the Government inspector said that an overpass or underpass should be provided? Is he further aware that his boss—the two-Jag Secretary of State—overruled the inspector, so that work on the canal cannot go ahead, damaging prospects for canals in south Staffordshire? Does the hon. Gentleman think that that might have had something to do with the fact that both Lichfield district and city councils were won back by the Conservatives? Were not the Government's decisions a disaster, and what will they do in future to ensure that nothing like it ever happens again?

Mr. Meale: Speaking of a load of tosh, I remind the hon. Gentleman that he seems to be at variance with both his Front-Bench colleagues and some of his Back-Bench colleagues, who, only a few moments ago, were supporting not only the road haulage industry, but new roads across the length and breadth of England. I remind him of the 15-month public inquiry on the relief road, at the end of which the Government, in the national interest, took a decision on it.

The hon. Gentleman seems to be at variance also with people in his own area, as the bodies supporting the legal challenge to the relief road have withdrawn their objections. As for the Government's plans, we shall very soon be publishing a daughter document that will take into account all the planning considerations, so that we do not again get into the type of mess that the previous Government left us in.

Mr. Fabricant: On a point of order, Madam Speaker. That was a wholly unsatisfactory answer and I shall raise the matter on the Adjournment.

Madam Speaker: In that case, we must now move on to the next question.

Planning Appeal Procedures

12. **Mr. Bill Michie** (Sheffield, Heeley): If he will make a statement on the proposed changes to planning appeal procedures in Yorkshire and Humberside. [82791]

15. **Mr. Andrew Love** (Edmonton): What is the current position regarding proposed changes to planning appeal procedures in London. [82795]

The Minister for the Regions, Regeneration and Planning (Mr. Richard Caborn): I announced the Government's conclusions on improvements to planning appeal procedures on 31 March. The improved procedures will apply throughout England and are not confined to any specific region.

Mr. Michie: Will my right hon. Friend further consider appeal procedures that cause problems in local authorities? As a classic example, a local authority—Sheffield—refuses a development; the decision is overturned by the Tory Secretary of State; the developer continues; the banking falls down; half a road is demolished; those in housing at the top, which has nothing to do with the development, have to live with an eyesore for three years; local government has no power to deal with the problem; insurance companies play hide and seek; and the developer may go bankrupt. If the Secretary of State overrides a local authority, surely the responsibility resides with the Secretary of State, and not the local authority.

Mr. Caborn: My hon. Friend knows that the Secretary of State's reserve powers are used extremely sparingly: of about half a million planning applications that go through every year, about 120 to 150 are called in. The general principle that successive Administrations have followed is that planning decisions are better taken locally, within a strategic framework, which we are trying to develop at regional and local level.

When my hon. Friend was chief whip on Sheffield city council and involved with the planning committee, he would have been the first to argue for local authorities to have the power to take planning decisions, and I hope that he will be consistent in that approach.

Mr. Love: Unlike my hon. Friend, I welcome the new appeal procedures, which are part of an overall modernisation of the planning system. Given that a new Greater London Authority is to be created, and the complexity of some of the issues in the capital, what does the Department intend to do to modernise the planning system in Greater London?

Mr. Caborn: The exercise in which we have been engaged since we came to office, which was illustrated to the House in our first report on modernising planning, shows that we have taken a systematic approach to the whole question of land use planning. More importantly, we must start linking that with transport and economic planning, to give us a comprehensive planning system that will be applied not only in the regions but in London. The decisions for London will be the responsibility of the mayor and the new authority, but they must be taken in concert with our modernisation of the overall planning programme.

Sir Sydney Chapman (Chipping Barnet): What is the point of giving the Greater London Authority the power to direct a local planning authority in London to refuse a significant planning application, when the applicant will have the right to appeal to the Secretary of State? Would it not be far better to be more radical and give the mayor the power of the Secretary of State to decide planning appeals, except in those significant planning applications that would affect areas outside Greater London?

Mr. Caborn: The new mayor will have to consider the wider concerns of London, not only factoring in the land

use planning but taking an overview. As the legislation clearly states, the final decision lies with the Secretary of State. We are trying to bring a more holistic approach to the whole question of planning, of which land use planning is but one aspect. The London development agency will discuss transport and economic planning with the mayor. We hope that more informed decisions will be reached, to address the overall needs of London and, indeed, of the English regions.

Mr. Barry Sheerman (Huddersfield): Many people throughout the regions warmly welcome my right hon. Friend's changes to planning procedures, but does he accept that much of what he has said about the role of the Greater London Authority applies equally to the regions, which want a strategic role in planning and much else, through the regional development agencies in the interim, but eventually through regional assemblies?

Mr. Caborn: My hon. Friend knows that, through the regional planning guidance, we have instituted an examination in public so that all those issues can be addressed, including the economic impact that the RDAs have at regional level. That agenda will make progress, slowly but surely.

Point of Order

3.30 pm

Mrs. Cheryl Gillan (Chesham and Amersham): On a point of order, Madam Speaker. On 12 February, I tabled a question to the Foreign Secretary and it took him some 82 days to reply—the answer came on 5 May. In fact, that answer is so general that it could have been given at any time. Is that not a disgraceful way to treat the House? Is it in order for a Cabinet Minister, who—on his own admission—does not bother to finish the paperwork, to prove it to the detriment of the House? What redress do we have?

Madam Speaker: I must tell the hon. Lady and the House that it has long been the view of the House that Ministers should endeavour to answer ordinary and straightforward questions within a working week of their being tabled. That guideline is contained in "Erskine May" on page 293. I share the hon. Lady's view that, in this case, the delay has been most unreasonable and I ask all Ministers to take that point to heart for the future. I refer them to "Erskine May", page 293, and I hope that they will follow those guidelines.

Mr. John Bercow (Buckingham): Further to that point of order, Madam Speaker.

Madam Speaker: There can be no further point of order, because I have dealt with the matter.

Control of Fireworks

3.31 pm

Sir Teddy Taylor (Rochford and Southend, East): I beg to move,

That leave be given to bring in a Bill to ban the sale of fireworks to the general public; to provide for a licensing system for firework displays; and for connected purposes.

My object today is to seek the views of the House of Commons on the problem of fireworks and to establish whether Members consider that the answer I put forward in the Bill is the right one. Of course, it is well known that ten-minute rule Bills rarely become law, but my hope is that, if we get a substantial majority for the Bill today, it might persuade this or a future Government to do something about the problem.

First we need to establish whether there is a problem. My view is that we have not only a problem but a nightmare with fireworks. Those of us with elderly relatives, young children or domestic pets will know that, for a period of months around the time of Guy Fawkes night, genuine alarm and distress is caused by fireworks exploding at all times of day or night, sometimes in the early hours of the morning. I reside in the centre of Southend and I also have a flat in London. From the telephone calls that I receive from distressed constituents, the letters that I receive and the representations that I hear in conversation, I gain the impression that the public are fed up to the teeth with the problem and want something to be done. They look to Parliament to take the appropriate action.

Apart from the inconvenience, there is also a safety issue. All sports involve dangers, but we should not ignore the fact that, in 1997, 908 firework accidents were reported, of which about half involved hospital treatment or other medical treatment. The previous year saw three deaths, including that of a 10-year-old boy called Dale, who died after a lit firework was pushed through the letter box in his home in Nottingham. An adult in Kent died of facial injuries after a private bonfire party.

In fairness, Governments of both parties have tried to do something about the problem. However, the difficulty is that all the measures that they have proposed have not worked. We had an active Consumer Affairs Minister in the Conservative Government who, in 1996, said that he would introduce a root and branch policy to sort out the problem. He brought in new regulations, which imposed massive fines of £5,000 for letting off fireworks in the street. He also prohibited the sale of fireworks to people under 18 years of age. However, despite that, in 1997, a third of all the accidents happened in the street and half of the injuries were to children under 15. That policy did not work.

Dramatic measures were proposed by the new Labour Government. The hon. Member for Edinburgh, South (Mr. Griffiths), when he was the new Consumer Affairs Minister, energetically said:

"Firework injuries have soared to unacceptable levels. I am taking tough action to protect the public. Too many elderly people live in fear because of hooligan fireworks."

He proposed a massive publicity campaign and spent £350,000 last year on advertising telling people about the problems. However, none of the proposals made by Government—Conservative or Labour—have worked.

We can either do nothing at all, or do something that will work. The only effective course of action is to make a change to the law that is clear, precise and unambiguous. I propose a total and complete ban on the sale of fireworks to the general public, and on the firing of fireworks by the general public. The Bill would also provide that organisations or individuals wanting to hold firework displays—which can be very exciting—would be permitted to do so only under licence from the local authority or council. Consideration of licence applications would take into account where and on what date such a display was to be held, and its duration.

I am aware that some councils want to be more flexible and liberal in their attitudes. The Bill would allow them to be so, but other areas might take a different point of view. The proposals would resolve the real nightmare of fireworks in an effective and practical manner.

In general, I am reluctant to promote legislation that reduces the freedom of individual citizens, but we should acknowledge that the freedom that people enjoy in relation to fireworks causes genuine alarm, distress and inconvenience to the majority. That is why we have to take action, and as soon as possible. I urge the House to face up to an issue that has been swept under the carpet for far too long, and to support the Bill.

I know that some hon. Members disagree with me. I hope that those who do say so and oppose the Bill, and that they then make their own proposals. We must accept that fireworks are worse than a problem—they are a nightmare. Something must be done to tackle the matter, and I believe that the proposals in the Bill are the only possible answers.

I hope that the House will be able to support my suggestion, and that real and effective legislation will be introduced before too long.

3.37 pm

Mr. Eric Forth (Bromley and Chislehurst): My hon. Friend the Member for Rochford and Southend, East (Sir T. Taylor) kindly invited those who oppose his Bill to say so. In one sense, I am happy to voice my disagreement, but in another it gives me no great joy, as I am a great admirer of my hon. Friend. He and I agree on many matters, but we shall have to disagree on this.

Of course, I understand my hon. Friend's motivation. Who could fail to respond to his warning that fireworks cause injury or even, tragically, the occasional death? My hon. Friend disapproves of that, as do a number of his constituents. However, I part company with my hon. Friend over the disappointing way in which he reaches for the ban and the licensing regime to solve the problem. That is classic old socialism. I should be surprised if new, modern Labour Members were attracted to my hon. Friend's solution, as it closely resembles the old-style, patronising socialism of which we thought that we had seen the back. However, my hon. Friend's Bill in effect patronises the public.

If a habit existed that was harmful to individuals and to society, would my hon. Friend want to ban it outright? Might it not be more appropriate to warn the public about possible dangers, and then let intelligent people make up their own minds? To my mind, that would be the preferred solution, and it is the approach that has been adopted up to now.

My hon. Friend used statistics skilfully but rather selectively. I considered this matter not long ago, and am happy to say that I found that the efforts of successive Governments and Ministers over a period of years had resulted in a fall in the rate of accidents caused by fireworks. That is a result of the assiduous attention of a succession of Ministers, including my hon. Friend the Member for Gainsborough (Mr. Leigh). By informing the public and warning them of the danger, we have caused people to be ever more careful about the use of fireworks.

My argument is also more general. Without much difficulty, we could identify a number of activities that, tragically and unfortunately, cause mishap, injury and even death. In different ways, horse riding, mountaineering, rugby, off-shore boating and flying private aircraft all cause tragedies to occur. People are warned in advance of the danger, and undertake those activities in the full knowledge of the danger. Some of those activities cause danger to more than the participants. For example, brave volunteers go on to mountains or out in Royal National Lifeboat Institution boats.

We do not reach for the ban for those activities. We do not say that, because we disapprove of them or because they can cause injury, we must ban them. That is not the instinctive reaction of the Conservative—at least, I thought that it was not—and that is why I am disappointed by my hon. Friend's suggestion. I was even more disappointed that he went beyond the ban to introduce an old enemy—the licensing regime. A bureaucracy will be set up at the taxpayer's expense to tell people when they may or may not use fireworks in the pursuit of whatever pleasure they get from them. To do so would replace what my hon. Friend called a nightmare with nothing more than another nightmare. That is the wrong response to the problem.

My disappointment will not diminish my admiration and respect for my hon. Friend. I do not think that anything could do that. However, I must ask him to think again about his approach. Does he wish to set the precedent of banning something just because he disapproves of it or believes that it might injure people? I ask him not to go down the track of patronising the public, telling them that they do not have the sense to make a decision once they have been given information, so he must make the decision for them. That must run counter to conservatism, and I hope that my hon. Friend will think again. I oppose the Bill.

Question put, pursuant to Standing Order No. 23 (Motions for leave to bring in Bills and nomination of Select Committees at commencement of public business), and agreed to.

Bill ordered to be brought in by Sir Teddy Taylor, Mr. Richard Shepherd, Mr. Ken Livingstone, Mr. Stephen Pound, Mrs. Christine Butler, Mr. Andrew Mackinlay, Mr. John Cryer, Angela Smith, Ms Diane Abbott, Mr. Paul Burstow and Mr. John Randall.

CONTROL OF FIREWORKS

Sir Teddy Taylor accordingly presented a Bill to ban the sale of fireworks to the general public; to provide for a licensing system for firework displays; and for connected purposes: And the same was read the First time; and ordered to be read a Second time on Friday 23 July, and to be printed [Bill 97].

Opposition Day

[11TH ALLOTTED DAY]

Pensions

Madam Speaker: We now come to the Opposition motion on the Government's pensions policy. I have selected the amendment in the name of the Prime Minister.

3.43 pm

Mr. Iain Duncan Smith (Chingford and Woodford Green): I beg to move,

That this House believes that the Government's proposed pensions reforms are in chaos and will do great damage to long-term savings and pension provision, especially occupational pension schemes and Group Personal Pensions; that, unless changes are made which have been called for by Her Majesty's Opposition, the stakeholder pension will be an expensive failure; further believes the Minimum Income Guarantee combined with the proposed State Second Pension will constitute a massive extension of means-testing; and condemns the Government's complacency and incompetence which will ensure millions of future pensioners will be forced into dependence on state handouts in retirement.

I should like first to put on the record how sorry I was to hear of the death of the Minister of State, Foreign and Commonwealth Office, the right hon. Member for Leeds, Central (Mr. Fatchett). I admired him greatly, although we were on different sides, and I shall remember his diligence and his quality. The same goes for many of my right hon. and hon. Friends.

Today's debate is about what we believe—and the country is rapidly coming to believe—to be the Government's failure on pensions reforms. Almost the first thing that the Government did on coming into power was to send a signal to pensioners that they were second-class citizens. The removal of advance corporation tax dividend tax credits was a massive blow to pensioners and pension funds. In effect, it was a tax of £5 billion on long-term savings. No tax that the Government have imposed fits the description of a stealth tax better than this one. They hoped—no, they knew—that most people would not realise how much money they would lose each year.

Before the election, it was all different. The Labour party said in its manifesto:

"We will support and strengthen the framework for occupational pensions."

The removal of ACT dividend tax credits represents the Labour Government's first abject failure. Labour's first year in social security was about rows and long consultations—a sort of Peckham *v.* Birkenhead football match, but at least the right hon. Member for Birkenhead (Mr. Field) arrived in government with some costed proposals. Those proposals were cut to pieces by the Chancellor, who demanded something very different. So, while the right hon. Member for Birkenhead gave birth to the term "stakeholder", by the time of his departure, he was no longer responsible for what it meant. Like "new Labour", the name was kept—a sort of fig leaf over the Government's nakedness on pensions.

The first year, which looked and sounded like the Mad Hatter's tea party, was succeeded by the second year, in which No. 10 Downing street parachuted the present Secretary of State in to rescue the situation. The Secretary of State's record is what is to be examined today. After further delay, he finally decided to publish the Green Paper on pensions. Ministers were obviously rowing behind the scenes about compulsion. They were debating behind closed doors whether there should be extra compulsion. It appears that the Chancellor vetoed that, so no compulsion was included—or maybe it was.

If we glance at page 105 of the Green Paper, we find a little reference to what Ministers intended before they decided to publish the paper. It refers to:

"compulsory funded pensions for those earning over £9,000 a year."

A mistake, surely, because elsewhere the Green Paper says:

"We do not believe higher compulsory saving is justified."

So the Government are having it both ways. Is it a mistake or is it deliberate?

The Bill that the Government published as a result of the Green Paper seems to rule out extra compulsion—or does it? The Secretary of State now seems to be shifting his position. He starts, it appears, with some sort of equivocation, but now he is saying, as was reported in the *Financial Times* on 5 May:

"The Minister said whether they—

he was referring to the self-employed—

"should be compelled to contribute remained a live issue."

So there we have it, absolutely clear as mud. Perhaps it is the new Labour way of making change.

First, the Government advance one line openly and boldly while quietly holding on to another, then they wait to see what the opinion polls tell them before finally settling their policy. Perhaps the public can be convinced that both options are Government policy at the same time. That is not all. The Government were in such a panic, having delayed the reviews for so long, that they published the Bill detailing stakeholder pensions and moved it into Committee before the consultation process was even finished.

The Government set out a consultation process in the Green Paper and suddenly—this is the third one, remember—the Secretary of State got bored and decided to give the answer anyway, and wrote the Bill. It is rather like "Alice in Wonderland"—sentence first, verdict afterwards. That is the nature of the Government. They conduct sham consultation processes that are a waste of their time to cover their inability to make decisions. Yet the consultation process in which they engaged would have showed some serious flaws in the Bill, if they had waited to listen to the responses.

The lack of provision for advice in stakeholder pensions will strike a heavy blow at the proposal. The Government said that the public would not need it because the stakeholder pension is simple and low cost. True to form, however, the Government have not banished advice. They have just moved it outside the scheme.

In January, the Minister of State said:

"I would expect the costs of advice to be met by the individuals who use it."

That is really big of him. So the scheme is low cost and simple provided that individuals pay for the advice themselves. In Committee, my hon. Friend the Member for Grantham and Stamford (Mr. Davies) and others pointed out that, unless the Governmen' tackled

that problem, many people would face that extra cost; they would not opt for the advice and could end up taking the wrong pension.

The Government came to power making much of mis-selling; they banged on about mis-selling almost every day and it seemed that that was their only policy. That is ironic, because they are now guilty of creating the most fertile possible territory for the biggest mis-selling exercise of all, and one for whose results future taxpayers will have to pick up the bill.

In the midst of all that, the Secretary of State wobbled. On 6 May, hidden away in *Money Marketing*, a spokesman for the DSS stated:

"It is true we are considering the arrangements for provision of advice for stakeholder pension schemes."

He had suddenly realised that they had a problem. [HON. MEMBERS: "It is a U-turn."] Is it a U-turn? In a written question, I asked the Minister of State about the matter. He sent me a real answer:

"We shall be consulting further."—[*Official Report*, 10 May 1999; Vol. 331, c. *53*.]

There it is, clear and straightforward—the smack of firm Government. The Minister of State knows where he is going, provided that he can ask someone else to tell him.

Another problem is that stakeholders will need to have trustees. However, the lifelong independent savings account scheme—LISA—launched by the Treasury and supported by the Secretary of State, has no such requirement. Independent observers agreed with Conservative Members that that complex structure of trustees would be expensive and would offer little protection. The NatWest response to the Green Paper was clear:

"Trustees can add little extra protection but will make schemes more complex and expensive to administer."

In Committee, as the Minister of State is aware, my hon. Friend the Member for Grantham and Stamford said again and again that the Government would have to think again. In effect, the Minister said, "No, we know what we are doing." As we have discovered, it takes a little while; we pounded away and, eventually, the penny dropped. The Secretary of State wobbled again. In an interview in the *Financial Times*, he stated:

"alternative governance structures to trustees for stakeholder pensions would be allowed."

There were nods and winks, but nothing was in the Bill. I asked the Minister of State another written question, to which he answered:

"We . . . propose to consult further on governance arrangements."—[*Official Report*, 10 May 1999; Vol. 331, c. *53*.]

That is the smack of firm Government.

The Secretary of State for Social Security (Mr. Alistair Darling): When we previously debated this matter, I knew that the hon. Gentleman had not read the Green Paper, but I thought that he would have done so by now. If he reads paragraph 38, he will see that the Government have always made it clear that stakeholder pensions would have trustees or, alternatively, would have alternative forms of governance, on which we were consulting. The point that he has just made is wrong, as his earlier point on compulsion was wrong. The Government have never believed that compulsion was the right option, because, for many people, there is nowhere to go. What the hon. Gentleman was reading, on page 105, was a reference to the present scheme; that scheme is compulsory, if one is employed. I am surprised that he did not know that.

Mr. Duncan Smith: It is wonderful. The Secretary of State now seems to want to wobble at the Dispatch Box as well as in the newspapers. On page 55 of his Green Paper, it states:

"The legislation for stakeholder pension schemes will provide for schemes to be set up under trust law."

The Government are wobbling like mad.

Mr. Darling: Will the hon. Gentleman give way?

Mr. Duncan Smith: No, I shall press on. The Secretary of State has stated his position. The Government are trying to do several things at the same time. They issue little briefs to the newspapers saying, "We might do this." In the Chamber or in Committee, they say, "No, we won't." The Secretary of State tells us that they might or they might not. He is clearly aware that the Government are in difficulty.

Mr. Darling: The hon. Gentleman is quite right to say that the Bill makes provision for trustees, just as we promised. However, if he reads to the end of paragraph 38, he will see stated—in bold writing, so as to help people like him—that the Government

"would welcome views from the pensions industry on alternative structures which could provide comparable benefits for stakeholder pension schemes members."

For goodness sake, surely it is time the hon. Gentleman read the whole Green Paper, rather than just briefings from his hon. Friends?

Mr. Duncan Smith: It is marvellous—the Secretary of State has produced a Bill before the consultation process has even finished. He now claims that he is clear because he invited others to tell him what to do, but he acted before they told him, and the result is the mess in which he now finds himself.

Mr. John Bercow (Buckingham): I would not want my hon. Friend to understate his powerful case in respect of consultation. Does he recall that a former junior Social Security Minister, the hon. Member for Southampton, Itchen (Mr. Denham), told the House on 15 December 1997 that the Government's proposals would be issued for further consultation in the first half of 1998? However, those proposals were eventually forthcoming only six months later. Does my hon. Friend believe that there is any causal link between the breaking of that promise and the removal of the hon. Member for Itchen from the Department of Social Security?

Mr. Duncan Smith: It is highly likely that there is such a link—knowing the way in which the Government work, they will come up with almost any excuse.

We are on the third process of consultation, but, in written answers, Ministers offer us only further consultation. There is no end to how little they are prepared to know, but how much over which they are prepared to argue and wobble.

[Mr. Duncan Smith]

That brings me to the third issue: group personal pensions. The Government demanded that stakeholder pension schemes should be pension products that are different from occupational pensions, personal pensions and group personal pensions. They were adamant that there was to be a clear distinction between stakeholder pensions and other schemes, and said that people would not be allowed to have a stakeholder pension and a personal or occupational pension.

Throughout the Committee stage, my hon. Friends made it absolutely clear that that would create serious problems, only to be met with blank stares and shaking heads. However, it appears that the Secretary of State has wobbled again, for, in the *Financial Times* of 28 April, he said:

"Some group personal pensions may be allowed to label themselves as stakeholder pensions".

In a written question, I asked the Minister of State for clarification; his answer, published yesterday, states that the matter

"will be developed in secondary legislation following further consultation."—[*Official Report*, 10 May 1999; Vol. 331, c. *53*.]

I must admit, the more one hears the Minister of State, the more one is reminded of Lewis Carroll when he wrote:

"Why, sometimes I've believed as many as six impossible things before breakfast."

That appears to be the Minister of State's state of mind.

There we have it—stakeholder: the great new idea of the millennium; a new Rolls-Royce scheme that turns out, on inspection, to be a three-wheeled Robin Reliant from Arthur Daley. The Chancellor was so impressed with the scheme that he launched his own pension scheme, the LISA, which independent advisers believe will cut across the Department of Social Security and create confusion. The Institute for Fiscal Studies comments:

"the same end results could have been achieved by simple reforms to the current system"—

simple reforms, not the complex nonsense that the Government have produced.

All of that is underscored and made worse by the minimum income guarantee, which creates an unstable platform for future saving for pensions. Of course, the minimum income guarantee, like everything else that the Government have announced, is no such thing. The Government's one consistent feature is that, whenever they announce a new policy, one need only examine their words to realise that they intend to achieve the opposite of what they have announced. Someone on low earnings will now seriously question whether there is any point in saving, because the income delivered under the minimum income guarantee will be as much for those who have saved over their working lives as for those who have not. As the financial section of the *Sunday Telegraph* put it:

"don't save go to the pub".

All this is a huge attack on savings. Even worse, it is a huge attack on future taxpayers, who will have to pick up the bill for this ill-conceived nonsense. According to the Library's figures, under the new scheme, the number of pensioners in receipt of income support will increase from one in five to one in three. In money terms—this is the most staggering statistic—by 2050, spending will have risen from approximately £13 billion to £20 billion in today's prices. The Government's policy will result in that massive increase.

When we add that to the Government's attack on widows pensions, their real agenda becomes clear. When it set out to gain Government, Labour talked a lot about changing from a handout to a hand up. It is now clear that the Government intend to give a slap down. It is no wonder that the savings ratio is falling when it should be rising. That is an indictment of the Government's policy.

There is also a problem regarding the incompetent handling of issues within the Department. That is illustrated by the problems with the national insurance recording system, the new computer system that runs the Contributions Agency. Those difficulties were already apparent in the early part of last year. Yet, when pressed about the matter, the Secretary of State seemed rather complacent. He said that the system would be available for new claimants in

"the next couple of weeks."

However, after seven months of drift and indecision, the Government paid interim compensation payments to those who had not received the right money only under pressure from Conservatives in the other place. That is another example of the Government's complacency and incompetence. Many pensioners have experienced real worries and real fears because of the Government's failure to tell them what is going on.

There it is: in the words of Winston Churchill, the Government are

"decided only to be undecided, resolved to be irresolute, adamant for drift, solid for fluidity, all powerful to be impotent."—[*Official Report*, 12 November 1936; Vol. 317, c. 1107.]

Labour came to office with big talk and smart phrases. A Government who were going to reform pensions, reduce dependency and improve savings have done exactly the opposite. It cannot be stressed enough that Labour set out to do those things and failed. This is an "Alice in Wonderland" Government: they say one thing and do another. They are all over the place, as Ministers have agreed. It is an "Alice in Wonderland" Government—that is worth repeating, because most people will realise that the description fits exactly. It would be laughable were it not for the arrogant and complacent failure that will cost pensioners dear in the future.

This Secretary of State is guilty of failing to deliver, and he will wear that charge like a millstone around his neck. He should leave now before he drags pensioners down with him.

4.3 pm

The Secretary of State for Social Security (Mr. Alistair Darling): I beg to move, To leave out from "House" to the end of the Question, and to add instead thereof:

'commends the Government's approach to pensions reform, set out in its Green Paper "Partnership in Pensions"; congratulates the Government on its determination to tackle 18 years of abject failure on the part of the Conservative government to put pensions provision on a proper footing and rejects the Conservative plans to privatise pension provision; commends the Government's commitment to end the scandal of pensions mis-selling and its plans to strengthen the financial regulatory system; commends the Government on its commitment to economic stability and low inflation which helps pensioners; believes that its reforms to the corporate tax system, which will result in the lowest ever rate of

Corporation Tax, will be in the long-term interests of companies, shareholders and pensioners; and approves of the Government's introduction of the Minimum Income Guarantee, Winter Fuel Payments, the re-introduction of free eye tests and commitment to concessionary travel for the elderly as part of its strategy to provide security in retirement.'.

At least "Alice in Wonderland" had a good ending—unlike the speech by the hon. Member for Chingford and Woodford Green (Mr. Duncan Smith). Before I continue, I thank the hon. Gentleman for his very kind tribute to Derek Fatchett, which is much appreciated by all those who knew and worked with him. He was a valued colleague and a decent and a kind man. Our thoughts are with his wife and two children and with his family. I thank the hon. Gentleman for his courtesy.

We have listened to the hon. Gentleman speak about pensions policy and it is noteworthy that he did not mention his own policy once. Indeed, it is not at all clear whether the Conservative party, after 18 years in Government and two years in opposition, has a policy. *[Interruption.]* I assure Opposition Members that I intend to speak about our policies at some length. I am happy to do so because at least we have a pensions policy.

I should very much like to know whether basic pension plus—the £150 billion plan to privatise the pension system—is still Conservative party policy, or whether it was junked by the deputy leader when he threw out the Thatcherite baggage that the Conservative party was saddled with. I note from the press that the hon. Member for Chingford and Woodford Green is apparently at daggers drawn with the deputy leader of the Tory party. Perhaps because of that quarrel, he cannot tell us whether basic pension plus—even the mention of those words seems to upset Conservative Members—is still party policy.

We inherited a mess. The problem was not just the absence of a pensions policy from the previous Government. We also inherited the problems caused by the mis-selling of pensions to 2.5 million people. The Conservative Government were active participants in that, through their television advertisements, persuading people wrongly to transfer to personal pensions. We inherited an environment with poor regulation and had to set up the new Financial Services Authority.

The Conservatives imposed VAT on fuel, which we reduced to 5 per cent. They abolished free eye tests for pensioners. We reinstated them. The Conservatives decimated concessionary travel and had a good go at decimating all bus travel. We had to restore it. They neglected the health service—indeed, some of them still want to privatise it. We have invested £19 billion more in it. Even on that, the Conservatives are divided. The shadow Chancellor told us that that investment in the health service was too much. The deputy leader of the Tory party now tells us that it is just about right. We have had to sort out the economic mess that we inherited, with high inflation damaging to pensioners. We now have the lowest ever rate of corporation tax, which helps pension funds, and economic stability, which helps pensioners.

Interestingly, the Conservatives have also not mentioned the difficulty that we inherited with their policy on the state earnings-related pension scheme and the reduction of widows' entitlement. For nine years after 1986, when the Conservatives cut the widows' entitlement to SERPS, not a single Department of Social Security leaflet referred to what they had done. Perhaps there is a simple reason why we have not heard a cheep out of them about that this afternoon: many of the DSS Ministers during those nine years are still representing the Conservative party at the highest level. The people who knew that the policy had been changed but who chose not to tell the public include the leader of the Tory party—who was a social security Minister in 1993—the deputy leader of the Tory party, the shadow Home Secretary, the shadow Health Secretary, the right hon. Member for South-West Norfolk (Mrs. Shephard), who is jumping ship—

Mr. Eric Pickles (Brentwood and Ongar) *rose—*

Mr. Darling: Just a moment. That is not all. The list also includes the right hon. Members for Fylde (Mr. Jack), for Huntingdon (Mr. Major), for Fareham (Sir P. Lloyd) and for North-East Hampshire (Mr. Arbuthnot), and the hon. Member for North-East Hertfordshire (Mr. Heald). All those Conservative Members were in the DSS during that time and did not see fit to alter the departmental leaflets to tell pensioners what was happening. That is another mess that the Labour Government have to sort out.

Mr. Pickles: When instructions went out to officers about that problem on 12 January this year, why did the Government make no mention of looking again at the advice that had been given to people? Why was that not included in the memo? The right hon. Gentleman is complaining about others not taking action. Why has he not addressed the problem himself?

Mr. Darling: I caution the hon. Gentleman against relying too heavily on Conservative party press releases as an authoritative source of anything. We are having to sort out the problem and ensure that the proper information is given.

The hon. Member for Chingford and Woodford Green referred to the problems with the national insurance recording system computer. Who signed the contract with Andersen—a contract whose difficulties we are having to sort out? It was the Conservative party.

Before I deal with our proposals, I remind the House that we have heard nothing about the Tories' pension plans. With perhaps two years to go before the next election, one might have thought that they would turn their minds to some alternative if they do not think that our proposals are acceptable.

Mr. Robert Key (Salisbury): The right hon. Gentleman is worried about it.

Mr. Darling: I am not worried about it, but the hon. Gentleman ought to be. I would be deeply worried if I belonged to a party that had not even thought about the next election because it still could not come to terms with what had happened at the previous one.

Mr. Duncan Smith: The Secretary of State again tries to shift the burden of blame. His party, in government, has been responsible for the implementation of NIRS2. The report of the Public Accounts Committee said:

"In view of the potential impact of the delay on benefit recipients and the pensions industry, we think that contingency planning should have been given greater priority at a much earlier stage."

That is an indictment of the Secretary of State.

Mr. Darling: I interpreted that report in another way: one might have thought that, in 1996, when the contract was entered into, some thought would have been given to what would happen if a changeover were designed so that the old system had to be entirely switched off in the hope that the new system would operate from day one.

The final part of our inheritance, which is, perhaps, the most damning indictment of the Conservatives' 18-year term of government, is that one in three people now working faces retirement on means-tested benefits by 2050. We produced our proposals to deal with that problem and, unlike any other proposals in recent memory, they have been almost universally accepted by those who responded to them.

Mr. David Rendel (Newbury): I want to return, for a moment, to SERPS. As the right hon. Gentleman knows, I have great sympathy with him because his Government have been left with an appalling problem that will be difficult to solve. However, does he not accept that his Government must take a share of the blame because, although the brochures were changed in 1996, for a year and a half after Labour took power, the letters that his Department sent out still gave the wrong information?

Mr. Darling: I fully accept the hon. Gentleman's point: we have to clear up the difficulties that have been caused. There is no doubt about that, and we shall do it.

Mr. Edward Leigh (Gainsborough): Say sorry.

Mr. Darling: Opposition Members want me to say sorry, but the root cause of the problem is that, for nine years, those in government—who, as I said, included the highest echelons of the present Tory party—did nothing to ensure that the right information was given. We shall sort out that problem, but the hon. Member for Newbury (Mr. Rendel) will have to wait until the Government have decided how best to proceed.

I turn now to our proposals, which were published in our Green Paper last year. As I said, it is interesting that, unlike the Conservative Government's proposals, which were made at the fag-end of the previous Parliament and collapsed within 24 hours of being announced, our principles and approach have been almost universally accepted. We received more than 500 responses, of which the vast majority agreed that our approach to the new state second pension, to funded pensions for moderate and high earners and to the new stakeholder pension is right.

Having established the principles, it is now necessary to get right the details. I make no bones about the fact that we are consulting because the pensions industry depends on a partnership between the Government, pension providers and individuals. It is important to get the details right, and I welcome the fact that the industry is keenly engaged in that discussion.

We are building on what is good about the current system. We are supporting occupational pensions. We introduced proposals to simplify regulations, which will help. We want to encourage the take-up of personal pensions, where appropriate, and the building of personal savings. We want to build a partnership between the state and the individual, moving from the present relationship in which 60 per cent. of pension provision is public and 40 per cent. private, to one, by 2050, in which 40 per cent. is publicly provided and 60 per cent. is private.

Mr. Julian Brazier (Canterbury): The right hon. Gentleman says that he wants to get the details right, and the House can understand that, but what is his overarching aim? Does he want to encourage self-provision, or not? If he does, how will increasing the proportion of people who will ultimately be caught up in means-testing achieve that aim?

Mr. Darling: We are reducing that proportion, so the hon. Gentleman is wrong on that point. I shall answer his question by setting out our actions, because his remark is specifically directed at the new minimum income guarantee. That is the target, or basic standard of decency, that we want people to beat.

The hon. Gentleman asked me about my overriding objective. What I want to do is ensure that all who can save do save. My proposals make provision for everyone: everyone will have the option of saving, and we want to encourage everyone to do so. We recognise that some people will not be able to save enough, for whatever reason, which is why we are introducing the minimum income guarantee. I understand that the Conservative party opposes the guarantee. Conservative Members nod, so I must be right.

Without the guarantee, this year alone 1.5 million pensioners would be £160 a year worse off. That does not strike me as very sensible, but if the Conservatives' policy is to ensure that 1.5 million people are £160 a year worse off, that is a matter for them. Labour Members believe that a minimum income guarantee, uprated each year in line with earnings—as announced by the Chancellor earlier this year—will ensure a basic, decent standard of living for the poorest pensioners. We have inherited a good many pensioners who are poor. But I want pensioners to do better than that—

Mr. Duncan Smith *rose—*

Mr. Bercow *rose—*

Mr. Darling: I will give way now, but, after that, I shall explain how our proposals will enable pensioners to do better.

Mr. Bercow *rose—*

Mr. Darling: If the hon. Gentleman does not mind, I will give way to his boss.

Mr. Duncan Smith: The Secretary of State has not replied to the question posed by my hon. Friend the Member for Canterbury (Mr. Brazier). A written answer given to the right hon. Member for Birkenhead (Mr. Field)—who I see is present—on 13 April makes it clear that, as a result of the Secretary of State's minimum income guarantee, a pensioner retiring in 15 years' time would require an extra £15,000 to stay above the level for the guarantee, or £19,000 in 1999 prices. What does the right hon. Gentleman say to pensioners who know that they cannot make it, and that they will be sucked back into dependency?

Mr. Darling: I would say two things. Because of the neglect of the past 20 years, in the next few years, many

pensioners will not be able to save enough to retire on a level above the minimum income guarantee. We recognise that, but, according to the hon. Gentleman's logic, we should not help people at all: we should say, "Tough luck—we are not going to uprate your benefit." The hon. Gentleman does not understand. If the minimum income guarantee is uprated merely in line with prices, rather than in line with earnings, it follows that many pensioners will be worse off than they would otherwise have been.

Mr. Bercow: Will the Secretary of State give way?

Mr. Darling: Not just now; I want to make some progress. This is an Opposition day debate, and I assume that Opposition Members wish to speak in it.

Let me set out the proposals that will, I believe, enable people to do better than the minimum income guarantee. There is already a universal basic state pension, but we are introducing a new state second pension, which will help people on low incomes to save enough to retire above the level of the guarantee. It will also tackle one of the other weaknesses in the current system. Under the state earnings-related pension scheme, those who do not earn very much will not receive very much. We are providing significant new help for people earning less than £9,000 a year. For example, the contributions made by someone earning £6,000 a year would give that person £13 a week under SERPS; under the new state second pension, he or she would receive £46 a week, an increase of £33.

Opposition Members should look at table 5 on page 41 of the Green Paper. The hon. Member for Grantham and Stamford (Mr. Davies) has been consistently wrong about the state second pension, because he patently does not understand how it works. If he acquires a copy of the Green Paper from the Vote Office, he will see that the state second pension will be of huge benefit to people on low incomes. It also provides new help for carers and disabled people with broken work records, allowing them to build up a second pension as of right.

We need to do more than just reform the state system, however. We believe that most moderate and higher earners will be better off on funded pensions—occupational pensions, or private pensions. But we are determined to create the right framework: not everyone can secure an occupational pension and, for many people, private pensions are not appropriate. To plug that gap, we are introducing the new stakeholder pension schemes, providing minimum standards, flexibility and simplicity in order to ensure that those who do not have the option of an occupational pension, or for whom a personal private pension is inappropriate, have an extra savings option.

The hon. Member for Chingford and Woodford Green mentioned advice. It has always been our case—I have said this time and again, especially when we were in opposition—that people should obtain advice before signing a pensions contract. Taking out a pension is arguably far more important than buying a house. The repercussions could be substantial, and people need good advice, as is clearly demonstrated by the pensions mis-selling scandal that the Tories allowed to happen under their noses. We want to provide advice, but we want to ensure that costs are kept to a minimum for the benefit of future members of stakeholder pension schemes.

The Green Paper made it clear that, in addition to the trustee structure, we wanted to consider alternative forms of governance. The hon. Member for Chingford and Woodford Green tried to make something of that, too. I have already suggested that he should read the Green Paper. He should also have a go at reading the relevant Bill.

The hon. Gentleman said that there was no mention of alternative forms of governance other than trustees. There is, at paragraph 38, on page 55 of the Green Paper. Furthermore, clause 1(2) refers to other forms of governance, in addition to the trustee structure. I am astonished that he did not know that. The hon. Member for Grantham and Stamford looks puzzled. Perhaps if he had talked less and read more in Committee, he might have seen that we had provided for it. We have always said—

Mr. Quentin Davies (Grantham and Stamford): Will the Minister give way?

Mr. Darling: I cannot resist it.

Mr. Davies: I am grateful to the right hon. Gentleman. Once again he has completely misunderstood what I said. Of course the Bill is so drafted that the Government take powers by secondary legislation to do anything. It states one thing, and then gives a power to relax that provision if the Government wish to do so in secondary legislation. It is clear in the Bill that no other structure for stakeholder pensions is provided for or mentioned, apart from the trust structure. That remains the case.

Mr. Darling: As the hon. Gentleman has mentioned it, let me read out the relevant provision in the Bill. With reference to the conditions for stakeholder schemes, it states:

"The first condition is that the scheme is established under a trust or in such other way as may be prescribed."

That is precisely what was stated in the Green Paper. It is astonishing that Opposition Members have not read it.

The hon. Member for Chingford and Woodford Green referred to my interview in the *Financial Times*. I am glad that a number of my remarks there have been welcomed by people in the industry, as they can see that the Government are working constructively with them to ensure that the system operates successfully. I have made it clear that the Government are open to suggestions for alternative forms of governance. We have ideas that we are examining, and we have asked people in the industry whether they have specific measures in mind. I know that there has been some concern about group personal pensions.

I am happy to consider alternative forms of governance, so long as they provide the level of security that we believe trustees could give to stakeholder pensions. The Government's concern is to ensure that the interests of members of pensions schemes are properly protected. That is our main objective, and that is why I am willing to listen to whatever the industry has to say. I am happy to work constructively with the industry on this and any other subject.

Mr. Bercow: The Minister said a few moments ago that he supported occupational pensions. Quite apart from the fact that the new stakeholder pension threatens to act as a disincentive to employers to offer occupational pensions, which is a serious problem associated with the

[Mr. Bercow]

stakeholder pension, is the right hon. Gentleman aware that, as a result of the abolition of the advance corporation tax dividend tax credits, the future pensions of those in occupational schemes could fall by up to 10 per cent? Does the right hon. Gentleman think that that might explain why the chairman of the Association of Consulting Actuaries, Paul Thornton, said in March last year that the Government must stop loosening the hitherto solid foundations of occupational pensions?

Mr. Darling: The Government are not doing that. I did not read those particular remarks, but I recall that what the actuaries said in July 1997 was rather different from what they were saying 12 months later. One of the effects of the reform of corporation tax is that we now have the lowest rate of corporation tax that the country has ever had. *[Interruption.]* Opposition Members do not like that. After 18, years they did not manage to reduce corporation tax that far.

The hon. Member for Chingford and Woodford Green referred to pooled pension investments and suggested that the Treasury had magicked them up out of nowhere. We have discussed the matter before. The plans for pooled pension investments were being worked up when I was a Minister at the Treasury. I was aware of them, which is why the Green Paper—if Conservative Members would care to read it—made it abundantly clear at paragraph 39 on page 55 that pooled pension investments would be proposed in a consultation paper that would be announced shortly. I have made it clear that my view of compulsion, which is set out at paragraph 13 on page 81 the Green Paper, is that, at present, there is no justification for it, for the reasons that are clearly stated.

This pensions reform is designed to cover the next 50 years, but we are also anxious to ensure that we help today's pensioners. I have mentioned the minimum income guarantee; the Conservatives are no doubt pledged to get rid of it, which would cost many poor pensioners dear. We want to look at the capital and income rules to ensure that we do not penalise people who save. I should point out that, from April next year, the poorest pensioner couples could be getting £400 a year more than under the previous Government. It is a pity that the Conservatives are set on reversing that.

I make no apologies for the minimum income guarantee, because it is an effective way of reducing pensioner poverty as quickly as possible. Although pensioner incomes overall have increased since we came to office—thanks, in no small part, to occupational pensions—many pensioners are on low incomes and the minimum income guarantee is designed to ensure that they receive significant help. We are determined to extend that.

Mr. Rendel: I am grateful to the right hon. Gentleman for giving way again. Will he accept what he has never accepted in the past and what I firmly believe to be true? The poorest pensioners are those who are not on income support; those who could be on income support, but are not receiving it for one reason or another; and those who cannot be on income support because of their savings. They will not benefit at all from the minimum income guarantee.

Mr. Darling: The hon. Gentleman keeps raising that point and I keep giving the same answer—he might want to look at it again. The Government are aware that, because of the present capital and income rules, many pensioners who have modest savings or a modest income stream are adversely affected by the benefits system. We said in the Green Paper that we are determined to tackle that, but one thing that the Liberals really have to— *[Interruption.]* The Tories were in power for 18 years and did nothing about that.

One thing that the Liberals really have to grasp is that people in government must face the fact that they have to fund the things that they want to do, and it is not always possible to do everything we want on day one. The hon. Gentleman has his policy for a penny on income tax; as we know from our debates on social security, let alone other subjects, he has spent it many times over; but he will have to face the fact that Governments cannot do that.

The House should bear in mind the fact that we have increased the winter fuel payment fivefold—to £100 from this winter—which will help all pensioners, but particularly the poorest. Through the minimum tax guarantee, we have taken two thirds of pensioners out of tax altogether, something that the previous Government did not do at all.

We are supporting today's pensioners, addressing some of the problems that we inherited and reforming pension provision for the next 50 years. Our pension proposals have been widely—almost universally—welcomed. We are now moving to the second stage to ensure that the detail is right and the system is affordable, sustainable and, above all, workable. We are fine-tuning the details and we are on exactly the course that we set out in our Green Paper in December.

I am confident that, by the end of this Parliament, pension provision and structure will be set on a firm footing that will serve this country well for generations to come. By contrast, the Tories have shown today that they have absolutely nothing to say and have no proposals of their own. They clearly have not even read the Green Paper or the Welfare Reform and Pensions Bill, which is going through Parliament. Their criticisms, therefore, are entirely misplaced. Our proposals are radical, realistic and, above all, the right thing to do. I commend our amendment to the House.

4.29 pm

Mr. David Rendel (Newbury): First, I wish to associate myself and my party with the tributes to Derek Fatchett, who so sadly died at the weekend.

In talking about pensions, it is always important to respect the fact that two aspects must be considered—the long term and the short term. It should be remembered that some of the things that we could do about the short-term aspects of pensions provision for current pensioners might also help to solve some of the problems that the Government face in trying to rectify the long-term problems.

On the long-term issues, we must remember four things. First, it is important that, in the long term, pensions apply universally. One of the great problems is that too many people, for one reason or another, do not have an adequate pension provision. We must ensure that, whatever policies we introduce for the long term, they are universal, so that everyone has sufficient income to live on in retirement.

Secondly, we must make sure that money invested in pensions—through private pension funds, stakeholder pensions or elsewhere—provides good value for money and a reasonable return on the investment to encourage people, as far as possible, to put aside enough money when they are of working age to look after themselves in their retirement.

Thirdly, it is important that our long-term plans are reliable. One of the difficulties with pension provision over the past few years has been that, all too often, legislation introduced by one Government has been changed later by another Government. That is precisely what happened with the state earnings-related pension scheme, and that is one reason why it has hit so many problems.

Fourthly, whatever legislation is introduced and whatever provision for pensions may exist, it is important that pensions are relatively easy to understand, and that there is good education on how to invest and provide oneself with the best possible pension for the future.

The first problem with pensions is one that neither of the other two main parties has addressed properly—it is the oldest who are the poorest. Almost invariably, the oldest pensioners turn out to be the poorest pensioners. One in three of those over 75 is living in poverty. For a modern society, that is a shameful situation which we need to address as quickly as we can.

The second problem is that it is often the women in our society who are the poorest—first, because women usually live longer, and therefore tend to be the majority of the older pensioners, and, secondly, because many women have tended to rely on their husbands for their pension provision, whether through the state system or through private or occupational pensions; when the husband dies, those pensions are reduced in one way or another, and widows often find that the pension provision with which they are left is too small for their real needs. The abolition of the widows bereavement allowance will not help; nor will halving the additional SERPS pensions next year.

On that issue, I was sorry that the Secretary of State did not have the grace earlier to accept that there is a problem, which the Labour party must face, with what happened in the first year and a half of Labour's time in office. The right hon. Gentleman would be on stronger ground in his accusations about the Conservatives—which are well founded, as there is no question but that the lion's share of the blame for the problems with which he is faced in terms of SERPS lies with the previous Government—if he were prepared to admit that, in the first year and a half of his party's time in government, the letters from the Department were still giving the wrong information, in spite of the fact that the Department was well aware by that time of the situation, since it had, in 1996, changed the booklets that were going out.

There is an issue there. My understanding now is that pressure was put on civil servants in the Department to do something about that, and to change the instructions about what letters were sent out, but the pressure was not enough. No one took a grip of the situation. No one forced the issue and ensured that it was dealt with early enough. As a result, the difficulty went on for much longer than it should have after the present Government took control.

It is a great pity that the Secretary of State is not prepared to admit that. As I say, in talking about the issue, his hand would be strengthened if he were prepared to admit that there was a problem in the first months in which the Labour party was in office.

Thirdly, too much of what the Government are doing will, sadly, discourage people from saving, particularly the fact that pensioners' savings will not be taxed at the 10p rate. In effect, there will often be an unearned income surcharge on pensioners. That will only hinder people and discourage them from providing for themselves through savings.

Fourthly, I come to the minimum income guarantee. Again, to a large extent, the guarantee is a fraud on pensioners because it is not any sort of guarantee of a minimum income for them. The poorest pensioners, those who are not on income support, will not get the minimum income guarantee. They will still live below income support levels—even the lower level of income support that people have been used to.

It is wrong of the Government to claim that, simply by introducing a minimum income guarantee, they will solve the problems of poverty among pensioners. It will not happen. We know that it will not happen. The Government have to do better than that.

Mr. Duncan Smith: Does the hon. Gentleman recall that a fellow Liberal Democrat Member, the hon. Member for Northavon (Mr. Webb), who sometimes speaks on pension issues, has raised the point that someone who is retiring who is just ahead of the minimum income level will be rapidly overtaken by the minimum income guarantee because it is in line with prices? Even those who, on retirement, are ahead of the level will get trapped because the return from their income will be less and less compared with the minimum income guarantee; so the Government are setting a huge poverty trap for later on.

Mr. Rendel: What the hon. Gentleman says is true. I was going to make a similar point later, so I will leave my precise response to his intervention until then. He is right, however. Of course, there is a great problem with the minimum income guarantee. It will not guarantee the poorest pensioners a minimum income.

In his response to my intervention, the Secretary of State made the point that he had plans at some time in the future, which is as yet unspecified, to do something about the level of savings—capital—that people are allowed to have before they lose their income support and, therefore, their minimum income guarantee. We have said that we are delighted that he has plans to increase the figure of £8,000. He should increase it by a considerable amount to overcome the problem.

Many elderly people feel that they need considerable savings to ensure, for example, that they do not leave debts behind to their descendants, or burden them with the cost of their funerals. They want to have a little to pass on to their children from what they have earned during their lifetime.

I hope that the Secretary of State will speed up the process, which he has been telling us about for a long time, of reviewing that figure, of deciding on a new figure and of implementing it as soon as possible. It is badly needed.

[Mr. Rendel]

The Secretary of State failed to respond to the other half of the problem: the 700,000 or so pensioners who are eligible for income support—they do not have particularly high savings—but who, for various reasons, are not claiming and receiving it. Even if he does review the capital allowance, those pensioners will still be below income support levels and living in dire poverty. His minimum income guarantee will do nothing for them.

The Secretary of State has told us that he has plans to reduce that figure, to ensure that more and more of those who are eligible for income support claim it. That, too, is welcome, but he will never be able to remove the problem altogether. He will never be able to ensure that everyone who is eligible for income support claims it. The attempt to reduce the figure is a truly Sisyphean task because, as soon he starts removing one or two from the figure and enabling them to claim their rights, he will find that more and more people are becoming eligible for income support and not claiming it. Therefore, just as some people come off the top of the list, others will join it at the bottom.

I should be prepared to bet that, however hard the Secretary of State works on the problem, the 700,000 figure will never be reduced to anything approaching a manageable level, and that hundreds of thousands of people will be eligible for income support, but will not claim it. Those people will therefore not be eligible for the minimum income guarantee, but will still be living in the most dire poverty. Unless he can overcome that specific problem, the minimum income guarantee will not overcome the more general problems.

I should spend a minute or two considering the Conservative policy—or, as the Secretary of State has rightly said, the Conservative non-policy. One of the tragic aspects of the current situation is that, so far, Conservative Members have told us only that—at some time, one hopes before the next general election—they will produce a pensions policy.

Mr. Leigh: What is the hon. Gentleman's policy?

Mr. Rendel: I shall, if I may, describe it in a moment.

Pensions plus seems long since to have sunk without trace. The Conservatives also have to accept that, by breaking the basic state pensions link with earnings, they have caused many of the current problems of pensioner poverty.

As for Labour—as the hon. Member for Chingford and Woodford Green (Mr. Duncan Smith) said a moment ago—the minimum income guarantee will rise in line with earnings, thereby creating a problem for the Government as the gap between the minimum income guarantee and the basic state pension grows and grows.

As ever more people are covered by the minimum income guarantee, an inevitable consequence will be more means testing. It is inevitable also that ever fewer people will feel that private pensions are worth it. Increasingly, people who have saved into some form of private pension will discover that they are still below the minimum income guarantee level, but that anything that they have provided towards their own pension has been, for them, simply money wasted. Although they will be saving taxpayers and the Exchequer a bit of money, they themselves will be no better off from paying into their own pension.

There is also a need—which the Secretary of State rather too easily glossed over—for Labour to grasp the nettle of compulsory second-tier pensions. The Government have argued that they do not want to pursue that policy because people do not have a proper vehicle into which to place their pension funds. However, that argument does not answer the question—which is the first one that should be answered—of whether compulsion is required. We believe that compulsion is necessary. Once the Government answer that question and take a decision on it, they will have to ensure that appropriate vehicles are available. Simply saying that such vehicles are not yet available does not answer the compulsion question.

What is the way forward? We have to accept a number of facts. The first one is that the average age of our population is rising, and that the number of people of pension age is growing.

Secondly, we have to acknowledge that people are remaining active for longer. Therefore, when examining long-term pension provision, we have to ensure that people have flexibility—particularly in deciding their retirement age—in pension provision. Some people may be able to remain active and in work for much longer than they do now. If they are prepared to do so, that will help us in providing for pensions. We—and any pension policy that we introduce—should make allowances for that.

Thirdly, we should accept that there is a real need for cross-party consensus in addressing the pensions issue. For some time, I have been asking for consensus, and suggesting that the three main political parties should get together and try to talk through the various issues. Unfortunately, so far, the requests have not met with agreement from the other two parties. Nevertheless, I hope that they will accept the need for consensus on the issue. If we simply continue the cross-party dogfight on the issue and refuse to accept that other parties have a worthwhile point of view on it, we can be sure as hell that legislation introduced now will be overturned by a future Government, whoever they may be. That is no way to deal with long-term pensions for our population.

We shall be letting down our people if we are not prepared to come together and hammer out a cross-party consensus on a realistic and long-lasting pensions policy which, if we introduce it now, will last through future Governments and be properly implemented when those pensions become payable. I make a strong plea for cross-party consensus on these issues. The SERPS fiasco has demonstrated how necessary that is.

We have to accept the need for greater saving. We are simply not putting away enough to look after our needs when we have all retired. We also have to accept the need for compulsion. Sadly, human beings all too readily spend now, rather than put away money for their future. We propose a compulsory second-tier pensions policy. We made that plain last year when we passed the policy through our conference. We need the right vehicles for that policy, and those should be found as soon as possible.

The policy should apply to both the employed and the self-employed, and there should be a scheme under which the Government can ensure that credits are paid, perhaps at the lower earnings limit level, on behalf of those who are non-earners because, for example, they are carers.

Mr. Darling: We already do that.

Mr. Rendel: The Government's policy contains something similar to that, but the scheme is not

compulsory, so it fails the vital test of ensuring that everybody has a pension that is good enough to look after their needs in the long term.

Mr. Leigh: What does the hon. Gentleman estimate that the increase in national insurance or in tax will have to be to pay for a compulsory second pension, and what impact will that have on the popularity of any Government who propose it?

Mr. Rendel: It does not sound as though the hon. Gentleman understood the policy that I was proposing, as it had nothing to do with increasing national insurance or tax. *[Laughter.]*

Mr. Duncan Smith: Cross-party consensus.

Mr. Rendel: I am delighted that I have created at least a two-party consensus, but I was not talking about a second-tier pension based on national insurance. I am not sure what the intervention was about.

Ms Sally Keeble (Northampton, North): The hon. Gentleman seems to be suggesting that it should be compulsory for the state to provide a second pension, but the idea of compulsion usually applies to the person who has to pay for the pension. If we compel people to contribute to a pension, what sanctions will there be for those who refuse?

Mr. Rendel: There are obviously means of forcing people to pay tax, and the same means could be used to make them pay into a pension fund.

Ms Keeble: How much?

Mr. Rendel: Clearly, the rates of compulsory second-tier pensions would have to be fixed when the legislation was introduced. Our feeling is that we could start at a level equivalent to the current SERPS contributions, so there would be no real increase, but that, once the system was in place, we could increase the contributions as required to ensure that people saved enough to look after themselves properly.

We can do something straight away for the current pensioners, to help to overcome the problem of the gap between the minimum income guarantee and the basic state pension. As the most elderly pensioners are, on the whole, the poorest, we should introduce an extra age payment of £3 a week for the over-75s and £5 for the over-80s.

That would be an affordable start, and the extra payment should be increased beyond that as soon as possible. I am sorry that the Government did not introduce such a payment in the Budget, as it would certainly have helped them to overcome some of the problems in their own proposals on the long-term future of pensioners. In the past few weeks and months, I have travelled around the country advancing that proposal, and it has met with warm acceptance the length and breadth of the land. I hope, therefore, that the Government will adopt it, and earn for themselves the popularity that they would get if they introduced it.

The pensioners of our country have been betrayed by both the present Government and the previous Government. Many of the poorest people are our pensioners and, in particular, our older pensioners. We need to end the party politicking on the subject and to get together to achieve a consensus about which policies should be introduced for the long term. We need to take action urgently to help today's pensioners, who are among the poorest in our country.

4.50 pm

Mr. Tony Colman (Putney): I support the Government amendment, but first I wish to declare an interest as the former chair of the United Kingdom standing committee on local authority pension funds. I chaired that body up until last year.

The Putney and Roehampton organisation of pensioners met my hon. Friend the Minister of State last week and urged on him the restoration of the earnings link. However, after he told those pensioners the costs that would be involved and reassured them that the Government wished to ensure that the poorest pensioners in the community were dealt with first, they left convinced. Perhaps Opposition Members have not met their pensioners' groups. Mine was pleased to hear from my hon. Friend the Minister about the review of how much capital could be held before it affected the amount of the minimum income guarantee that could be drawn down. My local pensioners were also pleased to hear about the work that was being done in tracking down those people who would benefit from the minimum income guarantee but who are not at the moment registered for it—the 700,000 mentioned by the hon. Member for Newbury (Mr. Rendel).

I support the changes to corporation tax. A few months after I became a Member of Parliament, I wrote a letter to my right hon. Friend the Chancellor of the Exchequer stating the extra sums that would be needed for local authority pension funds, following the changes to ACT. That letter, I am glad to say, was unnecessary, because the stock market has risen and companies have benefited enormously from the removal of ACT from pension funds. The dampener on companies has been removed and, as a result, we have seen a tremendous change—as my hon. Friend the Secretary of State put it—in the way that companies relate to their owners, the pension funds.

One issue that I pursued strongly as the chair of the local authority pension funds committee was the need to ensure that those members who had previously been direct employees of local authorities, but were becoming employees of private sector firms under best-value regimes, should be able to remain members of the local authority pension funds. I hope that my hon. Friend the Minister will take up that point, because the right to remain a member was negotiated over a long time by representatives of the local authority trade unions, by the Confederation of British Industry committee set up to examine the issue and by the local authorities. A solution was worked out and the Department of the Environment, Transport and the Regions had blessed the arrangement. However, I understand from *Public Treasurer* today that the arrangements have been turned down by the Inland Revenue, which is concerned that the tax-exempt status that would apply to private sector schemes should not be allowed. I want to ensure that the introduction of best-value arrangements is not held up as a result, as I am sure that the Government and all hon. Members support it. I hope that my hon. Friend the Minister, when he winds up the debate, will assure the House that any problems have been, or are being, resolved.

[Mr. Tony Colman]

I pay tribute to my hon. Friend the Minister for his work on ethical investments in the context of the financial regulatory system. In particular, I congratulate him on his recent speech, in which he proposed requiring trustees of pension funds to make a statement of the ethical and environmental principles according to which investments are made.

Not all hon. Members will agree that that is the best way forward, but I strongly support the democratic basis of the proposal, which would render pension fund trustees accountable to their members. I remind the House that many of the ethical funds have achieved significantly higher returns than their non-ethical counterparts. Although I do not suggest that it should be mandatory, I would welcome a clear statement from trustees about the way forward for their pension fund.

I presented a Bill in the previous Session requiring independent financial advisers, as part of the regulatory regime, to ask the ethical question—whether the individual investor or pension fund wanted an investment placed in an ethical or environmental fund. I realise that there is a background of mis-selling in the pensions industry and among some independent financial advisers. However, those independent advisers have now put their house in order, and it is important that they are supported. We must ensure that one of the choices that they offer is that of ethical and environmental investment.

To sum up, let me say that although my pensioner constituents want the earnings link restored, they understand that poorer pensioners are the priority. Moreover, the corporation tax changes have been of great benefit to the pension funds—the owners of the major companies in the country. I applaud the moves on ethical investment, and I hope that the regulatory regime for independent financial advisers will include among their routine requirements the need to ask the ethical question. The pensions industry and the independent financial advisers have largely sorted themselves out and it is important that the House should welcome them as partners in taking forward the provision of pensions.

4.59 pm

Mr. Edward Leigh (Gainsborough): I think that the hon. Member for Newbury (Mr. Rendel) felt, when I intervened in his speech, that I was trying to be unfair to him or to make a party political point. On the contrary: I think that the hon. Gentleman's contribution to the debate was very fair, and I want to add to his remarks.

Since the second world war, the development of pensions policy in this country has been a notable failure of public policy making. The basic pension developed by Sir William Beveridge stood the test of time until the link with earnings was broken in the 1980s. At first sight, it was a very effective instrument. It provided the elderly with a degree of security and ensured that most people were required to set aside an adequate amount for their pensions. At the same time, the occupational pension movement developed satisfactorily.

The problem came with the break with earnings. I know that, as soon as I say that, some Members on the Government Benches will be tempted to point out that the Government whom I supported made the break. However, the present Government have accepted that the break was essential, however it was done. Since then, however, the basic pension has been untenable, and it will decline rapidly in value. It is clear that something must be done.

I regret that we did not identify that problem earlier. I had no complaint about the basic pension plus proposal advanced by my right hon. Friend the Member for Hitchin and Harpenden (Mr. Lilley) when he was Secretary of State for Social Security. However, his proposal was made right at the end of the period of Conservative government, and it was difficult at that stage to imbue it with all the authority that a Government proposal should have. The politicking of the time did not help.

There was nothing wrong with the basic pension plus proposal, and I commend it to my hon. Friends the Members for Chingford and Woodford Green (Mr. Duncan Smith), for Grantham and Stamford (Mr. Davies) and for Brentwood and Ongar (Mr. Pickles) as they develop our policy. We can tinker with the details. I accept that the scheme may not have been fully satisfactory, but the basic philosophy of privatising the pensions industry was, and remains, right. It is the only way in which we shall make progress.

The hon. Member for Newbury was feeling his way in his speech towards radical reform. However, that radical reform must involve some compulsion. The hon. Gentleman suggested that it might not entail any increase in national insurance contributions or taxation, and said that, under his system, people would see their contributions going into a funded scheme and would not consider those contributions to be increases in taxation or national insurance. In reality, however, that is how people would perceive the scheme. It would take a very courageous Government to insist on that.

Mr. Rendel: Yes, it would.

Mr. Leigh: The hon. Gentleman agrees that only a courageous Government could insist, particularly given the decline in the value of annuities, that people should put by the requisite amount every month for an adequately funded scheme.

The hon. Gentleman may be surprised to hear that I agree with him on two points. We shall make progress only if there is some compulsion and only if there is some cross-party co-operation. Sadly, because of the way in which our politics is organised, I doubt whether the cross-party co-operation needed to create a new pension scheme along the lines that he suggested can be achieved. That is not how the House works. The adversarial system has stood us in good stead for many years and I doubt whether we can achieve some great cross-party consensus on a pension plan that will stand the test of time for 10, 15 or 20 Parliaments, but that is what we would need if the hon. Gentleman's scheme were to have any chance of success.

What can we do? I shall make a proposal in the hope that the next Conservative Government—whenever they come—will have the courage to pick up the ball and run with it. That Government must have the courage to try to create a proper funded scheme for all sections of the population.

I want to be fair to the Government. I understand what they are trying to achieve. The Government rightly hold the view that no pensioner, even a pensioner who has not

made adequate contributions, should live on less than £75 a week. That is why they have introduced the minimum income guarantee. I understand that.

It is easy to be critical of people, but there may be good reasons why people have not managed to put aside adequate savings for their old age. It may not be a matter of fault. I am philosophically sympathetic to the concept that every pensioner should have some minimum income guarantee. I understand why the Government propose it. The difficulty that immediately faces the House as it tries to grapple with pensions policy once it has agreed a minimum income guarantee is this: how on earth are we to encourage people on relatively modest incomes to put aside money for their old age?

One of the most telling points made by my hon. Friend the Member for Chingford and Woodford Green was that the number of people in receipt of means-tested benefits would rise from one in five of the population to one in three. I do not criticise the Government for trying to drag people out of poverty. That is a noble aim but, once they have made the decision to ensure that everyone receives a minimum income in their old age, how will they stop ever-larger numbers of people being reduced to reliance on means-tested benefits, which many people still view with a great deal of horror? The Government have no answer to that point.

One can forgive the Government for many things. One can forgive them for the disaster with the NIRS2 computer. One can forgive them for the SERPS disaster and the wrong letters that were sent out. We all know that we are entitled to criticise them, but that they can pass the blame back to previous Governments. Yet, when the Labour party was in opposition, articulate spokesmen such as the right hon. Member for Birkenhead (Mr. Field) tried to convince us that it had within its grasp the holy grail of pensions policy; that it could both take people out of poverty and take people out of means-tested benefits.

Mr. Bercow: Can my hon. Friend reassure me that he has not gone soft and that he certainly does not forgive the Labour party for its calculated misrepresentation of the basic pension plus proposals made by my right hon. Friend the Member for Hitchin and Harpenden (Mr. Lilley)?

Mr. Leigh: I was trying not to be too party political. I wanted to get some sort of sensible debate running, but of course my hon. Friend is right. The Labour party could not resist the opportunity, so intent was it on regaining power, to use any untruth—I must use the word "lie", Mr. Deputy Speaker, but I am not referring to any individual Member of the House, so I hope that you will not mind me doing so—against my right hon. Friend's proposals. That was a tragedy. It has soured the debate. What went on in the few days after my right hon. Friend proposed the scheme makes it difficult to achieve any rational or sensible debate.

I pay tribute to the hon. Member for Newbury, even though he has not costed his proposals. It is dangerous for any party that wishes to become a party of government to come to the House with uncosted proposals. It is not good enough for a potential party of government to deal in soundbites. It should present practical proposals. The hon. Gentleman failed to do so.

The only practical radical solution of which I can conceive—we have not had one from the Government—is some move towards compelling people to put a proportion of their income into a privately funded scheme if they do not already have a satisfactory private or occupational pension. I see that the hon. Member for Newbury is nodding. Is he doing so because he agrees with the proposal that I am making? If so, although he may disagree with some aspects of the proposal advanced by my right hon. Friend the Member for Hitchin and Harpenden as Secretary of State for Social Security, does he accept my right hon. Friend's basic philosophical approach? If the hon. Gentleman accepts that, we have already achieved an element of cross-party consensus.

Mr. Rendel: I am still not clear whether the hon. Gentleman understands my proposals. He mentioned costings. A compulsory second-tier pension, based on individuals' saving from their earnings from employment, has no cost to the Government; that is why it does not need to be costed. I am not sure whether the hon. Gentleman understood that point. That is one reason why there is no need to raise the issue of costings. However, if we are talking about credits for non-earners, there will be a cost; that is why such a scheme would have to be introduced slowly.

Mr. Leigh: I am glad that the hon. Gentleman mentioned the problem for non-earners, which was also referred to by the hon. Member for Northampton, North (Ms Keeble). Anyone who takes a serious interest in pensions has to argue a way through that problem. Many people are quite incapable of making adequate provision for their old age—that may not be their fault. However, the hon. Gentleman makes my point. I did not misunderstand his proposals, because, under his proposals—and, indeed, under my proposals—people will be told that they are required to devote an increased proportion of their weekly or monthly income to their pension. That would have to go through Parliament.

The hon. Gentleman may argue that that would not be an increase in taxation, because the money would come out of people's incomes and be placed in a funded scheme, but people would consider it to be an increase in taxation. Every month, they would see that in the amount left available to them. That is what people care about; when people are in their 20s, 30s or 40s, they do not care about pensions, they care about paying the mortgage and looking after their children. If Parliament tells them that they must pay an increased amount, they will not worry whether it is listed in the coding for their monthly tax. They will blame us—or the hon. Gentleman if he is in government—for proposing it.

Mr. Rendel: It is clear to most of us who already put money into an occupational pensions scheme that our wage slip shows a basic salary amount, and that amounts are taken off for tax, national insurance and pension. The only change would be that the amount taken off for pension would be rather higher.

Mr. Leigh: In this House, we are fortunate because we are members of a most satisfactory occupational pension scheme. The first point that the hon. Gentleman must address is that not everyone works for the state or for large employers. Many people have only casual or low-paid work. Under his scheme—and, to be fair, my scheme too, because I am not ducking the problem—many people will not be paying money into an excellent

[Mr. Leigh]

occupational pensions scheme, and, in the case of the House's scheme, a heavily subsidised one; they will be paying into a private pensions scheme, while annuities are falling. That is what this House would require people on extremely low incomes to do. If one enjoys the relative affluence of a Member of Parliament with a relatively good salary, it is easy to contribute a certain proportion of that salary to an excellent occupational pension scheme. However, if people are earning only £10,000 or £15,000 a year, like many of my constituents in the north of England, and Parliament tells them that they must pay 4, 5, 6 or even 8 per cent. of their salary into a new pension scheme, there will be a massive row. That is the real world in which we all live.

To be fair to the Government, that is why they have had to come up with a chaotic response. I do not blame them for that, because, above all, they are members of a party of power and they want to remain in power. They know, therefore, that they must try to hide their intentions by introducing a scheme that confuses even those Members of the House who take an interest in social security.

I wonder whether there is a single Member of Parliament, apart from those who sit on the Front Benches and on the relevant Select Committees, who has a detailed understanding of the nature of the Government's second pension scheme or their stakeholder pension scheme, or a detailed knowledge of their implications. I suspect that there are very few such Members. If the average Member of Parliament, who assiduously reads through a daily postbag and all the briefings from the Whips Office and other sources, does not understand all those schemes, how can the public be expected to understand them?

I fear that the Government have lost a great opportunity. It all started with the attack on advance corporation tax, for, as my hon. Friend the Member for Buckingham (Mr. Bercow) made clear in his intervention, that attack has dramatically reduced the attractiveness of occupational pension schemes. That attack has continued and I believe that, among those who are the target group for the Government's stakeholder pensions—those earning about £15,000 a year—there will be a continuing flight from occupational pensions, which are the best sort of pensions, into stakeholder pensions.

I might be among those all-too-ignorant Members of Parliament who have insufficient understanding of these matters, but I am not clear how the second pension will operate as it replaces SERPS for those earning less than £9,000 a year. I only know that the high hopes engendered among the British public by all that they were told before the election are being lost. As we tinker with the pensions system, we add to the delay and we lose what should have been a most marvellous opportunity.

5.16 pm

Ms Sally Keeble (Northampton, North): I am grateful for the opportunity to speak in the debate. It is a shame that few hon. Members are present, because pensions are one of the most important issues facing us. It is a particular shame that, having called a useful debate, the Opposition have not turned up in any great number.

Mr. Tim Collins (Westmorland and Lonsdale): Will the hon. Lady give way on that point?

Ms Keeble: No, I shall not. I did say that I regretted that there were few hon. Members in total present, but noted that, although the Conservatives called this important debate, they have not turned up.

Mr. Bercow: On a point of order, Mr. Deputy Speaker. I seek your guidance: is it in order for the hon. Lady to castigate Conservative Members for poor attendance when there are only three Labour Back Benchers in the Chamber?

Mr. Deputy Speaker (Mr. Michael J. Martin): The hon. Gentleman has been a Member of Parliament long enough to know that that is not a point of order.

Ms Keeble: Thank you, Mr. Deputy Speaker.

I held two interesting consultations on the Government's proposals in my constituency, one with pensioner groups and the other with people who are in work. I should like to express my gratitude to Nationwide for having provided the facilities to allow us to discuss with its employees the financial arrangements and the life style that they wanted in their retirement, and how they envisaged achieving them. Some of the major issues that arose were very much in line with the thinking that underlies the Government's proposals.

The employees, who were of all ages, realised that self-provision was the way of the future: they did not expect all their financial needs to be met by the state, but expected by and large to provide for themselves. They did not think of that as punitive, but preferred it because it meant that they could arrange their financial affairs for their retirement as they wanted to and in a way that suited their personal circumstances. However, they made it clear that they wanted the Government to provide a safety net, not only in terms of financial support when their circumstances became pressing, as so often happens when people attain great age, but in terms of services. When considering the package that they wanted for their retirement and pension, they thought as seriously about service provision and service arrangements as about financial arrangements.

The three-tier system proposed by the Government is in line with the sort of issues raised by my constituents. I believe that it will help to keep pensioners out of poverty and do so without causing undue cost to the state. I cannot remember the exact costings of the Government's proposed scheme—I am sure that my hon. Friend the Minister will remind me of them in his winding-up speech.

My constituents—like those of all other hon. Members—want quite a high level of disposable income and do not want to be burdened with unnecessary taxation. Therefore, any pension arrangements that place an undue financial burden on those who are in work—and we have an ageing population—will not be generally accepted or welcomed.

Mr. Rendel: Of course people do not want to pay pension contributions out of their disposable incomes when they are young. However, we must accept that, as a society, we are not putting away enough for our old age.

That is why we must introduce an element of compulsion. People want to live now and pay later, but we cannot afford to let them do that. They must pay a bit more now in order to live better later.

Ms Keeble: I will deal with the hon. Gentleman's point in the course of my speech. In discussing how much money the nation puts aside, we must ask whose money it is and where it goes. Money must be spent to provide for the destitute and for those in the greatest need. We do not want to see our pensioners living in conditions such as those endured by pensioners in countries where there is no welfare state. When I worked as a journalist abroad, I wrote a story about pensioners living in a country with no welfare state. The photographs accompanying that story depicted the appalling circumstances in which pensioners lived and were censored from the article. We never want to see similar conditions in this country.

Many people are capable of making their own pension arrangements, and they say—I have heard them—that they want to be able to do so in order to choose how to spend their money. Future pensions arrangements will be about making personal choices, with a good safety net provided by the state. That is not a particularly remarkable or controversial statement. However, such arrangements are difficult to organise, and I believe that the Government's proposals will produce that outcome.

The stakeholder pension will affect most of my constituents, as average earnings in my area are £15,000 to £16,000. That funded scheme has particular merits. The hon. Member for Gainsborough (Mr. Leigh) described it as "chaotic", but the people to whom I have spoken have used the word "flexible". The hon. Gentleman might claim that people today lead chaotic lives, but I would say that their lives are perhaps less sedate and organised than in the past. People will change jobs several times, are likely to move house several times and may have several families. Their circumstances will change, and they need a pension scheme that keeps pace with their lives.

We should not talk only about the private sector as it has operated. Pension schemes must not have high administration costs. While people may not like to contribute to their own pension schemes out of their pay packets, they certainly do not want to see large sums siphoned off to pay for administration costs. People want to be able to link their savings—whatever they can afford at particular stages in their lives—with their pension arrangements later on. The Government should look closely at that issue. People clearly consider a home to be a major financial asset that should be counted as a resource in retirement.

Mr. Bercow: I am most grateful to the hon. Lady for giving way. She said a few moments ago that she wanted to minimise the burden on the taxpayer. Is the hon. Lady aware that the higher national insurance rebates designed to encourage people to take the stakeholder pension are calculated to cost the taxpayer an extra £500 million a year in the first instance, rising to £700 million a year for every additional 1 million people who opt out of the compulsory second pension? Is the hon. Lady aware of the conflict between her ambition and reality?

Ms Keeble: The reality of the Government's proposals will be a good level of state provision, giving people choice in the organisation of their finances. Different aspects of the tax changes may mean more to some people than to others. For people in my constituency, the Government's changes so far have resulted in a lower tax burden. They have been very good for pensioners.

I agree with what Conservative Members have said about compulsion. Actually, I have been here only for the speech of the hon. Member for Gainsborough, but I agree with him and with the hon. Member for Chingford and Woodford Green (Mr. Duncan Smith) that it would be wrong to make contributions to a stakeholder pension compulsory. People's circumstances change and insisting on a fixed level of deduction throughout someone's working life would be wrong and would be resented. There is also a problem of practicality and the sanctions that would be applied. Positive incentives to join the stakeholder scheme, as the Government have proposed, are a better way forward than compulsion, which would make a good scheme bitterly resented and would not be remotely workable.

Mr. David Heath (Somerton and Frome): Is the hon. Lady aware that we have compulsory pension schemes in the public service—in the police force and the fire brigade? Proper criticisms may be made about the use to which the money is put in not providing a funded scheme, but the schemes are compulsory for the employee. They are not resented for that because they are part of the terms and conditions that provide the eventual pension.

Ms Keeble: Yes, but for new pension arrangements, we can draw up a scheme that presents the best possible options. In a scheme that is supposed to encourage people to make extra provision for their retirement, there is no practicable way in which the Government can force everybody earning within a certain salary range—not just those working for big employers—to pay a certain amount.

Many people who make provision for their retirement greatly resent the fact that others will not do so and will rely on the state. That grievance is where some of the feeling about compulsion comes from, but the Government are right to resist it in drawing up their plans for the stakeholder pension.

The next level of pension is a second state pension. The hon. Member for Newbury (Mr. Rendel) seemed to be proposing that. It is a pay-as-you-go scheme, which means that, if people cannot pay in, it will be topped up by the Government. The revolutionary aspect is that it will be topped up specifically for people who are looking after young children at home or those who are looking after disabled relatives and are in receipt of certain benefits. That answers the frequent complaints of Conservative Members that the Labour party does not appreciate the enormous contribution made to society by women who stay at home to look after families and that we discourage caring because we encourage people to rely on state benefits.

With our carers pension, we are telling carers that the Labour Government value their contribution and are prepared to make up their pension contributions while they are doing that important work. I shall return to that point, which is particularly important for women. That measure will influence many women in deciding whether to take a career break to look after children or ageing parents. In the past, many felt that, if they did that

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extremely important work, they would be clobbered in their old age because they would be unable to keep up their pension contributions.

The minimum income guarantee will not affect very many people in my constituency because most, like others in affluent parts of the country, are fortunate enough to have work most of the time and to be paid at a rate that puts their income above the very low level that would entitle them to the minimum income guarantee. The policy is an important safety net because it gives people the assurance that, if they do not earn enough to make their own pension arrangements, they will get a pension that will ensure that they can live their lives with greater dignity than present pensioners can.

Pensioners throughout the country are in uproar about the impoverished state of many old people, but when one presses them, they are often talking not about themselves but about friends or acquaintances. The need to ensure that old people can look forward to security and a decent standard of living in their retirement is extremely important. I am particularly pleased that the minimum income guarantee takes into account the extra costs that people face when they live longer, as people now do. It guarantees an enhanced income rate for pensioners aged over 75, rather than the 25p increase that has, until now, been given to them.

The Government will not force people to live off benefits, as the Opposition's motion says; that is complete nonsense. The Government will encourage people to make provision for themselves and provide the safety nets that people want. Above all, I am pleased that, in their first couple of years in power, the Government have dealt with the major, pressing issues that have affected pensioners. They have tackled the grievance that many pensioners felt about having to pay so much in taxation. Lifting the tax threshold for each pensioner to £5,900 means that two thirds of pensioners will not now have to pay any income tax at all. Many pensioners had felt aggrieved because they had paid income tax all their lives and were still being clobbered for tax when they were having to rely on the arrangements that they had made for their old age.

The Government have also dealt with fuel poverty. Many Labour Members joined pensioner groups to campaign about that issue in the many years during which our party was in opposition. The Government have tackled that problem through the winter allowance, which was £20 when it was first introduced and is now £100, by reducing VAT and by making other arrangements for fuel charges. That deals with one of the main problems that affected many of our older people.

The Government have also taken action on the savings limit and dealt with issues relating to the health service. In my consultations, I have found that people generally expect to provide for themselves but recognise that they cannot possibly meet the extra costs caused by declining health in old age. The Government have cut eye test charges for pensioners and—this is not always recognised as a pensioners' issue—provided a huge amount of extra money to deal with the winter crisis. In most health authorities, that money has gone towards looking after pensioners during the winter, trying to ensure that they do not go into hospital but are looked after, much more appropriately, at home and, in some instances, ensuring that special beds are opened up. The Government are trying to ensure that pensioners get the level of care that their often frailer health requires in winter. They are also dealing with the problems of long-term care, and the real issues raised by the level of nursing-homes charges.

Above all, the Government are dealing with the pressing problems experienced by female pensioners, a group that is often overlooked. The hon. Member for Gainsborough referred to the problems of the Beveridge model. One of the main problems was the assumption that the man of the house would work and support his family, and that his work would pay for the family in his old age—an assumption that ignored the fact that women live longer. Many women were left in destitution because they had made no arrangements themselves; they also experienced the humiliation of having no independent means, and being regarded as mere appendages of their husbands. I am very glad that more women can now make their own pension arrangements, having had a full career. The Government's proposals for carers pensions and for a second state pension will be particularly important to women.

Far from being the problem area that the Opposition motion claims it to be, the area of pensions is the one on which the Government can rightly claim to have made the most progress. They have dealt with massive social issues, as well as financial issues, and I believe that, in years to come, many people who are working now will be extremely glad of such arrangements when they retire.

5.37 pm

Mr. Howard Flight (Arundel and South Downs): I remind the House that the growth of private-sector pension provisioning was one of the major successes of the last 20 years. In this country—unlike most other countries in the European Union—some £800,000 million of private-sector pension assets have been built up, and, as a result, UK tax rates and the proportion of the national income taken by the Government are nearly 10 per cent. lower. Some 85 per cent. of people who are now retiring already have some form of private pension; I believe that only 7 per cent. of men and 12 per cent. of women in full-time employment have no pension provision.

We have been considering those who do not already have some sort of private pension. The Government's stakeholder proposals—having finally come forth—seek to deal with that problem. I think that there is a broad cross-section of agreement in the House that as many people as possible, if not everyone, should have some form of private pension, because—as has been said today—the alternative is a massive growth in social security bills. People are living longer and longer. I was amazed to learn yesterday that, in the last decade, life expectancy has risen by a year for every four years that have passed. That is phenomenal. Moreover, there is the population bulge of which several of us, including me, are key representatives, having been born in the late 1940s and early 1950s. By 2010 or 2020, the country will have a much larger population of retired people, who will have to be provided for.

The specific issue is whether or not the Government's proposals satisfactorily address the problem of those who have no existing private pension. This very morning—I should declare an interest at this point: as many hon. Members know, I am chairman of an investment

management company—I addressed an industry conference on the Government's pension proposals and, in particular, on trying to assess what the LISA proposals are all about. The conference was attended by some hundred people, most of them representing pension product providers. Their first complaint was that there is still considerable lack of clarity about the stakeholder scheme. We are halfway through the passage of the Welfare Reform and Pensions Bill through Parliament, yet nobody knows what the LISA will be, if it comes into existence.

The Government realise that the basic stakeholder proposals involve severe cost problems. The costs are likely to be too high to meet the Government's CAT mark target and very few members of the industry are willing to provide stakeholder scheme, so the Government are going back and consulting. We do not know how even the stakeholder pension will eventually operate.

I have twice asked questions about the interregnum. The response that I got from Ministers at the Department of Social Security and at the Treasury was that the Financial Services Authority had already issued guidance to providers for the interregnum. Whatever guidance has been given, it is useless. There are major problems—for example, for companies that wish to set up money purchase schemes.

For various reasons, group personal pensions schemes are generally more popular with staff than are occupational money purchase schemes. It seems at present, although the matter is not absolutely black and white, that, if a company has a group personal pension scheme, it will have to introduce a stakeholder scheme as well, even though the group personal pension scheme may offer better terms. No company wants to be saddled with the costs of two competing schemes. What is it to do?

On the major issue as between the stakeholder pension and the LISA, according to the joint paper issued by the Treasury and the DSS, the LISA is purely a way in which pension fund moneys can be managed. The paper advises that the proposed LISA is a collective investment management scheme that can be used by occupational schemes, personal schemes and stakeholder schemes.

The original concept was for a much simpler pension arrangement, analogous to a PEP and an ISA, dispensing with the need for, and cost of, trustees. The LISA is intended to be a pension tax wrapper with appropriate rules about how much could be invested in it each year. The accumulated investment could be drawn out when the holder reached a certain age for a pension. The money invested out of income would be tax deductible and would accrue free of tax. The scheme was intended to be simple and cheap, particularly suitable for people who are self-employed.

That was the concept originally postulated. There has been a big debate between the DSS and the Treasury about whether it will be introduced or whether all pension provisioning schemes must have the hassle and costs of a trustee. It is fundamental to providers to know what we will end up with. If we have a LISA like an ISA and like a PEP was, that opens up a massive new field of product provision and marketing, but if the LISA is merely to be a method of managing money, that is nothing new. Pension fund money can already be managed in collective investment schemes.

With regard to the Government's proposals and the problem that they are intended to address, I put carers into a separate category. The main problem is the growth in the number of self-employed. There are now 3.2 million self-employed and the figure is rising. Partly as a reaction to the UK's adoption of the European social chapter, many people in regular employment now function on a self-employed basis.

There are a lot of self-employed people with incomes below £9,000—1.6 million, according to the Government's figures. Many part-time transient workers and 43 per cent. of female part-time workers have no pension provisions. Most people with a track record of transient employment do not have any pension provisions. I suggest that the stakeholder scheme will have big problems in meeting the needs of people in those categories.

It will not be so easy to move pension arrangement under the stakeholder scheme on changing jobs, as presently proposed; and it also has the strange requirement that people can contribute £3,600 per annum or 100 per cent. of their income, whichever is less. The cost of working out the income of people in transient part-time employment for the record-keepers and the providers will be a nightmare. I cannot understand why there is such a requirement; moreover, people in transient employment may not even necessarily qualify for a stakeholder scheme put in place by a company. Self-employed people will certainly not be covered by company-sponsored stakeholder schemes.

The second problem with the stakeholder scheme is expense. What indications have the Government received of how many providers have suggested that they will provide stakeholder schemes on the CAT mark cost basis of, I understand, a 1 per cent. all-in charge? A lot of tax-oriented requirements such as the contribution rule will make the stakeholder scheme not a low-cost animal at all. Jobbing back, one of the attractions of the LISA as originally proposed was that it could be a low-cost vehicle, just as the competitive PEP market had become a low-cost vehicle.

Mr. Bercow: In his description of those excessive costs, is my hon. Friend taking account also of the higher national insurance rebates that the Government propose to encourage people to opt for stakeholder pensions?

Mr. Flight: That is a major issue, but it falls into a separate category. The crude issue is wanting to keep the charges as a percentage of assets that flow into stakeholder pensions down to the minimum, which is a quite understandable reaction to the fact that personal pensions have often turned out to be far too expensive.

I would add that the great irony is that—after all the trouble with personal pensions and just as the market is, if anything, coming round to delivering competitive, low-cost personal pension products which may compete on cost grounds with stakeholder schemes—the Government's proposals contribute an attack on personal pensions. I find that quite extraordinary, given that 8 million people have personal pensions. Are the Government sending to all those people the message that they should cash in a personal pension—potentially at great loss, given some of the costs involved in early redemption? On the other side, group personal pension schemes for many medium-sized companies are very

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competitive and the best answer for their employees. However, it appears that they will not be permitted as an alternative to a stakeholder scheme.

My main point is that there is a great deal of confusion—not only among individuals about what possible pension arrangements are coming up and how they should decide on them, but in the industry itself over where the Green Paper and the Welfare Reform and Pensions Bill, which is going through Parliament, will crystallise. By their own admission, the Government are going back to the industry to consult—that may be wise, but time is getting on. I can tell them that I know of many companies that do not know what to do with their pension arrangements; and the pension interregnum, for the next two years has only just started.

The second main issue, about which I have spoken and written elsewhere, is that the stakeholder proposals, combined with advance corporation tax changes pushing companies in the direction of money purchase schemes, mean that there will be a huge increase in money purchase pensions as opposed to final-salary pensions.

Final salary pensions involve a closed pot of assets operated by a company pension scheme, whereas, in money purchase pensions, there is an obligation to buy an annuity, either on retirement or at the age of 75. The numbers of those needing to buy annuities will rise dramatically. However, as economic policies have put the Government's finances into surplus, the net supply of long-dated gilts—the natural investment vehicle for annuities—has disappeared. No wonder annuity costs have risen dramatically. Real interest rates are nearly half the level of recent years, and traditional fixed-interest annuities are not necessarily the right vehicle for people to convert money-purchase accumulation into an eventual pension. That matter has not been thought about by the Government at all adequately. All the focus has gone on the saving and provisioning side, where there are a few gaps. However, in terms of how that saving is converted into pensions, a great deal more thought is needed.

The solution may be to permit maximum draw-down arrangements and to abolish the obligation to buy an annuity, or to reform annuity law to permit much more flexible equity-linked annuities—or a combination of the two—but a solution is urgently needed.

In pursuing the issue of insurance companies that provide equity-linked annuities, I was horrified to find that, if an equity-linked annuity performs at more than 3 per cent. over the Revenue's benchmark, the insurance companies are not allowed to distribute it—it must go on one side as a reserve. If, as has so often happened, that reserve builds up higher and higher, the beneficiaries of the annuity entirely lose those funds.

I have a letter from the Inland Revenue to an insurance company which had asked what it was to do with the money. In a cavalier fashion, the Revenue suggested that it be booked to windfall profits! Booking someone's pension savings to windfall profits? Why has not the issue of fair tax treatment for equity-linked indexed annuities been addressed as part of the pension reform process? When millions of people with money-purchase pensions will need to buy annuities, we must give the greatest thought to how best to turn those savings into pension income.

I am uncomfortable with the Government's minimum pension guarantee. I am sympathetic to the proposals from the Liberal Democrats, in that increasing state pensions for the elderly is the simplest and fairest method of addressing the problem of pensioner poverty, although it may involve a rather different state pension structure emerging in due course. The earnings-linked guaranteed pension support will be a major disincentive to pension saving and, as it gathers momentum, will be seen as enormously unfair. It would appear that someone earning an average wage who has accumulated his stakeholder or LISA pension may have no greater pension than someone who has managed to get away with doing nothing, and who picks up something similar in 20 years' time as a result of the minimum pension guarantee. That does not seem fair.

The pension guarantee arrangements also pose complex related issues in relation to sorting out the annuity problem in permitting draw-down arrangements. We cannot allow people to draw down and to be left with no capital. However, if we want to put in a protection barrier, logically it should be equal to the state minimum guarantee. The higher that guarantee is, the fewer people, effectively, will be able to draw down.

I plead with the Government to get a move on and sort out precisely what the LISA will be. If the LISA comes out of the debate as was intended, the stakeholder pension will be redundant for much of the territory that it was intended to cover. There is a need to sweep together stakeholder pensions, group personal pensions, occupational money-purchase pensions and occupational final salary pensions into a signal code for occupational schemes.

We would do better as a country to move towards the United States model, where there is a basic choice between occupational schemes and self-provisioning schemes, called the 401K. We would be close to that model if we ended up with the LISA, as intended, and the ISA. Those two together would be fairly similar to the tax incentives and the tax packaging for self-provisioning pensions saving that has been vastly successful in the United States.

As it stands, we will have a whole array of different types of pension that people do not understand, so they will have to incur the expense of advice. I suggest that the stakeholder system will also be inflexible for many in the categories needing to provide private sector provisioning—who will fall through the woodwork again—because they are in transient employment and will not be covered by employer-led stakeholder schemes.

There is widespread support for the Government's objectives and, next time that we Conservatives are in power, we will have to sort out, and work with, whatever the Government have put in place. Therefore, it is desirable to get as much of a consensus as possible—and to get the issues as right as possible—now. However, many issues have not been addressed and time is moving on.

We have had two years waiting for the initial proposals. Candidly, from the point of view of the industry, the last thing that we need is three years in which no one has known what pension arrangements to propose. The result of that will be that people will give up and lose interest, just as some 360,000 people have given up their old PEP savings schemes because of the complexity of the mini and maxi ISAs. We need simplicity, and we need to get a move on.

5.57 pm

Mrs. Theresa May (Maidenhead): Before I contribute, I should inform the House that I have in the Register of Members' Interests a non-registerable shareholding in the Prudential corporation.

I am grateful for the opportunity to speak because I want to raise an issue that has not been dealt with in depth in the debate—although it was touched on briefly by the hon. Member for Northampton, North (Ms Keeble)—the particular impact of the Government's pensions proposals on women. Women should be concerned about many aspects of the Government's pension proposals.

Before the end of the consultation period on the Green Paper, I participated in a seminar on the impact of the Government's proposals on women. The seminar was organised by the Fawcett Society—the hon. Member for Newbury (Mr. Rendel) also spoke there—and it was unfortunate that no Government spokesman attended. The seminar brought together a number of organisations, academics, union representatives, people from the City, pension providers and women's organisations to talk about the issue. Across the board, everybody expressed concern about the implications of the Government's pensions proposals for women.

The figures on the number of women who have their foot on the pension scheme ladder—a point made by the hon. Member for Northampton, North—show that there is a real problem in terms of alerting women to the need to make pension provision. The National Council of Women of Great Britain published a document called "Securing our Future", in which it set out the results of a survey it had undertaken about women and their attitudes to pensions. The survey showed that almost one third of the women interviewed had no pension scheme in operation; some two thirds expressed concern about their future financial situation; and half were concerned that they would never be able to save enough to secure their old age. Those are figures that should concern us. It is right that the House should focus on them and on the need to raise awareness among women about the desirability of making provision for a pension.

It is particularly unfortunate that, just as more women are getting their foot on to the ladder of occupational pension schemes and are in employment that offers such schemes, the Government are dealing them a blow through stakeholder pensions, introducing arrangements that many people think may encourage employers to cut occupational pension schemes, and increasing the complexity of the system.

Again, I was interested to hear my hon. Friend the Member for Arundel and South Downs (Mr. Flight) talk about the array of pension provisions that will be available after the Government's proposals have been put in place. Some of the provisions are difficult to understand without advice, and that will be necessary. I want to come on to the way in which the Government are ignoring the need for advice on many of their pension proposals. Just as women appear to be getting their foot on to the occupational scheme ladder, the Government are introducing a complex system that will have an adverse impact on them.

That point was taken up by the National Council of Women in its response to the Government's Green Paper. It said:

> "We do not . . . think that the present proposals are adequate. They present a confused picture of piecemeal provision. Having to choose from a mix of public and private schemes will leave most people feeling confused and (perhaps rightly) insecure."

I have met representatives of the council who have spent considerable time examining the Government's proposals and raising concerns with them. The council has raised a particular concern. It was mentioned at the Fawcett Society seminar that I attended; I have heard others make the point.

Having looked at the Government's Green Paper in some depth and detail—it went to many organisations for consultation—and having taken the views of its members, because it believed that the Government's consultation exercise was a proper consultation exercise, the council found that, before the deadline for getting comments on the consultation exercise to the Government, they had gone ahead and published the Welfare Reform and Pensions Bill. During the seminar, many people commented that they were discussing and debating the impact of the Government's Green Paper proposals on women's pension provision while, at the same time, in the House, the Government's proposals were already being examined in detail in Standing Committee; the Bill had had its Second Reading.

Therefore, many people felt that the consultation exercise was something of a sham. My hon. Friend the Member for Chingford and Woodford Green (Mr. Duncan Smith), the shadow Secretary of State, referred to a number of issues where the Government have indicated, through ministerial written answers, that there will be further consultation. I hope that the Government are not doing what they did on the consultation on the Green Paper. I hope that they do not think that, by telling people that they are consulting, everything will be all right. As we saw with the Green Paper they had made their mind up all along and the consultation exercise was nothing but a sham.

Ms Keeble: I agree with the hon. Lady that what happens to women's pensions is important. However, does she not accept that, although it is true that women are getting their first toehold on the occupational pension ladder, for quite a long time tocome, the pension that will apply to many women will be the state second pension, which, as it is not a funded scheme, will have a substantial contribution from the Government? In setting that up, particularly with the carers pension, the Government will make a huge contribution to the well-being of women pensioners.

Mrs. May: I will address the impact of the second state pension on women later. All I will say at this point is that I suggest that the hon. Lady looks carefully at the implications of the Government's proposals. When one looks at the proposals in detail,one finds that they are not as beneficial to women as perhaps, on the surface, she may have taken them to be.

I reiterate the concern that I and many others have about the complexity of the pension provision that will be in place after the Government's proposals go through, assuming that the Welfare Reform and Pensions Bill is passed. That complexity is of particular concern to women

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who are worried that they are not in a position to make provision for their old age, and who feel the need for advice. Faced with that enormous complexity, advice will be important. It is of much concern that the Government do not appear to have accepted the fact that there is a need for advice on their stakeholder pension proposals.

Somewhat worryingly, the National Council of Women survey to which I have referred showed that, although 54 per cent. of the women interviewed said that they trusted a professional adviser, 64 per cent. said that they trusted the media to provide them with pensions advice. That should concern us all. I suspect that many people—women and men—take their advice from newspapers, rather than from a professional adviser. Given the complexity, it is important that advice is available to people as to what the best option is and what they should do in taking out a pension.

It appears that the Government have accepted the need for advice on stakeholder pensions, but only if the individual concerned pays for the advice. Therefore, what has been billed as a wonderful low-cost option that will be of enormous benefit to people on lower incomes has its drawbacks. The Government did not properly consider the need for advice when they first looked at those pensions, although I note from the comments of the shadow Secretary of State that advice is one of issues on which we are to have a consultation exercise, sham or otherwise.

I have mentioned a concern about the impact of the proposals on occupational pensions. That is a real issue that needs to be addressed. There is a concern that some employers will look at stakeholder pensions and say, "It is easier just to let employees take out stakeholder pensions and not to provide occupational pensions for them."

That would be a retrograde step. The provision of occupational pension schemes has been of enormous benefit. As I have said, it is extremely good news that many women are now able to get their foot on to the occupational pension scheme ladder. Sadly, many of those may now find that the ladder is pulled away from them by the Government's policy of introducing stakeholder schemes.

It has been difficult for women to make provision for the pension that they want because, as the hon. Member for Northampton, North said, they are more likely to have interrupted career patterns and periods when they are not in employment. They are more likely to be in part-time jobs, where earning levels are not significant. It is important that we look at the implications for those women, and the means by which they can ensure that they make pension provision for their elderly years.

The hon. Member for Northampton, North lauded the second state pension. She believes that it is particularly beneficial because it will provide pension credits and make available a pension for carers and for women who look after their families. However, as I cautioned her in my response to her intervention—I am sorry that she is no longer in the Chamber—she should look in more detail at the Government's provisions. The regulations that Government are proposing, and the criteria that they are setting for second state pension credits, will significantly disadvantage many women, namely, those who choose to stay at home to look after children aged between five and 16.

If one is looking after children, under the Government's proposals, one will qualify for credits for the state second pension only if the children are under five years old. Therefore, someone who chooses to remain in the home to look after her family members who are over five years old will not benefit from the state second pension. Many women would be disadvantaged by implementation of the proposal. Once again—as in so many other aspects of the Government's welfare proposals—single-earner couples in which the wife chooses to stay at home to look after the family will be hit.

What about the Government's proposals on carers? The hon. Member for Northampton, North made quite something of them, saying that they will significantly benefit carers. Interestingly, however, those on the minimum wage will have to work only about 18 hours a week to reach the lower earnings limit, whereas those caring at home for someone in receipt of disability benefits will have to provide 35 hours of care a week to qualify for state second pension credits.

Therefore, the Government—far from recognising that caring is a beneficial occupation, which it is, and that we should be grateful to the many people who stay at home to care for elderly and disabled relatives—are setting the credit qualification threshold significantly higher for carers than for those who are in the workplace.

I have not made up those points, which were made also by the Pension Provision Group in its Green Paper response—which was produced by the Department of Social Security. The group went on to say that the value of the state second pension

"earned by working just enough to reach the lower earnings limit will be much greater than it would have been for SERPS. The reward for combining a modest amount of paid work with caring responsibilities will therefore be greater."

The impetus behind the current proposals—as in so many of the Government's actions—is to get people into the workplace. The Government are saying that people will benefit if they not only look after a relative with a disability, but do some work. The abiding theme in so many of the Government's proposals, including those on disability benefits, is that one is of value in society only if one is in the workplace. I do not hold that belief. However, I tell the Government that they should carefully reconsider their proposals, specifically those on disability benefits, which most starkly demonstrate their motivating theme.

Ministers should reconsider the value contributed to society by those who are not in the workplace. Women who stay at home because they have decided to look after their families are contributing value to society, as are those who stay at home because they have decided to care for an elderly or disabled relative. Those people are playing a valuable role in society, and they should not—consistently—be dismissed by the Government, as they would be by the Government's welfare proposals.

My right hon. and hon. Friends have already made very eloquent and detailed speeches on the impact in other spheres of the Government's pension proposals. I entirely agreed with, and welcomed, the comments made by my hon. Friend the shadow Secretary of State on the pensions reform mess into which the Government have

got themselves. The Government have dithered, delayed, practised obfuscation and shown uncertainty about pensions reform. One minute, they say that they will do one thing; the next minute, they say that they will do something else.

Mr. Collins: My hon. Friend is developing a very powerful argument. Is not another stark contrast the fact that, on matters that the Government thought were important—such as a windfall tax, an emergency Budget and giving the Bank of England independence—they rushed into taking action as soon as they got into office, whereas they took no such action on pensions, because they did not think that pensions were important? In 18 years in opposition, the Government were able to work out plans on some matters, whereas pensions did not seem to be sufficiently important for them to think about.

Mrs. May: I am grateful to my hon. Friend for that intervention, and he was absolutely right. Furthermore, the contrast that he drew—especially on the windfall tax—was even starker than that drawn by my hon. Friend the shadow Secretary of State. Ministers knew before they were elected to government that they would hit pension funds by changing the treatment of advance corporation tax. They are now taking £5 billion out of pension funds—

Mr. Flight: Per annum.

Mrs. May: Yes; I am grateful to my hon. Friend—who said earlier that, as a consequence of that change, occupational pension schemes will either cost individuals 10 per cent. more or benefit individuals 10 per cent. less.

Although the Government had worked out that they would immediately hit pension funds and take money out of pensioners' pockets, they had not worked out their welfare reform proposals, although welfare reform was one of the key points mentioned in their general election manifesto.

Before the general election, the Labour party consistently said that welfare reform was the one thing that it would do. Two years down the line, where are we—what have the Government done about welfare reform? They have produced muddled proposals on pension provision. Moreover, the only way in which they are reducing the welfare budget is to cut widows and disability benefits. Widows and disabled people are under attack by the Government. I suggest that the Government's pension proposals will put women under attack, too.

6.16 pm

Mr. Tim Collins (Westmorland and Lonsdale): It is a particular pleasure to speak in this debate, as the most cursory examination of the Chamber will reveal that Labour Members have fled the field on the issue. *[Interruption.]* Ministers are getting terribly excited about that, but, if they care to look behind them, they will note that precisely two Labour Back Benchers are in the Chamber. One of those is a Parliamentary Private Secretary, and the other—who is very welcome in the Chamber—has not sought to contribute to the debate.

I am, conversely, making the third consecutive speech by a Conservative Member—on a subject that the Government themselves said was absolutely at the heart of their legislative programme. The Prime Minister said that the issue was of paramount importance. In the general election campaign, Labour Members told the electorate that pensions and welfare reform was their number one priority. Famously, the Prime Minister even launched a programme of social security road shows, which concluded after only one event. It all goes to show—as my right hon. and hon. Friends have consistently said in the debate—how embarrassed the Government have become on the subject of pensions and welfare reform. Although they have talked a great game, they have delivered remarkably little.

The Government have not been reluctant to rush into action in other spheres. Indeed, in many other spheres—whether it is the working time directive or, as hon. Members have said, the measures on advance corporation tax introduced in the Chancellor's first Budget—critics may well lay at the Government's door a charge of rushing into premature action. However, on pensions and welfare reform, which the Government have themselves named as their top priority, we have had precious little action—although we have had consultation upon consultation, Minister succeeding Minister, and White Papers and Green Papers.

As my hon. Friend the Member for Arundel and South Downs (Mr. Flight) said very eloquently, the only way in which the Government have changed the system's effects on savings has been to replace the successful tax-exempt special savings account and personal equity plan schemes with their extremely ill-thought-through, unsuccessful, confusing and—to put it most generously—yet-to-be-proven individual savings account scheme. As my hon. Friend said, 300,000 people who had been saving in PEPs are currently not saving in ISAs, which does not bode well for the future—when those people will become pensioners, and when we had hoped that dependence on the basic state pension would be reduced by savings in such schemes.

The Government's amendment to today's Opposition motion shows a little brass neck, even by the standards of this Government. That amendment seeks praise for delivering "economic stability" for pensioners. Well, that is one interpretation of what they inherited: the fastest-growing economy in Europe. Now they preside over the slowest growing economy in Europe; and whereas they inherited falling unemployment, they have delivered rising unemployment.

One could call that economic stability or, more likely, one could call it frittering away a golden economic legacy, which has consistently been the tale of this Government and which, sadly, will result in many people—not least pensioners—paying a high price.

My hon. Friend the Member for Maidenhead (Mrs. May) spoke eloquently about the impact on pensions provision of some of the Government's changes to other forms of taxation and benefit. The overwhelming majority of people in their late 40s or 50s, or just coming up to their 60s, are likely to be married couples, so they will lose out from the abolition of the married couples allowance. People coming up to the time when they have to calculate the pensionable income on which they will have to depend in retirement are losing out.

The Government may say that they have made provision for older couples, but the provision is to keep the married couples allowance only if one member of the

[Mr. Tim Collins]

couple was born before 1935. You do not need to be a master of mental arithmetic—although I know that you are, Mr. Deputy Speaker—to work out that people born before 1935 will turn at least 64 some time this year, so people on the verge of retirement, in their 50s, are not helped at all by the concession for which the Government have so eloquently called for thanks.

The Government also task us with the idea that we should be grateful, on behalf of pensioners, for the concessionary travel scheme. I would have thought that travel and transport would be the last issue that the Government wanted to raise in a debate on the situation facing pensioners.

Ms Keeble: Does not the hon. Gentleman accept that in London, for example, the concessionary travel fares provided by Labour local authorities have made it possible for many pensioners to have a reasonable life style, with some mobility? Several pensioners whom I know in London say that they are able to stay only because of the generous transport schemes.

Mr. Collins: I am most grateful to the hon. Lady, because she has made precisely the point that I was about to make. My constituents, who live nearly 300 miles from London, are fed up with policies devised by people who think that everyone can get on a bus or a tube. Tubes do not run in south lakeland. Rural pensioners are suffering because of the Government's reckless pursuit of ever higher petrol and diesel duties and their ever more effulgent denunciation of the use of the car. Many pensioners have no choice.

Mr. Deputy Speaker: Order. The amendment may have mentioned transportation in passing, but we must now get on to pensions.

Mr. Collins: Indeed, as I pointed out, it was the Government who rather unwisely raised the subject, but of course I accept your ruling, Mr. Deputy Speaker.

We have not had any clarification from the Government of the measures that they intend to introduce to assist pensioners. The Secretary of State restated the fact that the Government believe that the minimum income guarantee is the answer to all pensioners' problems. It has been widely pointed out—by Conservatives, Liberals and, although not this afternoon, also by the right hon. Member for Birkenhead (Mr. Field)—that the minimum income guarantee, far from being a solution, will make pensioners' problems far worse.

The minimum income guarantee will increase means-testing and provide an active disincentive for future pensioners to save. The message will be that people without a very sizeable income would be mad to save for a rainy day because they would be far better off expecting the minimum income guarantee to pick up all their bills.

The subject that comes up most frequently on the doorstep in my constituency—I am sure that other hon. Members find the same—is why pensioners who have saved a little and perhaps bought a house should have to pay all their bills, while people just down the road who have never lifted a finger have every single bill paid for them. With the minimum income guarantee, that problem will increase.

Ms Keeble: Will the hon. Gentleman give way?

Mr. Collins: I am sorry, but I have given way to the hon. Lady already, and I am keen to hear what will no doubt be a powerful speech from my hon. Friend the Member for Grantham and Stamford (Mr. Davies); I do not want to delay it other than to say that it has been very clear this afternoon that Conservative Members stand for support for those who save, for families and for pensioners who seek to make provision for themselves and their families, whereas Labour Members—those few who have spoken—have simply parroted the usual belief that the Government are doing the right thing for pensioners.

Pensioners in my constituency and throughout the country believe that the Government are doing anything but serving their interests. The Government have run the economy into the sand. They are penalising those who are trying to save and not helping pensioners. They started by imposing a £5 billion a year stealth tax on pensioners' income and they will carry on harming pensioners until the day that they are slung out of office. That is why we condemn them.

6.26 pm

Mr. Quentin Davies (Grantham and Stamford): We learn from this morning's press that the Government have lost the support of a substantial proportion of their Back Benchers on the means-testing of incapacity benefit, and it is clear from what we have seen this afternoon that they are also losing the support of their Back Benchers on their pensions proposals. Of the enormous number of Labour Members, only two Back Benchers have been prepared to turn up and defend the Government's actions.

That absence has been more than made up for by some extremely powerful contributions from Conservative Members. The hon. Member for Newbury (Mr. Rendel) made various proposals, some of which, in themselves, might have been quite interesting, but I cannot be the only one who will take a long time to take any Liberal proposal remotely seriously again, now that we have seen the Liberals running up the white flag on tuition fees in Scotland—only a week after they were apparently resolutely committed to their policy—and all for a mess of pottage: two pathetically junior seats in the Labour Administration in Scotland.

The other Labour contribution—that was a Freudian slip, because it is very hard to distinguish between Labour and Liberal these days—was from the hon. Member for Putney (Mr. Colman). I strongly agreed with him. He spoke with feeling, and evidently with some personal knowledge, about the position of local authority employees who continue to do the same job in the private sector because they are contracted out or are working for agencies that are privatised.

Clearly, such people should not lose any pension rights as a result of the change. The Opposition strongly support the hon. Gentleman's representations, and we hope that the Government will listen. We need an equivalent of the Transfer of Undertakings (Protection of Employment) Regulations 1981 for pensions in the local authority sector. That is a very good cause.

My hon. Friend the Member for Gainsborough (Mr. Leigh) spoke in original vein, as he always does on these occasions, and with much thought and obvious preparation. He suggested that it would be a good idea to continue the consideration that the previous Conservative Administration gave to the possibility of introducing a greater element of funding to the state pension system. I know that he feels strongly about such matters and we shall take his views into account. He also made a powerful attack on the evils of means-testing.

The hon. Member for Northampton, North (Ms Keeble) made a valiant attempt to defend the Government. She was alone on the Government Back Benches in so doing, because the hon. Member for Putney had his own reasonable agenda. My hon. Friend the Member for Arundel and South Downs (Mr. Flight) spoke with great knowledge and he is a fine example of the great utility to the House of having Members of Parliament who have had a direct professional involvement in the matters under discussion. My hon. Friend made a well-informed and useful contribution.

My hon. Friend the Member for Westmorland and Lonsdale (Mr. Collins) made a powerful speech about the evils of means-testing and my hon. Friend the Member for Maidenhead (Mrs. May) made a memorable speech. She brought a new dimension to the consideration of pension issues. We forget too often how whole sections of the population—women, of course, make up 50 per cent. of the population—may lose out badly. My hon. Friend was right to say that only in the past few years have women started to benefit substantially from the occupational pension system. Unfortunately, we now have a Labour Government who have no regard for that great national asset and who may do serious damage to it. The opportunities provided by the occupational pension system are being closed off to future generations, men and women, and some women will find that they have never had the opportunity to benefit from it.

The Labour Government's handling of pensions has been almost unimaginably muddled. We have had administrative confusion, destructive departmental rivalry and, above all, incompetence and bad principles. Let us start with the bad principles. The Labour party won the election on a manifesto that made it clear that it was committed to maintaining SERPS for those who wished to participate in it. It was in the manifesto in black and white but, when the Labour party got into office, it promptly broke that electoral commitment. That was a bad start and a bad principle to begin on.

Ms Keeble: Would the hon. Gentleman defend his party's actions in government on widows' SERPS? Does he defend the total chaos that surrounded the processing of that decision and the grief that it caused many people?

Mr. Davies: The hon. Lady has obviously taken a course at Millbank in how to defend the indefensible by talking about something else. The Labour Government decided to destroy the SERPS system, in breach of their electoral promise, and have replaced it with another system, announced in the Green Paper as the state second pension. However, it is clear that even someone with a full earnings record will, at very best, end up with a pension that—on the day of their retirement—is marginally above the minimum income guarantee. Because the minimum income guarantee—that new means-tested benefit so beloved of the Labour party—will be indexed to earnings, but the state second pension will be indexed to prices, it is axiomatic that, within a few years, even someone with a full entitlement to the state second pension will find that it has been overhauled by the value of the minimum income guarantee.

The Government will have condemned everyone in the state second pension scheme to spend their declining years dependent on means-tested benefits. What an extraordinarily unjust system. How perverse, unfair and crazy it is to decide to uprate to a lesser degree a pension to which someone has contributed than a pension to which no one has contributed. It takes new Labour to think up a system as unfair and irrational as that.

Mr. Rendel *rose—*

Mr. Davies: My time is limited. The hon. Gentleman had his chance and I have already expressed my views about his party's policies. He should not take it personally.

Bad principles are the foundation of all the mistakes that the Government have made. The Government have introduced another fundamentally bad principle into our national economy by taxing savings at a higher level than other income. As if that is not enough, they have added the unfair to the irrational and have decided that people who depend on savings income—even those whose savings income is so modest that it does not take their total income above the income tax threshold—will still pay income tax on that savings income. That is a desperately unfair and cruel policy that will have a huge impact on pensioners with a small savings income.

It is also a bad principle to increase taxation on pension funds, as the Government did with the withdrawal of the dividend tax credits—the introduction of the pensions tax. It is no surprise, therefore, as my hon. Friend the Member for Chingford and Woodford Green (Mr. Duncan Smith) pointed out, that the savings ratio in this country is declining. It has fallen from more than 11 per cent. when the Government came to power to around 7 per cent. now. It may have fallen even lower since I last saw the figures. That is a potential catastrophe for this country and it was brought about by the application of deliberate policies that were extremely ill conceived.

Stakeholder pensions are in an extraordinary shambles. The Government's introduction of stakeholder pensions will become a locus classicus—a case study—in political science classes in many parts of the world on how not to make effective policy. The Government came to power with a manifesto commitment to introduce a stakeholder pension, but they did not have the faintest idea what to do. For 18 months, nothing happened. The Government went through two Secretaries of State and three Pensions Ministers. After 18 months, we still had not seen the Green Paper that was promised in the summer, then in the autumn.

The Government were desperate and had to publish something by Christmas. They lifted the Australian superannuation model—which has now been abandoned by the Australians, although the Government probably have not noticed that—which was based on compulsory contributions by employees and employers to a funded scheme. Everyone in Australia who was earning above a certain minimum income—A$450 a month—had to

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take part. The Government changed the figure here to £9,000 a year, but the system was basically the same. However, they then changed their minds.

I do not know whether it was the Chancellor of the Exchequer or the Prime Minister who vetoed compulsion, but one of them did. I was shocked this afternoon by the way the Secretary of State tried to bluff his way out of that. My hon. Friend the Member for Chingford and Woodford Green put to the Secretary of State the reference on page 105 of the Green Paper to compulsory funded pensions for those earning more than £9,000 a year. Clearly, that contradicts the rest of the Green Paper and is a leftover from the original proposal. It shows that—in panic, at the last moment, and without taking the time or trouble even to proofread the document—the Government have allowed a trace of the previous model to survive.

The Secretary of State said earlier that that interpretation was a misunderstanding and that the reference was to the existing system. The right hon. Gentleman should return to the House and make a statement to clarify the matter. As all hon. Members know, this country has no compulsory funded pension system. It never has had. There is a compulsory non-funded system of national insurance, and there are various funded schemes—occupational, personal and others—that are voluntary. However, the phrase in the Green Paper to which I have referred could not, by definition, apply to anything that exists at present. Therefore, this attempt to cover up—I shall not use the possibly unparliamentary term that first springs to mind—has been blown wide open.

When the Government abandoned compulsion, the rest of the package—the trust system, for example, and the promise of low costs—stopped making sense. The absence of compulsion means that there are no economies of scale, that there are marketing expenses and that there is a great need for advice.

The Government do not understand that people earning between, say, £9,000 and £20,000 a year and who have a personal pension face a dilemma. Should they move out of that pension to join a stakeholder pension? If the Government fulfil their promise, the stakeholder costs may be lower, but the costs of a personal pension might have been paid already at the front end. Should people whose incomes are just above £9,000 stay in the state second pension, or take out a personal pension? If the opportunity exists, should they join an occupational scheme? If they are in a personal pension scheme, should they remain in it?

Grotesquely, people on £9,000 a year cannot now take that decision in an educated way—avoiding the traps and the possibility of mis-selling—without expert actuarial advice tailored to their circumstances. Any solution to such a problem will depend on people's ages, their promotion prospects, whether they intend to stay in the same job, and so on.

The Government have the effrontery to say that people on £9,000 a year are supposed to pay for tailored actuarial advice. That shows how little they know about pensions or about the circumstances of such people.

As if that were not enough, the Government furth[er] fragmented the market with the unnecessary and gratuitous introduction of differing tax regimes for stakeholder pensions and for personal and other pensions. The Secretary of State made a concession this afternoon when he said that he may allow group personal pensions to count as stakeholder pensions. For the first time, under pressure from Conservative Members, he is considering that positively. However, if he does allow that, what tax regime will apply? At present, group personal pensions enjoy the tax reliefs applicable to personal pensions. If they are to count as stakeholder pensions, will they have to accept the stakeholder regime's maximum limit of £3,600 a year, or will different stakeholders come under different tax regimes?

These are important matters. They add to the complexity and to the number of traps. They add also to the likelihood—nay, the certainty—of mis-selling unless people take complicated actuarial advice when they decide to join a pension scheme.

The LISA has introduced further complications. What tax regime will apply there? Will there be one regime for LISAs when offered as stakeholder pensions, and another for other provision?

It is plain that the Government did not begin to think through these matters before they put pen to paper. So arrogant were they, they did not even wait for the end of the consultation period—but now they are learning the lesson the hard way. The Secretary of State said this afternoon that he is opening up new consultation on the proposals, all of which are so misconceived that none will work. The Secretary of State now has to go back to the drawing board and take the advice that he should have taken at the beginning.

There could be no more dramatic illustration of incompetence and boneheadedness. It is an example of the arrogance of power into which the Government have fallen and into which they continue to fall further, day by day.

6.45 pm

The Minister of State, Department of Social Security (Mr. Stephen Timms): As always, the House will have enjoyed the energetic and theatrical performance from the hon. Member for Grantham and Stamford (Mr. Davies). If his contribution were to be measured by gusto rather than content, no doubt it would have more impact than it actually does. I have had the good fortune to listen to the evolution of the hon. Gentleman's line in rhetoric over these past months. However, I am bound to say that the more over the top his contributions become, the more detached they are from the reality of what the industry and all informed commentators are saying, and the more desperate they sound as well.

Indeed, one is bound to ask why, after requisitioning an Opposition day for a pensions debate as recently as February, Conservative Members have found it necessary to have another go today. The answer, of course, is because they failed so abysmally to make any impact the last time. I do not blame them for wanting to have another go, but I am afraid that they have made no more impact today than they did last time.

It would be a good idea for the Conservative party to try to make sure that, in an Opposition day debate such as this, at least a minimal number of its Back Benchers are present to support the policy of those on the Front Bench. Today, we have seen the extraordinary spectacle of the hon. Member for Maidenhead (Mrs. May) being

dragooned from her place on the Front Bench so that she can speak in the debate from the Back Bench. Also, I had never seen a Whip be dragooned from the Front Bench to the Back Bench in a desperate attempt to try to make up the numbers, but that is what happened to the hon. Member for Westmorland and Lonsdale (Mr. Collins), who has now returned to the Front Bench. Hon. Members on the Conservative Front Bench would be well advised to make sure that there is at least a little Back-Bench support before they embark on a debate such as this.

Mrs. May: I am grateful to the Minister for finally giving way, as he referred to me specifically. I was not dragooned from the Front Bench to take part in the debate. I have a particular interest in this matter, and I have referred before to the comments that I have made in seminars on women and pensions. In reality, those on the Government Front Bench did not want to listen to my remarks because of the impact that their proposals will have on more than 50 per cent. of the population.

Mr. Timms: The problem facing Opposition Front Benchers is that, to make an impact, they need some substance to their attack.

Mr. Duncan Smith: Rubbish.

Mr. Timms: The hon. Gentleman says that he does not need such substance, but empty rhetoric is not enough, no matter how over the top it might be.

The Opposition motion talks about "complacency and incompetence"—those words sum up the previous Government's record pretty well. Under the previous Government, there was the problem of the mis-selling of personal pensions: up to 2.5 million people—people such as nurses and teachers—were sold the wrong pension. That is incompetence indeed and, as in so many matters, we are clearing up the mess.

Under the previous Government, there were millions of people for whom no suitable funded pension was available on the market. We are introducing stakeholder pensions to meet a need that was completely ignored by the previous Government. That is an example of their complacency.

Then there was the problem with the inherited state earnings-related pension scheme. The Conservative Government introduced changes in the law in 1986 and then did not tell anyone. They told the Committee scrutinising the relevant Bill that they would launch a major publicity campaign about the changes, yet not only did they forget to do that, they did not even tell the people who worked for them in the Department of Social Security. Again, we are left to sort out the legacy of the previous Government's incompetence. What a shambles it was.

Conservative Members accuse this Government of complacency but, as my right hon. Friend the Secretary of State said at the start of the debate, on the basis of their policies, we are heading for a situation in which, by 2050, one person in three will retire straight on to income support. That is not acceptable. We are introducing the state second pension precisely to reduce the amount of means-testing that there would otherwise be in the system. That means-testing is a result of the previous Government's policies.

We want a contributory system so that people who work and contribute all their lives will retire on an income above the level of the means-tested threshold. Our plans will deliver that; the previous Government's policies did not.

Mr. Quentin Davies: If the Minister really values the contributory principle over means-testing—I do not believe that for a moment, but that is what he has just told us—why does he uprate the minimum income guarantee at a higher level than the contributory state second pension?

Mr. Timms: I shall come to the minimum income guarantee in a moment. Let me first remind the hon. Gentleman that the state second pension is wholly contributory.

I referred to the Opposition's policies, but that may have been rather generous—we have in fact heard remarkably little about their policies this evening. We know what their policies were before the election, and the damage that they were doing; but we do not know what their policies are now, and they have not given us the slightest hint. Do they still believe in basic pension plus?

I commend the forthrightness of the hon. Member for Gainsborough (Mr. Leigh) who said that he supported privatising the state pension, but is that the position of his Front-Bench colleagues? People would like to know. Do the Opposition have a policy? They have given no clues about it tonight. Even if we do not know what they favour, or what their policies are, they have given us a pretty clear idea of what they are against.

The hon. Member for Grantham and Stamford (Mr. Davies) mentioned the minimum income guarantee a moment ago, and the Opposition are clearly against that. They say, in the motion, that it will lead to too much means-testing. In fact, our policy for the minimum income guarantee and the state second pension will reduce the amount of means-testing in comparison with where their policies were taking us, but we shall let that pass.

The Opposition say that our policy on the minimum income guarantee will increase means-testing. What they do not say, but what they mean—if one listens carefully, one can pick this out—is that the minimum income guarantee is too generous at £75 per week for a single pensioner and £116 for a pensioner couple, to be uprated in line with earnings next April. That is what the Opposition object to. They think that we are being too generous to pensioners on income support—they think that the 1.5 million pensioners on income support should receive less than we are proposing.

During the Committee stage of the Welfare Reform and Pensions Bill, a number of Opposition Members apologised for social security measures introduced by the previous Government, informing us that they never really believed in them. The Conservative party leadership issued the entire population of Scotland with an apology. The deputy leader of the Conservative party has been attempting to shake off his party's hard-faced, privatising image, and to convince us—with the support of the party leader—that the Conservative party does care after all.

The social security team has no truck with all that wishy-washy nonsense from the party leader and his deputy. They are not for turning. They stand for the old ways. They are faithful to the true path. They yearn for the glory days of yore, for the poll tax, for mass

[Mr. Timms]

unemployment that was the price worth paying, for top rate VAT on fuel and for charges for pensioners' eye tests—those were the days.

We heard the shadow Secretary of State argue that the minimum income guarantee for pensioners is too generous. Uprating in line with earnings for 1.5 million of the least-well-off people in the country is too soft hearted for him. That may be his policy; it may even be his party's policy—but do not tell the leadership. However, it is not our policy, because our aim is that even the least-well-off pensioners should be able to share in our country's rising prosperity and the benefits of this Government's economic success.

We have heard several interesting speeches today. The hon. Member for Newbury (Mr. Rendel) expressed what appeared to be some reservations about uprating the minimum income guarantee in line with earnings. Of course, the Liberal Democrat spokesman on pensions has repeatedly supported uprating the minimum income guarantee with earnings, so I am slightly unclear what point the hon. Gentleman was making. He was on more solid ground in advocating consensus on pensions.

Mr. Rendel: I am delighted to give the Minister a point of explanation. The minimum income guarantee being uprated in line with earnings works perfectly well if there is also an age addition, but it does not work without it.

Mr. Timms: Indeed, but the hon. Gentleman's party's pensions spokesman has supported our minimum income guarantee proposals. I think that the hon. Gentleman may be endorsing that, and I agree with what his spokesman has said.

Mr. Quentin Davies: I know that the Minister likes to field soft balls from the Liberal Democrats, but will he answer my question about who will pay for the advice required by a person on £9,000 a year, who will have a bewildering range of choices and who will be the victim of serious mis-selling unless advice is available?

Mr. Timms: Advice, as we have always said, is important, and the charging regime for stakeholder schemes will reflect the need for advice. People will receive the advice that they need—*[Interruption.]* Yes, they will.

My hon. Friend the Member for Putney (Mr. Colman) made an excellent speech, and I was grateful for what he said about my meeting with his constituents. When one meets pensioner groups to explain how the minimum income guarantee will work, one finds that it is well received. People acknowledge that it is right that extra help should be concentrated on those who need it most.

My hon. Friend raised the problem of membership of local authority pension schemes for those transferred out of local authority employment under the Transfer of Undertakings (Protection of Employment) Regulations 1981. Employees of private sector organisations providing services to local authorities under contract may not automatically remain members of their local government pension scheme, but the Inland Revenue rules permit employees of contractors to join or remain in the scheme if the employer joins the scheme as a non-associated employer. I should be happy to draw my hon. Friend's concerns to the attention of ministerial colleagues at the Treasury.

I welcome what my hon. Friend said about transparency in socially responsible investment for pension schemes.

The hon. Member for Gainsborough made a characteristically thoughtful speech, and Members on both sides will have appreciated it. He argued for greater compulsion, but expressed sympathy—I am not quite sure that it was support, but it was going in that direction—for the minimum income guarantee. Our proposals, coupling the minimum income guarantee with the state second pension, will ensure that everyone who contributes throughout their lives to the state second pension or contracts out into a funded scheme is assured of retiring on an income above the minimum income guarantee level. We have squared the circle of addressing low incomes in retirement for those in low-paid work throughout their working lives and providing incentives to save.

Mr. Duncan Smith: Will the Minister now clear up the point that he has not answered in his replies to my hon. Friend the Member for Grantham and Stamford (Mr. Davies)? Will he make it clear that the Government are saying that anyone on £9,000 or more must invest in a stakeholder pension? Is that the Government's advice, because those people will get no other?

Mr. Timms: I have already answered that point.

I congratulate my hon. Friend the Member for Northampton, North (Ms Keeble) on her helpful and thoughtful speech. She has already spoken to me about her useful meeting with constituents who work for the Nationwide building society, and I welcome the fact that she and other Labour Members are working closely with employers and pension providers to contribute to the taking of correct decisions.

We have set out the principles underlying our reforms: work for those who can and security for those who cannot, and a responsibility to save towards their retirement for those able to do so. We want to put pensions on a sound footing. We want a pensions system that provides a secure retirement for all pensioners—today's as well as tomorrow's, people on low incomes as well as those on good salaries. We want a system that balances fairly the responsibilities of the state and the individual. Those are the objectives that our proposals will achieve.

The Opposition Front-Bench team seem to suffer particular apoplexy over the fact that we are listening to what the pensions industry is saying and are working up the details accordingly. I make no apology for that. We are leaving no stone unturned in ensuring that we get the details of our public-private partnership right—and we will get them right.

The state second pension will deliver much better state pensions to those on low incomes. Also, carers, long-term disabled people with broken work records and mothers with small children will be credited in for the first time. The framework for stakeholder pensions will open up good-value, funded pensions for millions of people who cannot get them at the moment. We shall ensure, for the first time, that people have clear information about the pension that they can expect when they retire.

Except in the Conservative party, there is widespread support for developing better pensions options for moderate earners. Like the hon. Member for Newbury,

I genuinely regret that the Conservative party is opting out of the growing consensus around both the aims and the framework that we have proposed for our national pensions policy. Others in this House, including Opposition Back Benchers, are engaging constructively in this process. It is a shame that Front-Bench Members are not able to do so, but time is a great healer—even the hon. Member for Grantham and Stamford will in due course recognise that it is in all our interests that everyone should be able to look forward to an adequate income in retirement. That is what our proposals will achieve, and I commend them to the House.

Question put, That the original words stand part of the Question:—

The House divided: Ayes 134, Noes 362.

Division No. 169] **[7 pm**

AYES

Amess, David
Ancram, Rt Hon Michael
Arbuthnot, Rt Hon James
Atkinson, Peter *(Hexham)*
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brazier, Julian
Browning, Mrs Angela
Burns, Simon
Butterfill, John
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Chope, Christopher
Clappison, James
Clark, Rt Hon Alan *(Kensington)*
Clark, Dr Michael *(Rayleigh)*
Clifton-Brown, Geoffrey
Cran, James
Curry, Rt Hon David
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice & Howden)*
Day, Stephen
Dorrell, Rt Hon Stephen
Duncan, Alan
Duncan Smith, Iain
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Flight, Howard
Forsythe, Clifford
Forth, Rt Hon Eric
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Fraser, Christopher
Gale, Roger
Garnier, Edward
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Goodlad, Rt Hon Sir Alastair
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Gummer, Rt Hon John
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hawkins, Nick
Hayes, John
Heald, Oliver
Heathcoat-Amory, Rt Hon David
Heseltine, Rt Hon Michael
Hogg, Rt Hon Douglas
Horam, John
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Key, Robert
Kirkbride, Miss Julie
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
MacGregor, Rt Hon John
McIntosh, Miss Anne
MacKay, Rt Hon Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Madel, Sir David
Malins, Humfrey
Maples, John
Mates, Michael
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Prior, David
Randall, John
Redwood, Rt Hon John
Robathan, Andrew
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Ruffley, David
St Aubyn, Nick
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Shepherd, Richard
Simpson, Keith *(Mid-Norfolk)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spring, Richard
Steen, Anthony
Streeter, Gary
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Walter, Robert
Wardle, Charles
Waterson, Nigel
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Wilkinson, John
Willetts, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Woodward, Shaun
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Mrs. Eleanor Laing and
Mr. Tim Collins.

NOES

Abbott, Ms Diane
Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allan, Richard
Allen, Graham
Armstrong, Rt Hon Ms Hilary
Ashdown, Rt Hon Paddy
Ashton, Joe
Atherton, Ms Candy
Atkins, Charlotte
Austin, John
Baker, Norman
Ballard, Jackie
Banks, Tony
Barnes, Harry
Barron, Kevin
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Begg, Miss Anne
Beith, Rt Hon A J
Bell, Martin *(Tatton)*
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry, Roger
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Boateng, Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brake, Tom
Brand, Dr Peter
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Bruce, Malcolm *(Gordon)*
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnett, John
Burstow, Paul
Butler, Mrs Christine
Byers, Rt Hon Stephen
Cable, Dr Vincent
Caborn, Rt Hon Richard
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Rt Hon Menzies *(NE Fife)*
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, Dale
Cann, Jamie
Casale, Roger
Caton, Martin
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Coleman, Iain
Colman, Tony
Connarty, Michael
Cook, Frank *(Stockton N)*
Cook, Rt Hon Robin *(Livingston)*
Corston, Ms Jean
Cotter, Brian
Cousins, Jim
Cranston, Ross
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cummings, John
Cunliffe, Lawrence
Cunningham, Rt Hon Dr Jack *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dismore, Andrew
Dobbin, Jim
Dobson, Rt Hon Frank
Donohoe, Brian H
Doran, Frank
Drew, David
Drown, Ms Julia
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*

Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Etherington, Bill
Fearn, Ronnie
Field, Rt Hon Frank
Fisher, Mark
Fitzsimons, Lorna
Flint, Caroline
Follett, Barbara
Foster, Don *(Bath)*
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Fyfe, Maria
Galloway, George
Gapes, Mike
Gardiner, Barry
George, Andrew *(St Ives)*
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Dr Norman A
Godsiff, Roger
Goggins, Paul
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Harman, Rt Hon Ms Harriet
Heal, Mrs Sylvia
Healey, John
Heath, David *(Somerton & Frome)*
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Hoey, Kate
Home Robertson, John
Hood, Jimmy
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hughes, Simon *(Southwark N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Ingram, Rt Hon Adam
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Mrs Fiona *(Newark)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jones, Nigel *(Cheltenham)*
Jowell, Rt Hon Ms Tessa
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keen, Ann *(Brentford & Isleworth)*
Keetch, Paul
Kelly, Ms Ruth
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
Kingham, Ms Tess
Kirkwood, Archy
Kumar, Dr Ashok
Ladyman, Dr Stephen
Laxton, Bob
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Liddell, Rt Hon Mrs Helen
Linton, Martin
Livingstone, Ken
Lock, David
Love, Andrew
McAvoy, Thomas
McCartney, Rt Hon Ian *(Makerfield)*
McDonagh, Siobhain
McDonnell, John
McGuire, Mrs Anne
Mackinlay, Andrew
Maclennan, Rt Hon Robert
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWilliam, John
Mahon, Mrs Alice
Mallaber, Judy
Mandelson, Rt Hon Peter
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Marshall–Andrews, Robert
Martlew, Eric
Maxton, John
Meacher, Rt Hon Michael
Meale, Alan
Merron, Gillian
Michie, Bill *(Sheff'ld Heeley)*
Michie, Mrs Ray *(Argyll & Bute)*
Miller, Andrew
Mitchell, Austin
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Ms Julie *(Cardiff N)*
Morley, Elliot
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Naysmith, Dr Doug
Oaten, Mark
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
Olner, Bill
O'Neill, Martin
Öpik, Lembit
Organ, Mrs Diana
Osborne, Ms Sandra
Palmer, Dr Nick
Pearson, Ian
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pond, Chris
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Prosser, Gwyn
Quin, Rt Hon Ms Joyce
Quinn, Lawrie
Radice, Giles
Rammell, Bill
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Reid, Rt Hon Dr John *(Hamilton N)*
Rendel, David
Robinson, Geoffrey *(Cov'try NW)*
Roche, Mrs Barbara
Rooker, Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Roy, Frank
Ruane, Chris
Ruddock, Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Sanders, Adrian
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Shipley, Ms Debra
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Snape, Peter
Soley, Clive
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stewart, David *(Inverness E)*
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Stoate, Dr Howard
Stott, Roger
Strang, Rt Hon Dr Gavin
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Taylor, Matthew *(Truro)*
Temple-Morris, Peter
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Todd, Mark
Tonge, Dr Jenny
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tyler, Paul
Vaz, Keith
Ward, Ms Claire
Wareing, Robert N
Watts, David
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Willis, Phil
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Wood, Mike
Woolas, Phil
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Mr. Greg Pope and
Mr. Jim Dowd.

Question accordingly negatived.

Question, That the proposed words be there added, *put forthwith, pursuant to Standing Order No. 31 (Questions on amendments), and agreed to.*

MR. DEPUTY SPEAKER *forthwith declared the main Question, as amended, to be agreed to.*

Resolved,

That this House commends the Government's approach to pensions reform, set out in its Green Paper "Partnership in Pensions"; congratulates the Government on its determination to tackle 18 years of abject failure on the part of the Conservative government to put pensions provision on a proper footing and rejects the Conservative plans to privatise pension provision; commends the Government's commitment to end the scandal of pensions mis-selling and its plans to strengthen the financial regulatory system; commends the Government on its commitment to economic stability and low inflation which helps pensioners; believes that its

reforms to the corporate tax system, which will result in the lowest ever rate of Corporation Tax, will be in the long-term interests of companies, shareholders and pensioners; and approves of the Government's introduction of the Minimum Income Guarantee, Winter Fuel Payments, the re-introduction of free eye tests and commitment to concessionary travel for the elderly as part of its strategy to provide security in retirement.

Devolution

Mr. Deputy Speaker (Mr. Michael Lord): We now come to the next motion, which concerns the implications for the Westminster Parliament of Scottish and Welsh devolution. Madam Speaker has selected the amendment in the name of the Prime Minister.

7.15 pm

Dr. Liam Fox (Woodspring): I beg to move,

That this House believes that the Scottish Parliament and the National Assembly for Wales need to work not only in the interests of the people of Scotland and Wales but for all the people of the United Kingdom and calls upon the Government to address the imbalances and tensions introduced by the establishment of the devolved bodies; urges the Government to abandon plans for electoral reform at Westminster in the light of experience in Scotland and Wales; and calls upon all unionist parties to resist resurgent nationalism in every part of the UK.

The debate occurs against the historic backdrop of monumental changes in our constitutional structures. The period leading up to those changes has gone largely unnoticed in England, but I fear that that has now come to an end. As a result of last week's elections, the 83 per cent. of the United Kingdom population who live in England now find that their constitutional arrangements are very different from those that existed a few days ago.

It is worth pointing out that, five days after polling, there is still no government in either Scotland or Wales. Tonight, as we sit in the House of Commons, in Edinburgh, behind closed doors in smoke-filled rooms—well-protected from the prying eyes of electorate—the unseemly scramble for power has well and truly begun. The Liberal Democrats, pushed into fourth place both in Scotland and in Wales, are engaged in the greatest car boot sale of principles since their last car boot sale of principles over closed electoral lists.

The job of the Opposition is to ask the questions about devolution that have never been properly addressed by the Government. During the referendum campaigns, and throughout the passage of the Scotland Act 1998 and the Government of Wales Act 1998, Conservatives were criticised for pointing out flaws in the legislation. Despite our best efforts, many of those flaws remain and, unless they are dealt with, they will be a source of imbalance and friction within our new constitutional arrangements.

The simple fact is that the Scottish Parliament and the Welsh Assembly need to work not only for the people of Scotland and of Wales, but for all the people of the United Kingdom. If we allow those bodies to fail, the United Kingdom will be finished. Conservatives in the Scottish Parliament and the Welsh Assembly will work for the maintenance of the Union.

Dr. Norman A. Godman (Greenock and Inverclyde): I thank the hon. Gentleman for showing his usual courtesy in giving way to me. I am not defending the Liberals—I would not do that. However, I point out to the hon. Gentleman that those countries with long experience of electoral systems that are different from our own—I refer particularly to the Irish Republic and Germany—generally take some weeks over the negotiations for their Administrations. It would be foolish for those negotiations to be rushed.

Dr. Fox: The fact that other countries have to endure longer periods of instability than we do is hardly a

[Dr. Fox]

vindication of the system. However, the hon. Gentleman probably need not worry because the Liberal Democrats are probably easier to buy than most parties in the rest of the world.

Mr. A. J. Beith (Berwick-upon-Tweed): Will the hon. Gentleman give way?

Dr. Fox: I will in a moment.

During the passage of the Scotland and Government of Wales Acts, we said that failing to deal with those legislative problems would create dangerous tensions and anomalies. We were right. We said that devolution would result in a resurgence of nationalism in both Scotland and Wales. We were right. We said that allowing Scottish Members of Parliament to make decisions on English matters at Westminster, when English Members of Parliament had no reciprocal powers to make decisions on Scottish matters would create new tensions. We were right. We said that devolution could lead to the break up of the Union. I hope that we were wrong.

Mr. Nicholas Winterton (Macclesfield): I am grateful to my hon. Friend for giving way at this critical point in his speech. Is he aware that the Procedure Committee, which I have the privilege to chair, is carrying out an in-depth inquiry into the procedural consequences of devolution? Has he read the Committee's first two interim reports? Will he accept from me that all members of the Committee will follow closely the deliberations and speeches in this debate, and that we shall bear them in mind before we produce our report in 10 days' time?

Dr. Fox: I am grateful to my hon. Friend for bringing that to my attention, as he has in the many Tea Room tutorials he has given me on the important work done by his Committee. We shall have to consider closely any procedural changes in this House: not only will we have to rebalance the interests of Welsh and Scottish Members here but we have to remember that this is a Union Parliament and that we all have a legitimate interest in what happens in all parts of the United Kingdom.

Mr. Beith: The hon. Gentleman might be a little more gracious. If the Liberal Democrats had not negotiated hard for their principles, his party would have not a single seat in the Scottish Parliament and only one in the Welsh Assembly. It is only because we stood firm for proportional representation that the Conservatives have any representatives on those bodies.

Dr. Fox: Just as they stood firm for the open list that they had cherished for so long. The Liberal Democrats stand firm for nothing except their own self-interest, and that is becoming increasingly apparent as the hours go by.

As in so many other areas of policy, the Government's plans on devolution are half-baked and ill thought out and, as usual, they have begun a process without thinking through how that process will end. That their plans are half-baked, there can be no doubt, for it was the Labour-dominated Scottish Affairs Committee that said:

"we hope that the Government will not be overtaken by events and that when the pace of reform slackens, it will be found that all of the separately constructed pieces of the jigsaw puzzle will fit together".

The same Labour-dominated Select Committee said:

"if there is an overall grouping showing how all the pieces will fit together, none of our witnesses were aware of it".

Seldom can such a damning condemnation of the intellectual basis of policy have been found in the pages of a report by a Labour-dominated Committee.

Mr. David Marshall (Glasgow, Shettleston): Does the hon. Gentleman agree that the Select Committee—which is all-party, comprising Labour, Liberal Democrat, Scottish National party and Tory Members—unanimously welcomed the establishment of the Scottish Parliament and wished it every success in future, in contrast with his churlish remarks this evening?

Dr. Fox: There is no difficulty in the hon. Gentleman's remarks being entirely compatible with mine—they are not mutually exclusive. The report was an all-party report and all the parties damned the Government's proposals; nevertheless, they all welcomed the Scottish Parliament, wished it well and hoped that it would succeed.

The Select Committee came late in the day to issues that have been raised in the House over an extremely long period. I am sorry that the hon. Member for Linlithgow (Mr. Dalyell) is not present, for this is surely one of his nights, given that what he has predicted for such a long time has now come to fruition and the West Lothian question remains unaddressed. Scottish Members of Parliament will find themselves without a say on matters such as education and health within their own constituencies. Incidentally, the potential for turf war is immense, with voters being able to choose between two constituency representatives and several top-up representatives; in addition, voters are unlikely to have read the schedules to the Scotland Act or to understand which powers are reserved and which devolved. However, what is more important is that those Members who find themselves semi-redundant in their own constituencies will still have a say on issues in England that are denied to them in their own Scottish constituencies.

That is no longer a hypothetical question; it is the new reality of Labour's new politics and it requires new answers, so I am delighted that the Secretary of State in waiting—the Minister for Education, Scottish Office—is here tonight to give those answers. How is the West Lothian question to be addressed?

Mr. Edward Leigh (Gainsborough): It is likely that there will be further anger arising from the fact that Scottish Members of Parliament will be able to come down here and decide England's education and health issues while English Members of Parliament have no control over such issues in Scotland. That is illustrated by the row over tuition fees. The English already subsidise Scottish taxpayers, but what will happen if English parents on modest or middling incomes have to pay full tuition fees while tuition is free in Scotland? That would be outrageous.

Dr. Fox: My hon. Friend makes the point extremely well. Now and again, the Government have to face up to one uncomfortable fact: they are the Government. They, not we, are the ones who have to deal with that anomaly, so it is up to the Secretary of State for Education and Employment and the Chancellor to fight it out with the

Secretary of State for Scotland so as to ensure fair treatment for all people in all parts of the United Kingdom.

The current position of the Secretaries of State for Scotland and for Wales more closely resembles Whitehall farce than Whitehall competence. The Secretary of State for Scotland is at this very moment engaged in a shabby auction with the Liberal Democrats on the very issue of Scottish tuition, while remaining a member of a Cabinet which has collective responsibility for the imposition of student fees on English students. It is quite apparent that no politician can have two masters: the Secretaries of State for Scotland and for Wales must resign from the Cabinet immediately on their appointment in Scotland and in Wales.

Who wins the trial of strength over tuition fees between the Secretary of State for Scotland and the Treasury will provide an interesting indication of where things stand within the Government. In the devolved Parliament, will the Labour party be allowed to follow any policy different from that commanded by the Treasury and Downing street? Will power be devolved in reality, or only on paper, as many of us expect? That issue will also provide an interesting test of the Liberal Democrats' commitment as they aspire to join a coalition in Scotland. Will they be true to their election pledge that they would demand the abolition of tuition fees? Anything less than an absolute commitment, and the Scottish electorate will see them for the chancers that they are.

There are anomalies here at Westminster that must be dealt with, the first of which is the tax and spend anomaly. Currently all Members of the House of Commons are able to questions the Ministers who are directly responsible for how the Scottish and Welsh blocks are spent. Under devolution, although all Members of the House of Commons will be responsible for raising taxes, we shall have no mechanism for scrutinising how a large proportion of those taxes are spent. That weakening of our scrutiny, coupled with the devolved Members' detachment from tax raising, provides one of the most potent sources of conflict between the Scottish Parliament, the Welsh Assembly and Westminster. I expect the Secretary of State in waiting to tell us tonight how that is to be resolved, because failure to resolve the problem of tax and spend and scrutiny will not only betray the intellectual bankruptcy that lies at the heart of the Government's devolution policy but show the current Administration's callous disregard of the rights of the House of Commons.

One of the problems that must be faced is speculation as to the appropriateness of certain ministerial appointments. There can be no doubt about the legitimacy of the monarch appointing to her Government any Member of Parliament from any part of the United Kingdom to any post to represent any part of the United Kingdom. However, it must become difficult for any Member of Parliament representing a Scottish seat to hold ministerial office in, for example, health, education or—dare I say it—transport, for they would be responsible for matters of policy in England while having no say whatever in the same matters as they affect their own constituents in Scotland. That anomaly needs to be dealt with, because otherwise it will create unfairness and uncertainty which are disadvantageous to the entire process of government and cannot help the process of devolution.

Mr. Robert Maclennan (Caithness, Sutherland and Easter Ross): Does the hon. Gentleman not recognise that the conventions of our constitution have allowed Scots to take part in decisions in Cabinet even in respect of matters in which the Scots had no direct interest and even—as in the case of Lord Mackay of Clashfern—when the individual concerned did not represent an English constituency?

Dr. Fox: It might have escaped the right hon. Gentleman's notice but, as a Member of the House of Lords, Lord Mackay did not represent any constituency at all. It is worth noting that the conventions that have applied in this House are conventions relating to a Union Parliament, not to a Union Parliament with a devolved Parliament and a devolved Assembly. We shall have to find new conventions to govern proceedings in this place and in the two devolved bodies, and those will necessarily differ from the conventions that have governed our proceedings in the past. In addition, the circumstances that the right hon. Gentleman mentions occurred when there were reciprocal rights between different parts of the United Kingdom, but reciprocal rights of representation have now disappeared under the system introduced by the Labour Government with the help of the Liberal Democrats.

We have had several debates in the House in recent months about proportional representation—in the context of Europe, devolution and the Jenkins proposals. It would be wrong of me not to thank the many Labour Members of Parliament who have offered their support in the past few days in the campaign to stop the Government introducing PR at Westminster. Many of them have said that they will have to do their duty and vote for their own side tonight, but that they are with us in spirit. They hope that we will effectively destroy any chance of introducing PR at Westminster. They can reciprocate by looking at the motions tabled for the various trade union conferences—which I believe are inspired by sources at Downing street—welcoming proportional representation. I hope that those who do not want PR at Westminster will put down motions at those trade union conferences ensuring that that view is made abundantly clear. They must not be used as puppets for Downing street as part of the Prime Minister's long-term plan to turn this place into a democratic poodle.

Mr. Simon Hughes (Southwark, North and Bermondsey): The motion on the Order Paper asks hon. Members to vote for the proposition that the Government should abandon any plans to introduce proportional representation at Westminster in light of the experiences in Scotland and Wales. Can the hon. Gentleman clarify his party's position? Would the Conservatives have preferred to see last Thursday's elections in Scotland and Wales held under the proportional or the first-past-the-post system?

Dr. Fox: If the hon. Gentleman had attended the devolution debates in this place, he would have heard that we clearly favour the first-past-the-post system. We have never voted for proportional representation. It is typical

[Dr. Fox]

of the Liberal Democrats that they cannot see beyond their party interest. Our main argument against PR—especially PR at Westminster—is that it would result in instability in Government. The purpose of Government is to govern, not to be some mathematical exercise.

Miss Anne Begg (Aberdeen, South): I understand why the Tory party in Scotland put up candidates for the Scottish elections. However, having lost out on the first-past-the-post option, is the hon. Gentleman now saying that the successful Tory candidates will not take up their seats in the Scottish Parliament because a discredited electoral system was used? That is surely the only honourable position for them to take.

Dr. Fox: We all make mistakes by allowing certain interventions. That is clearly a ridiculous notion. If the hon. Lady thinks that, because we did not vote for a particular electoral system, we will not play a full part in the new democratic process, she has some lessons to learn. If it were a question of consistency, I suppose that an anti-European such as Neil Kinnock would never have ended up a European Commissioner.

Every one of our warnings during the debates on proportional representation—we warned of instability, a lack of stable government, the disproportionate granting of power to minority parties and, worst of all, Government policies being decided by politicians after the election rather than by voters at the election—has been vindicated. Those elements are readily on show in the great Dewar-Wallace extravaganza that is being played out in Edinburgh. We can be sure that, after the Liberal Democrats' selling out on closed lists last year, few, if any, Liberal principles will not be available at bargain basement prices to allow the Liberal Democrats a sniff at the inside of a ministerial car.

Throughout the devolution debates, Labour promised us that devolution would kill nationalism "stone dead"—that was the phrase used by the Secretary of State for Defence. However, neither the hon. Member for Banff and Buchan (Mr. Salmond) nor the right hon. Member for Caernarfon (Mr. Wigley) looked exactly moribund on Friday morning—indeed, I have seldom seen them looking so rosy about their own prospects. Nationalism is resurgent and all those who wish to see this country held together—albeit belatedly—must embrace the unionist cause that the Conservatives have championed for so long. We never wanted devolution, but we accepted the results of the referendums. We have said that we will try to make it work—and we will. However, no one can make it work while the contradictions and instability at the heart of the legislation remain.

Mr. Dominic Grieve (Beaconsfield): Does my hon. Friend agree that one interesting contradiction that has not yet been touched on is the question of ministerial accountability? Many routine decisions with cross-border implications will be made by the First Minister of the Scottish Parliament. Although Westminster will have the power to intervene, the routine aspects of decision making will go to Edinburgh. The letter from the Prime Minister replying to my question of last week makes it clear that the routine decision-making process regarding the Radioactive Substances Act 1963, for example, will lie with the First Minister of the Scottish Parliament.

Dr. Fox: The situation is exactly as my hon. Friend suggests. It is clear from the Prime Minister's reply that the House will not be able to scrutinise such decisions. We await with anticipation the announcement of the rather short job description of the Secretary of State for Scotland, and we look to that office to enable this place to scrutinise what goes on in Scotland.

I have been asked why the Conservatives asked for this debate now that devolution has happened and the process is over. It is not over: this is the beginning of a process that will continue for some time. It will take many months, if not years, for us to appreciate fully the impact of the Government's flawed legislation. Their constitutional proposals are piecemeal, are a recipe for conflict and are ultimately unstable. If the Government genuinely want to hold the United Kingdom together, they must deal with the glaring flaws in the plans that they have already introduced. If they simply pretend that those flaws do not exist, the nationalists—those who want to separate the United Kingdom—will be the beneficiaries. This Government would then be guilty of setting countryman against countryman, and the Prime Minister would be remembered as the man who sold the Union.

7.37 pm

The Minister for Education, Scottish Office (Mrs. Helen Liddell): I beg to move, To leave out from "House" to the end of the Question, and to add instead thereof:

"welcomes the establishment of the Scottish Parliament and the National Assembly for Wales, following the elections on 6th May, and the prospect of working co-operatively with these bodies and in particular the opportunity this presents to make government more democratic, accountable and inclusive within the context of a stronger Union."

The Tory party may have lost its nerve in the past few years, but it has never lost its cheek. The party that opposed devolution root and branch comes unblushing to the House tonight with a carping, petty and point-scoring speech by the hon. Member for Woodspring (Dr. Fox). He normally comes to this place with a leek in one hand and a Tam o'Shanter in the other. I notice that he sports the Union flag on his lapel tonight; yet behind him sits the hon. Member for Billericay (Mrs. Gorman) who wrote in today's edition of *The Herald* in Glasgow about the need for an English Parliament. The right hon. Member for Devizes (Mr. Ancram) described such calls as "English nationalism", which is every bit as dangerous to the union as Scottish, Welsh and Irish nationalism.

The hon. Member for Woodspring comes to the House tonight purporting to speak for those people whom his party rejected and who have rejected his party. My hon. Friend the Member for Aberdeen, South (Miss Begg) made a very valid point. She pointed out that the 18 Members who were eligible to sit in the Scottish Parliament would not be in that position if it were not for the PR system. The hon. Gentleman has not offered one word of thanks for the fact that, if it were not for this Government and the new proportional representation system—which was adopted for the elections to the Scottish Parliament and the Welsh Assembly—there would be no lifeline to the moribund Tory party in

Scotland and in Wales. We have tried to give the Conservatives a lesson in democracy, but they have learned nothing and they know nothing.

Dr. Julian Lewis (New Forest, East): While the hon. Lady is giving lessons in democracy, can she explain to Conservative Members what is democratic about sharing power with the party that came not second or third, but fourth in the elections in Scotland and Wales?

Mrs. Liddell: The hon. Gentleman is showing some pique at the fact that his party is not included. If he is so opposed to proportional representation, he could urge his colleagues in the Scottish Parliament not to take up their seats, but they will take them up because the Parliament will give some of them in the dying stages of their careers an opportunity to hold high office. We have given the Conservatives a lesson in democracy, but they have learned nothing.

Mr. Michael Connarty (Falkirk, East): Is my right hon. Friend amazed not only by the arrogance of the hon. Member for New Forest, East (Dr. Lewis), but by his lack of humility? The Conservatives are five points behind where they were in 1997, when they lost all their parliamentary seats. They appear to have learned no lessons.

Mrs. Liddell: Before the Scottish general election, we saw a penitent Tory party in Scotland with the attitude, "Forgive them, for they know not what they do." First, the Conservatives were against devolution; then they were for it; and now it seems, from what the hon. Member for Woodspring has said this evening, that they are against it again. Throughout its history, the Tory party has been unable to rise to the level of great events. Last week's events were great. They mean that the governance of Britain will never be the same again—not worse, but better. Yet another of the pledges that we made to the people of Britain at the election has been honoured. Keeping promises may still be a fairly novel concept for the Conservative party, but for us it is the point of being in government.

The hon. Member for Woodspring claims that there is no Government in Scotland. He made a list of errors in his speech. He seems incapable of grasping the fact that devolution takes place on 1 July, when the powers are vested in the Scottish Parliament. Five days into a Parliament that will last for four years, it is beginning to pick up the reins of power that it will take fully on 1 July. When the devolved powers pass to the new Parliament in Scotland and the Assembly in Wales, a new, more modern Britain will be born. It will be a new democracy where the priorities are the people's priorities—truly a democracy for the many, not the few. The Tories lack the vision to see that devolution means better democracy for all the United Kingdom, including England.

Mrs. Eleanor Laing (Epping Forest): As the right hon. Lady is so keen on her party keeping promises, will she guarantee that Labour will keep its promise to charge tuition fees, or will it listen to its Liberal Democrat partners?

Mrs. Liddell: The hon. Lady seems to have forgotten the fact that the Government whom she supported set up the Dearing committee. As usual, she is posturing on the issues. In Scotland, we have a new democracy which will be built on consensus. Last week, on the eve of the Scottish and Welsh elections, the House gave a Third Reading to the Greater London Authority Bill, which paves the way for an elected mayor and assembly here in London, so that those in the south will also be able to enjoy the benefits of devolution just as we enjoy them in other parts of the United Kingdom.

Mrs. Teresa Gorman (Billericay): If the right hon. Lady's argument is that it is democratic for the Scottish people to have a referendum and choice in their government, why is it not also part of her party's democratic strategy to let the people in England have a referendum on whether they would like their own Parliament?

Mrs. Liddell: I should be interested to know whether it was the view of the Conservative Front Benchers that there should be an English Parliament. That would be revealing.

Last week, the House voted on the Greater London Authority Bill, which paves the way for an elected authority here in London. Throughout England, regional development agencies are up and running. At the general election, we made it clear that we were committed to directly elected regional government in England where there was a demand for it. We have said that, in time, we shall introduce legislation to allow the people, region by region, to decide in a referendum whether they want directly elected regional government. I stress the importance of local consent, because we know that some areas of England are less enthusiastic about devolution than others. Devolution is not about one-size-fits-all government. Already, some local authorities in England and their regional partners are setting up voluntary chambers.

Mr. John MacGregor (South Norfolk): Is the right hon. Lady suggesting that the regional development agencies and assemblies in England—if they came about in certain regions—would have the same powers as the Scottish Parliament? Is she suggesting that they would be in any way equivalent?

Mrs. Liddell: There is no separate criminal law in the regions of England, but there is in Scotland. We shall build on the democratic will of the people in the regions of England to ensure greater accountability.

Much has been made of the role of the House in the new situation and of the alleged threat to it because of the changes that we have made. It is regrettable, but not surprising, that Conservative Members cannot see an opportunity to improve the operation of the House when they are confronted with one. They are so blinded by prejudice that they cannot see that the new governance of Scotland, Wales, Ireland and London will allow an opportunity to improve the business of the House. The Modernisation Committee will shortly be considering a proposal from my right hon. Friend the Leader of the House to revive and adapt the Standing Committee on Regional Affairs. That would enable the House to debate the affairs of the English regions, along the lines of the Scottish and Welsh Grand Committees.

Dr. Fox: Having failed to answer the previous two interventions, will the right hon. Lady tell us, given that

[Dr. Fox]

she is committed to such a democratic solution and understands the problems here at Westminster, whether the Government intend to do anything to answer the West Lothian question, which was first raised by a Labour Member, not a Conservative?

Mrs. Liddell: I shall come to the West Lothian question. The decisions that we hope that the Modernisation Committee will take on issues such as the Standing Committee of Regional Affairs should give the regions of England an opportunity to have a voice. The hon. Member for Woodspring shakes his head. I seem to remember his one-time friend, Mr. Michael Forsyth, saying that the Scottish Grand Committee could be an alternative to a devolved Parliament. It patently is not. The same gentleman marched up the Royal Mile in Edinburgh behind a large stone, believing that that would give democracy back to the people of Scotland. I immediately think of the emperor and his new clothes.

I promise that we shall not pack the Standing Committee on Regional Affairs with Scottish Members in the way that, over nearly four decades, Conservative Governments under Harold Macmillan, Sir Alec Douglas-Home, Lady Thatcher and the right hon. Members for Old Bexley and Sidcup (Sir E. Heath) and for Huntingdon (Mr. Major) packed Scottish Standing Committees with English Members to vote down the will of the Scottish people. I remind the House of one case in particular—the poll tax. The hon. Member for Woodspring talks about the West Lothian question as though it were a new problem. It is not. We in Scotland suffered from the home counties question, the Devon question, the Cornwall question, the Norfolk question and the Suffolk question week after week as generations of Members of Parliament from the Tory shires, press-ganged into Committee service, marched into the Division Lobbies to vote down the Scots without ever having heard a word of the debate. That is what I mean when I say that they have not lost their cheek. Let them come here and confess how they treated the House and the Scots within it. I promise the House that this Government will not repeat the mistakes of the previous Government. We believe in the new politics and the new democracy, even if some Conservative Members give us cause to wonder whether they are worth it.

Dr. Fox: In that case, why do the Government not propose to reduce the number of Scottish Members at Westminster at the next election?

Mrs. Liddell: The hon. Gentleman is well aware that those are matters for the boundary commission, which is independent. [HON. MEMBERS: "Ah."] Opposition Members are now challenging the independence of the boundary commission. I wonder whether the leader of their party agrees that the commission is not independent.

Mr. MacGregor: Will the right hon. Lady give way?

Mrs. Liddell: I should prefer to make progress, but I shall allow the right hon. Gentleman to intervene later.

The House is not the English Parliament. It has not been reduced to being a rump Parliament. It has been, is, and will continue to be, the Parliament of all the United Kingdom. That is what the people of Scotland, Wales and Northern Ireland want. They are not separatists. Last week's votes in Scotland and Wales were votes against separation, not—whatever the Scottish National party or Plaid Cymru may claim—the first step towards it. The most separatist statements that have been made since last weekend were made by the hon. Member for Billericay in today's newspapers and, I understand, in a pamphlet that will be issued tomorrow.

The majority of people in Scotland, Wales and Northern Ireland have no difficulty in viewing themselves as British. It is clear from the reaction of ordinary people in England that the vast majority wish the Scottish Parliament and the National Assembly for Wales godspeed. The English are not well served by the hysterical ranting of Conservative Members.

Mr. MacGregor: The right hon. Lady has not addressed any of the issues or answered any of the questions. She has made many bogus points, including a reference to the Standing Committee on Regional Affairs. Is she seriously suggesting that such a Committee is equivalent to the Scottish Parliament, and is she aware that there may be only one debate on the regions every two years? Is she further aware that no votes are taken in that Committee and it is simply a talking shop? That is why, when it was last tried, it was abandoned.

Mrs. Liddell: Perhaps we are witnessing the right hon. Gentleman's inability to accept the facts, which is part of the problem of the Tory party's collapse at the previous general election. The Standing Committee on Regional Affairs is not envisaged as an alternative to the Scottish Parliament. If the right hon. Gentleman is advocating an English Parliament, I would be interested to know the view of his Front-Bench colleagues on that matter.

It is necessary to take account of, and articulate the differences between, the various regions of England. We are anxious to find an opportunity better to address those subjects in debates in the House.

Mr. Grieve: If it had been suggested during our debates on Scotland that regional variations in Scotland should cause us to set up two Parliaments there, I am sure that the right hon. Lady would have been the first, followed by her many Back-Bench colleagues with Scottish constituencies, to cry foul. Why, therefore, does England have to be regionalised in the way that she describes when there is an English identity?

Mrs. Liddell: It is a matter of what the English people want. Even after all this time, the Conservatives have not caught on to the distinctive difference between Scotland and England on legislation. Devolution has existed for the better part of a century because we have had separate legislation for Scotland. The hysterical ranting of Conservative Members would put to shame the rivalry on football and rugby pitches.

Sir Teddy Taylor (Rochford and Southend, East): Will the right hon. Lady try to resolve a problem which may arise? Would the Government and the Secretary of State take the view that they had the power to intervene if, for example, the Scottish Parliament decided to abolish tuition fees? I have friends in Scotland who believe that the Government could intervene under section 35(1)(b) of

the Scotland Act 1998. Would it not help to relieve present uncertainties if the Government made it clear whether they consider the Scottish Parliament entirely free to make a decision on tuition fees, or whether the Secretary of State would have the powers to intervene under section 35(1)(b)?

Mrs. Liddell: Those are hypothetical matters, which are under discussion at present. I remind the hon. Gentleman—who was once, I recall, the Member for a Scottish seat now represented by my hon. Friend the Member for Glasgow, Cathcart (Mr. Maxton)—that devolution means devolution.

We have heard the sterile arguments of the separatists and the anti-devolutionists, and those have now been exposed. It is time now to concentrate on those English Tories—I say "English" deliberately, because at present there is no other kind—whose xenophobia about Europe has now developed into spite about other parts of the United Kingdom. Yes, devolution means a substantial transfer of power, but in no way does it mean that the responsibilities of the House will be reduced to matters that are reserved to it or, indeed, to matters relating to England. The Government will continue to be accountable for the activities of all the main Government Departments, and none of the UK Departments, apart from the Scottish and Welsh Offices, will have its activities reduced after 1 July.

Mr. Grieve: Will the right hon. Lady give way?

Mrs. Liddell: No, I have given way to the hon. Gentleman already, and I want to make progress. Other hon. Members on both sides of the House want to intervene.

Mr. Nigel Evans (Ribble Valley): Referring to the West Lothian question, the right hon. Lady said that it would be up to the English people to decide whether they wanted their own assembly or Parliament. Is she therefore stating that the English people—I mean those in the whole of England—will be offered a referendum to decide whether they want their own Parliament?

Mrs. Liddell: I wish that the hon. Gentleman would listen. I made the point clearly that it would be up to different parts of England to decide whether to have their own assembly. We shall introduce the necessary legislation to ensure that those assemblies could be set up if they were required.

Mr. Graham Brady (Altrincham and Sale, West): Will the right hon. Lady give way?

Mrs. Liddell: No, I want to make progress.

The hon. Member for Ribble Valley (Mr. Evans) does not want to acknowledge that the Government are prepared to listen to the people of the different parts of England, as we have listened to those in other parts of the United Kingdom.

Mr. Evans: If the right hon. Lady is listening to the people of England, will she therefore state whether the people of England as a whole will be offered a referendum on whether they want their own Parliament?

Mrs. Liddell: I am intrigued by that question, which leads me to ask whether we are to assume that the view of the official Opposition is that there should be a referendum for an English Parliament. That is a significant admission by the Opposition that they favour an English Parliament. Does the Leader of the Opposition accept that position? I think that we should be told. *[Interruption.]*

Mr. Jimmy Hood (Clydesdale): On a point of order, Mr. Deputy Speaker. I cannot hear this important debate because of the Opposition's bantering.

Mr. Deputy Speaker: That matter can safely be left to the Chair.

Mrs. Liddell: I return to my point about referendums. We pledged in our general election manifesto—we have kept yet another of the pledges that we made to the people of Britain—that, if parts of England want a devolved assembly, we will put in place the necessary legislation to allow a referendum to take place. I am amazed that Conservative Members are confused by that point, given that London was one of the first areas to be dealt with, and the House was debating those matters as recently as last week.

I do not deny that the new arrangements will take some getting used to, especially for those English Tory Members who table questions to the Secretary of State about matters for which he will no longer be responsible after 1 July. However, I am sure that they will find another interest to keep them amused.

Let me make it clear that there is a legitimate role for Scottish members in relation to Government decisions relating to English spending proposals—and, indeed, vice versa.

Mr. Grieve: How?

Mrs. Liddell: The Barnett formula means that public expenditure decisions in England have direct consequences for Scotland and Wales, and vice versa. We have no plans to change those arrangements.

Mr. Grieve: Will the right hon. Lady give way?

Mrs. Gorman: Will the right hon. Lady give way?

Mrs. Liddell: No; I want to make some progress.

Let me tell the House about the mailbag that I receive, as a constituency Member. I am sure that all my colleagues, as constituency Members, receive the same mailbags. The bulk of the casework received by Scottish Members of Parliament concerns pensions, benefits, the Child Support Agency, the new deal and immigration—and Scotland is not an insular community. Only yesterday, the general assembly of the Church of Scotland turned its attention to the problems of third-world debt, an issue that is raised with me during nearly every visit that I make to Scottish schools.

[Mrs. Liddell]

Let me also pay tribute this week to the people of Glasgow, Renfrew and East Lothian, who have opened their hearts and their homes to refugees from Kosovo. Many Scottish troops have served in the Balkans, both in flying missions and in helping refugees.

Mrs. Gorman: English, too.

Mrs. Liddell: The hon. Lady shrieks, "English, too." Let me say to her—*[Interruption.]*

Mr. Deputy Speaker: Order. The hon. Member for Billericay (Mrs. Gorman) must not shout from a sedentary position, or keep seeking to intervene, when it has been made clear to her that she will not be allowed to intervene.

Mrs. Liddell: Thank you, Mr. Deputy Speaker.

As I said earlier, the English are not well served by hysterical rantings from Opposition Members. When the people of Scotland have experienced terrible tragedies such as those in Lockerbie and Dunblane, we have drawn great strength and comfort from the embrace of others in lands both far and near. That will not end with devolution. We are part of a partnership: we are stronger together, and we are weaker apart.

This will be an adaptable Parliament. When it is not debating United Kingdom matters, it is bound to address the concerns of representatives of English constituencies. Both the hon. Member for Woodspring and the right hon. Member for Devizes have themselves made it clear how difficult it would be to determine issues that are exclusively English, because so many English issues have an impact on other parts of the United Kingdom. Primary legislation for Wales remains the responsibility of this House. Most legislation has wider UK implications—and, as Opposition Members are fond of pointing out, there are European Union connections as well.

Let me say to those who advocate a purely English parliament, as does the hon. Member for Billericay—

Mr. Grieve: Will the right hon. Lady give way?

Mrs. Liddell: No. I have made it clear to the hon. Gentleman that I wish to make some progress.

The fact that I say to the hon. Member for Billericay that this Government do not see a case for an English Parliament—I increasingly wonder whether that is now the stance of her party's Front Benchers—does not mean that they are not keen to find ways of dealing more effectively with issues affecting the English regions.

Mr. Grieve: Will the right hon. Lady give way?

Mrs. Liddell: The hon. Gentleman seems to be having difficulty in understanding what "No" means.

I remind hon. Members that my right hon. Friend the Leader of the House is actively pursuing the matter in the Modernisation Committee. There may be a need for some procedural change once we benefit from the experience of devolution in practice, but there is no case for making such changes until we see devolution in operation.

The changes that were voted for by the people last week, and will be implemented within a very few weeks, are indeed momentous. Tonight, we have heard the same kind of sniping that accompanied the birth of these proposals. We have heard the bogus constitutional arguments, and we have witnessed the frenzied inability to comprehend the Government's arguments. But that will soon be a thing of the past. The proposals will come to be accepted by the House, and in an astonishingly short time—perhaps in a few years—the relevance and importance of devolution will hardly, if ever, be questioned.

Devolution is what the Scottish people have wanted, and they now have it. It was promised by the Labour party more than a hundred years ago. Far from worrying about the haste with which it has been introduced, I am only sorry that it has taken so long. On the eve of the fifth anniversary of John Smith's death, the unfinished business that was John Smith's unfinished business—I say this as his successor—is now completed. I commend the amendment to the House.

8.5 pm

Mr. Robert Maclennan (Caithness, Sutherland and Easter Ross): It is a matter of some regret—but not, perhaps, of surprise—that the speech of the hon. Member for Woodspring (Dr. Fox) demonstrated neither great historical understanding nor any comprehension of the present satisfaction in Scotland with what has been done, and the conduct of the elections that have taken place in both Scotland and Wales in the past week. There has been great satisfaction about the fact that electors in both countries have grappled with unfamiliar electoral systems, and have put in place bodies that will start their lives with great good will.

In Scotland—in contrast with what happens in this House—all the political parties have made declarations of intent to make their Parliament work. Although it is recognised that there are matters still to be decided in regard to ways and means of doing business, there is widespread satisfaction about the fact that there, at least, the Scottish debate is concluded for the time being. Elected representatives can now get on with delivering what the public look to them to deliver.

Dr. Fox: Will the right hon. Gentleman give way?

Mr. Maclennan: No. I have only just begun my speech, and I do not intend to jump up and down like a jack-in-the-box in response to interventions from Conservative Members who seem to think that the proper way in which to conduct the debate is through a series of interventions disrupting the flow of argument.

Although it is recognised that there are matters still to be decided, there is satisfaction about the outcome. The focus of the political discussion therefore moves from the structures to the new directions of policy that are expected from the new bodies, and it is high time that it did so. As we in Westminster come to terms with those developments, we should remind ourselves that although—in conceptual terms—the new bodies are our creation, they will have a life of their own. Although we defined their powers, they will do things in their own way. It is right that they should, for their members owe their election to the people, and are every bit as legitimate as we are here.

The Scottish Parliament and the Welsh Assembly have no need for the historical conventions that we have inherited in this place, and which we are usually too slow to transform. In particular, I believe that they will disappoint their public if they pay attention to our too adversarial ways—of which we heard a classic example earlier from the hon. Member for Woodspring.

Another observation can be made. Owing to a system of election that predictably denied any single party an overall majority, all parties will bear a continuing responsibility for the quality of the Governments of Wales and Scotland. Governments led by a party with only a minority of seats will have to heed the views of other parties.

Dr. Julian Lewis: Perhaps the right hon. Gentleman will address himself to a question that I put to the Minister of State, who significantly failed to answer it. What is democratic, fair or in any way an improvement in a system that allows a party—namely the right hon. Gentleman's party, which came fourth—to share power with the party that came first, to the exclusion of the parties that came second and third?

Mr. Maclennan: It remains to be seen whether there will be such a sharing of power. Furthermore, as all the parties are minority parties, whether or not any of them come to a formal agreement, those that are not within the agreement will still bear and share responsibility for the actions of the Scottish Executive and the Scottish Parliament. The balance is quite different in the new bodies and it will not be possible simply to strike attitudes about the actions that are being taken, for, as no party has an overall majority, the other minority parties will be held to account if they, too, do not behave responsibly. That I believe to be a benign effect of proportional representation.

The other parties, whether in opposition or coalition, also have a responsibility to ensure that their criticisms are not captious and that their work is constructive. A minority party such as the Liberal Democrats must pay due regard to the fact that the Labour party in Scotland and in Wales has won more seats and more votes in the elections.

I do not doubt that there will be strenuous arguments within the new bodies in the future, but the happy difference between those debates and the ones with which we have become familiar at Westminster is that the protagonists in those Assemblies know that they may have to do business with each other, regardless of party allegiance. That, I believe, will lead to some tempering of the aggressiveness that was displayed by the hon. Member for Woodspring tonight.

Dr. Godman: I am grateful to the right hon. Gentleman. As a frequent visitor to Northern Ireland, I can report that there is keen interest there in recent developments in Scotland and Wales. Even the Unionists who are opposed to the implementation of the Good Friday agreement are anxious for devolution to be implemented in Northern Ireland by way of an Assembly up and running.

Mr. Maclennan: The hon. Gentleman makes a fair point, which I hope that he will have a chance to develop later in the debate.

When British people criticise this House, they frequently express regret that our discussion is not more accommodating, more directed to seeking agreement and less to scoring points. The House of Commons may have something to learn from the style of the new bodies. In any event, I suggest that we stand back before we make any judgments about what is being done in Scotland and Wales.

It will not be too long before we can essay some comparison between our newly elected British parliamentary bodies and judge their openness, responsiveness and effectiveness in delivering what the British people voted for in those parts of the United Kingdom. For now, we would be wise to confine ourselves to making such procedural adjustments to our own ways of doing business as are necessary to take account of the existence and legitimacy of the devolved bodies.

We shall not need for much longer three separate territorial Departments, with their Secretaries of State coming before us to be questioned as frequently as before. Now is an opportunity greatly to slim the ministerial ranks, and, in the future construction of the House of Commons, to take account of the changed balance of responsibility between the Members.

The Government have already indicated that, in respect of Scotland, an approach is likely to be made to the boundary commission to reduce the direct representation of Scotland in the House. That is natural and just. I hope that, by the time that the boundary commission sits, the progress of devolution in other parts of the United Kingdom will have been sufficiently rapid and far advanced to make a general slimming of the House of Commons appropriate, as work is decentralised from the Palace of Westminster and Whitehall.

Although the case for separate territorial Departments is rapidly vanishing, it would be appropriate for the foreseeable future to retain a Minister of Cabinet rank with some responsibility for liaison between the United Kingdom Government and the devolved Governments—a Minister who can ensure that there is equity in the treatment of the various members of the semi-federal United Kingdom. Such a ministry could help to provide for the proper channelling of concerns and proposals about the developing relationships of the different parts of the UK to each other.

The House will wish to consider in due course how to effect liaison with the other elected Chambers in areas of overlapping and cognate responsibility. Similarly, we shall wish to consider how to concert our dealings with the European Union where it is desirable to find a common voice. Preliminary thinking is in train in our Procedure Committee about those matters. We should await the expression of views from the new Assemblies in Scotland and Wales before arriving at conclusions about how best to effect proper liaison.

Mr. Richard Shepherd (Aldridge-Brownhills): I am grateful to the right hon. Gentleman. He is addressing some of the important issues. The Minister did not seem to think that Scotland was part of a democracy—that was one of the arguments that she advanced. Does the right hon. Gentleman, who represents a Scottish constituency, feel at least a little uncomfortable about meddling in transport or education—matters over which he has no

[Mr. Richard Shepherd]

influence and into which he has no input in Scotland—and wanting to affect the balance of the argument in England and Wales? We are no longer a body corporate. That is part of the problem. The Liberal gung-ho about the future is all very well, but we have practical problems before the House. What is the standing of a Scottish Member of Parliament in relation to the business that relates exclusively to England and Wales?

Mr. Maclennan: By defining the problem in terms of what is exclusively related to England and Wales, the hon. Gentleman reveals the difficulty of accepting any proposition that would separate the Scottish representatives in the House from debate. There are few matters affecting the example that he gave—transport—that do not touch Scotland. In his book, future arrangements for servicing the channel tunnel, for example, might be a matter of concern only to English Members of Parliament. That is not how it is viewed from the north of Scotland. Similarly, within the United Kingdom—

Mr. Brady: Will the right hon. Gentleman give way?

Mr. Maclennan: I am dealing with one point. Intervention upon intervention is not necessarily helpful for carrying the argument forward. There are matters which, although they are predominantly of concern to those immediately affected, have a ripple effect on the whole of the United Kingdom.

I see us moving towards a federal Parliament in which there will be concurrent responsibilities for many of the matters that are at present regarded as exclusive. I hope that, in debates in that federal Parliament, there will be a full voice for Members from all the nations and regions of the United Kingdom. Until we have reached that happy outcome, we are bound to face some anomalies, but they are unlikely to be anything like as troublesome to the English as have been the anomalies of the oppressive use of their parliamentary majority in England to the Scots over at least two generations.

Mr. Brady: I am grateful to the right hon. Gentleman for giving way. I hear his comments about the difficulty of defining precisely the items of business that would affect only England and Wales, without having any effect on Scotland. Would not one acceptable way forward, at least as an interim measure, be that Scottish Members might exercise a self-denying ordinance and simply refrain from voting on business in which they feel they should not be involved?

Mr. Maclennan: That convention would certainly run with the grain of my thinking about the undesirability of my voting in this place on matters with which I am not particularly engaged, but I do not know that the Whips in any of the parties would follow such a lead with great enthusiasm.

Another point needs to be made about the difference between Scotland and England in these matters. Effectively, the Scots and the Welsh have been in a minority for a long time; they always will be, because of demography. That minority has had to accept being trampled upon, over and over again. For demographic reasons, I cannot for the life of me see how the Scots and the Welsh will ever be in a position to do the same in reverse—it baffles the imagination.

Mrs. Gorman: The right hon. Gentleman said that the Scots have been trampled upon by this Parliament in past decades. Can he explain why the Conservative majority in this House, throughout the past two decades at least, kept in place the Barnett formula, which greatly advantaged the Scottish electorate with additional expenditure of 23 per cent. on their health programme and 25 per cent. on their education? How is that trampling on Scottish feelings?

Mr. Maclennan: I do not want to go into the details of the Barnett formula, which was accepted across the parties and whose successors have built upon it for decades. The principle was broadly accepted that it was equitable. If the hon. Lady is saying that there should be some inequitable settlement imposed on the Scots, she is merely fortifying the point that I am making: in the tax-raising as opposed to the tax spending effects, we have suffered oppression. The Minister of State referred to the poll tax, which was deeply resented and could be the reason for the Conservative party's disappearance, to vanishing point, from Scotland's representation in this Chamber.

I am not saying that we should not in any way alter the proceedings of this place to take account of those developments in respect of English business and Welsh business. Serious consideration has to be given to that, but I believe that the Minister of State is right—I was particularly glad to hear her say so trenchantly tonight—that the ultimate solution to these problems lies in the Government's commitment to decentralisation in England, which we support. That is the key.

We have long advocated devolution all round. Gladstone, I believe, was the first to coin that particular expression and I am interested in the fact that the Labour party also had contemporary thinking on it. However, the disparity in power between Gladstone and Keir Hardie when that expression was first voiced was a little considerable.

Dr. Godman: A little.

Mr. Maclennan: It has to be said that neither party has been notably effective in bringing devolution to the statute book, but it was extremely encouraging to hear the Minister of State speaking as she did tonight, for I am quite sure that she is right to see devolution as the way to end anomalies.

We are not saying that a uniform system of decentralisation should be imposed on the whole of the United Kingdom. The Minister of State is right to say that devolution should reflect what people want in different parts of the country and that it should proceed at the speed that people want. We have seen that happen in other countries with great effect—notably in Spain, where devolution has not proceeded in an imposed form, but has grown from beneath. That is what will happen here, I think.

I particularly want to pay tribute to the Deputy Prime Minister, because he deserves a great deal of credit for having driven the process forward. What has been done,

sometimes in the face of opposition from those who are tidy minded, has taken the process of local decision making far further forward.

Dr. Fox: Why does the right hon. Gentleman believe that devolution should be pan-national in Scotland and in Wales, but regional in England? Is it because he sees England not as a nation, but as a conglomeration of regions?

Mr. Maclennan: I see within England very great differences of identity. The north-east and Newcastle are not likely to respond positively to a London Government being imposed on them by someone who is devising a pan-English solution.

The thrust towards devolution is the desire to achieve decentralisation—not the desire to express national identity alone—and to adapt systems of government to the demands of the societies in which we live and make them fit our needs. Where those needs are different—they are patently different in different regions of England—they should be reflected in a structure that allows those differences to be expressed in different choices of priority, in different public expenditure priorities and even in different systems of taxation. That is the nature of a federal solution and the nature of the solution that I want this country to move towards.

Mr. Shepherd: Will the right hon. Gentleman give way?

Mr. Maclennan: I am taking a little longer than I intended, but I will give way.

Mr. Shepherd: I am grateful to the right hon. Gentleman. The whole point about accountable government is that those who raise the money and determine how to spend it are accountable to an electorate. That function—the totality of central Government expenditure—will be determined in this Chamber, but it will be driven by priorities for which we will be held accountable by the local Parliament or Assembly. There will be conflict in that arrangement, will there not? Unless those authorities in Scotland and in Wales can raise money, how will that arrangement be justified? The Barnett formula will be under threat.

Mr. Maclennan: Thinking will develop on tax raising as on tax spending. In due course, there may be a federal funding response to the development of federal responsibilities, which I would certainly welcome. People in New York city pay income tax to three bodies—the city, the state and the federal Government. A development along such lines would be extremely rational and welcome in this country, but we are some way from that.

In the meantime, we must attend to the immediate task of overseeing the work of government in the regions of England. The Minister of State is right to say that that can best be entrusted to the work of Committees of this House, following the pre-devolution pattern in Scotland and other parts of the UK. That is entirely a matter for this House, and we look forward to the report of the Select Committee on Modernisation to see what recommendations may come from our colleagues.

I conclude by making a heartfelt statement of my satisfaction with the constitutional developments that have been marked by the elections in Wales and Scotland, which have confounded the enemies of promise. There can be no turning back now. The British unitary state is giving way to a more complex and more flexible organism, in a settlement that I think is based on consent.

The new structures will draw their strength from that consent, and from the extent to which they embody the aspirations of the widely diverse societies within the UK. Although diverse, those societies are not opposed to each other. Each amplifies the awareness of the other, as in an harmonic progression. Each is enriched by its involvement with the other. Its shared assumptions as well as its subtly different values; that is the contemporary purpose of the UK—to offer its citizens the chance to live without constraints of conformity to a centrally imposed political order.

8.29 pm

Mr. Andrew Mackinlay (Thurrock): I am pleased to participate in this debate, and I wish to draw the attention of the House to the fact that I was one of the only English Labour Back Benchers to contribute to the Committee proceedings on the Scotland Act. I regret the absence of hon. Members from England, particularly Labour colleagues. I am worried about that, because it betrays the fact that people have not realised that the legislation and tonight's debate relate to the UK. The Scottish and Welsh devolution legislation was UK legislation, which has a profound and irreversible effect on our relationships in these islands and on our entire constitution. I am worried about the absence of real debate in England about what is happening in the other parts of the UK.

I approach this matter as someone who was interested in, and advocated devolution for, Scotland in 1968. I was a disciple of John P. Mackintosh, the former right hon. Member for Berwick and East Lothian. He—and I, in my humble way—advocated devolution long before it was fashionable in the modern Labour party. Although the party had advocated it in earlier epochs, it was not until after the 1974 general election that Labour became converted to it.

I remember those times, when Jim Sillars was absolutely opposed to Scottish devolution and the right hon. Member for Caithness, Sutherland and Easter Ross (Mr. Maclennan) was in the Labour party. I do not remember whether the right hon. Gentleman was a tremendous advocate of devolution, but I am sure that he was. I am sure that the Under-Secretary of State for Wales, my hon. Friend the Member for Neath (Mr. Hain), advocated devolution when he was in the Liberal party.

I was there, and I have been consistent. Being a disciple of John P. Mackintosh, I feel entitled to remind my Front-Bench colleagues that, while he advocated devolution to Scotland, he was also a United Kingdom federalist. He believed in devolving to the whole of the UK.

Mrs. Liddell: Will my hon. Friend give way?

Mr. Mackinlay: I was going to entertain a presumption against giving way because of time, but seeing as it is one of my mates, I will.

Mrs. Liddell: I am extremely grateful to my hon. Friend. He refers to John P. Mackintosh and to our commitment to

[Mrs. Liddell]

devolution in 1974, which was formalised in a party political broadcast involving John P. Mackintosh, Jim Sillars—and me.

Mr. Mackinlay: I remember that I first heard my right hon. Friend at a by-election in Berwick and East Lothian in 1978, following the sad and untimely loss of John P. Mackintosh. He advocated federalism throughout the UK, and that is the point that I want to make. He recognised, as I do, that Scotland had its own history, culture and law making. In a sense, it had its own separate Government, although not its own separate legislature. Those were compelling reasons for devolving to Scotland, but he advocated devolution throughout the UK—something we have not heard enough about tonight—on grounds of good governance and modernisation.

That is why I go along with the Government amendment tonight, although it does not go far enough. I am a moderniser and a radical, and I want to devolve real powers to other parts of the UK. I am fairly agnostic as to whether there should be an English Parliament or regional Parliaments within England. However, I believe in constitutional symmetry and, as sure as night turns into day, some day we will have to address ourselves to that. It may be a score of years down the road, and I do not know whether any of us will be in the House then. If we are, I will remind people that the matter was raised on this occasion.

I was proud of the fact that, in our manifesto, we said that we wanted to reverse remote government and to modernise government. The Government have a proud record of advancing constitutional change and reform. However, as someone who supports the creation of the Greater London Authority and the emergence of regional chambers, I say that they are good, but they are no substitute for proper, directly elected law-making bodies in the rest of the UK. We will have to tackle that matter for a raft of reasons, one of which is the need for constitutional symmetry throughout the UK. There may be variations on that theme, but the GLA will never be a legislative body, and the regional chambers—elected or unelected—will never be legislative bodies. We have to recognise that decision making has to be brought down to the most local level.

It is absurd that I was held on a two-line Whip to vote on the Cardiff Bay Barrage Bill. I am sure that the Bill was extremely important, but it should have been a matter for our friends in Wales; it should not have been a matter for us here. Equally, if there is a London taxi Bill, it will not be the business of the right hon. Member for Caithness, Sutherland and Easter Ross. Those are matters that need to be dealt with sensibly by people at a local level. It would make for better decision making as well.

It does not matter how often my colleagues refer to the Greater London Authority and regional chambers. It will not overcome the lack of constitutional symmetry, so I urge them to reflect on the matter. I am reasonably comfortable at the present time because there is dynamism in our constitutional reforms. We cannot do everything overnight with the wave of a magic wand, but there are certain issues that we cannot sweep under the carpet.

The West Lothian question was raised famously by my hon. Friend the Member for Linlithgow (Mr. Dalyell), who opposes devolution. I raise it as someone who is a passionate advocate of devolution and of a federal United Kingdom. It is an issue for us all; it will not go away.

I depart fundamentally from the view of Her Majesty's Opposition on this point. I think that the current position can be sustained in the immediate period because there is dynamism in the reforms and we have to make interim arrangements, but it is foolhardy in the extreme to suggest that, a score of years down the road, that can be sustained.

In any event, much as I love the Prime Minister and my party, we are not omnipotent. I suspect that, one day, there will be a change of Government. If there is a change on the worst possible terms and in the worst possible circumstances, things such as the Barnett formula, the scale of representation and the West Lothian question will be addressed. Therefore, it is much more important that we address ourselves to those issues now. If not, and they persist, there will be a constitutional perversity that will run contrary to our democratic principles and institutions. The situation is okay for the immediate period, but not for much longer.

I say to both sides: those of us in politics who have a long memory remember how my party used to complain about Northern Ireland Unionist Members holding Ministries. We found it unacceptable that Robin Chichester-Clark was a Minister in the Government of the right hon. Member for Old Bexley and Sidcup (Sir E. Heath). Also in those days, Northern Ireland constituencies had about 100,000 electors.

I do not think that artificially diminishing the number of representatives is a way of tackling the West Lothian question; it does not solve that question. I happen to believe that constituencies should be more or less the same electoral size throughout the UK. People might be given extra resources if their geographical area is large; that is the way we should be dealing with our representation. Altering the number of people whom Members represent here, so that there is a disparity between the constituencies of colleagues from Scotland and England, is not a good, modern democratic system.

Reference has been made to whether Ministries are English. I remind Ministers that my right hon. Friend the Secretary of State for Foreign and Commonwealth Affairs, said, rightly, when he was Opposition health spokesperson before the 1992 general election, that, if Labour won in 1992 and implemented its devolution legislation, it would not be possible for him to be Secretary of State for Health.

There is a powerful argument for the Prime Minister and my right hon. and hon. Friends in Cabinet to consider whether they need a realignment of the Ministries. I recognise that the Department of Health has a primarily English jurisdiction, but it has a United Kingdom dimension as well. The Minister with responsibility for education is primarily an English Education Minister, but has responsibilities throughout the United Kingdom as well. In any event, that Ministry is now coupled with the Employment Ministry, which demonstrably has an all-UK jurisdiction.

The Prime Minister needs to reshuffle the pack, so that we at least bring into line some Ministries that are demonstrably English and that could be filled only by Members of Parliament representing English constituencies, as against others that clearly have some

pan-British competence. Such a change would be a logical step—but only an interim one, as it would not answer the West Lothian question—toward dealing with some of the immediate oddities arising from devolution.

I hope that Ministers—who are undoubtedly listening intently to the debate—will impress on the Prime Minister the case for addressing the issue, particularly as it affects the Department for Education and Employment, which provides a classic case of the need for two separate Departments.

Although I know that it will not cheer one of our colleagues—the hon. Member for Rochford and Southend, East (Sir T. Taylor)—I believe that United Kingdom regional legislatures and governments will complement and advance our deliberations on Europe, which after all is composed of regions.

Sir Teddy Taylor: Don't spoil it.

Mr. Mackinlay: Although I know my friend's views on the issue, I shall not give way.

I should like also to kill the ridiculous suggestion made by some hon. Members and some members of the press that the House of Commons has too many Members. It is true that, numerically, the House is one of the world's largest democratic legislatures; but we do too much in this place. All democracies of comparable size have federal arrangements. If we had a federalist system, we would be able to diminish our membership. In total, however, the United Kingdom has fewer Members than all the legislatures of the Federal Republic of Germany or of the United States of America.

Although I am very proud to be an hon. Member, I am not prepared to continue with the charade that we do things well in this place. We sit for longer than any other of the world's other Parliaments, and do so because we—like our Executive—deal with every issue from pavements to atomic weapons.

An absurd amount of stress and strain is placed on every British Prime Minister. Whereas the President of the United States and Germany's federal Chancellor deal with macro-economic policy, social policy, defence and foreign affairs, the British Prime Minister deals not only with all those issues, but with whether chess should be an Olympic sport, whether there is a problem in a Yorkshire canal, and with some other very important local issues besides.

We are simply trying to do too much. That fact becomes obvious when one examines other legislatures. In Germany, many of the most important issues of service delivery—in law and order, education, health and welfare—are addressed by the Länder in Munich, Bremen or Hamburg, for example. Elsewhere in the world, they are dealt with in Victoria, British Columbia, or in Sydney, New South Wales.

The federal Governments of those countries apply themselves to the real issues and to using better decision-making processes. In tackling modern government's extensive and increasing role, those federal legislatures sit less, but provide higher-quality deliberation and greater scrutiny and accountability than this overworked, under-resourced and inadequately prepared place can ever do.

I invite Ministers to consider another point. The Government's policy is that, if the English regions want them, we might have elected regional assemblies. Frankly, people in Tilbury do not lie awake at night saying, "I'd love to have an East Anglia regional assembly." Then again, not many people in Wales were lying awake at night saying, "We want a Welsh Assembly."

Mr. Cynog Dafis (Ceredigion): I was.

Mr. Mackinlay: Not many people were, though.

On the grounds of good governance, however, it was right to establish a National Assembly for Wales. One old-fashioned virtue of government is called leadership. We should be arguing for devolution on the grounds of good governance. That was the purpose of establishing the Assembly in Wales—which I think should be a law-making Assembly.

Sir Teddy Taylor: Will the hon. Gentleman give way?

Mr. Mackinlay: Yes—the hon. Gentleman has been very good.

Sir Teddy Taylor: I am fascinated and thrilled by the hon. Gentleman's speech. Does he agree that, irrespective of the views of all the people of Tilbury or Southend, and of his and my views as Members of Parliament, regional government is going ahead? Millions of pounds are being spent on setting up a regional government, based in Cambridge, affecting both Tilbury and Southend, but the people are not aware of it and we have not participated in it.

Mr. Mackinlay: That is why the hon. Member for Thurrock is saying that we should not be frightened of democracy. What is so dreadful about having elections? We should have elections to those bodies, because they are coming into being, as the hon. Gentleman recognises.

Before concluding, I have some other, minor points to make. Can there be some reciprocity of access between Members of this Parliament, the Scottish Parliament and the Welsh Assembly?

Mr. Derek Wyatt (Sittingbourne and Sheppey): And the Northern Ireland Assembly.

Mr. Mackinlay: Indeed. That would be good, fraternal and healthy, especially in these early stages.

The previous Labour Government produced a White Paper, "Devolution: the English Dimension", at the time of the previous attempt to introduce Scottish devolution. It should be updated and we should have a full day's debate—instead of half a day—on the issue. Perhaps we could coax some English Labour Back Benchers to the Chamber.

I make no apology for raising the question of our overseas territories. In any federal assembly, the democratic deficit in respect of overseas territories should be addressed. Spain, the Netherlands, France and the United States all provide some limited representation for their overseas territories, no matter how small, in their legislatures. There is a compelling, overwhelming case for redress, especially for Gibraltar, which is part of the European Union but is currently disfranchised.

None of the issues to which I have referred will go away. The Government go on about being modern and radical—my right hon. Friend the Prime Minister,

[Mr. Mackinlay]

whom I love and support very much, does a lot of that—but radicalism means tackling all the issues and not being bogged down in the Conservative excuses, which suggest that there is nothing to be dealt with in the English dimension. There is much to be done if we are to maintain and promote the unity of the United Kingdom, which has been so dangerously prejudiced by the attitude of the Conservative and Unionist party for so many years.

Conservative Members are like members of the Flat Earth Society on this question; they do not realise that, if they sustain their view, they will further endanger the Union. Equally, my right hon. and hon. Friends still have not fully thought through our responsibilities for devolving democracy and local decision making to the English regions and for dealing with the wider constitutional aspects.

8.48 pm

Mr. Peter Luff (Mid-Worcestershire): It is always a great privilege to follow the hon. Member for Thurrock (Mr. Mackinlay), but it is a somewhat intimidating experience after that fine performance. I agree with almost everything that he said. As for his last few remarks, which were rather more partisan, I hope that I can persuade him that I, at least, believe that the earth is round.

If the hon. Gentleman spoke for Essex and for England, I will speak for Worcestershire and for middle England. This morning, in the paper that speaks for middle England, *The Birmingham Post*, the chief feature writer, Jason Beattie, wrote:

"When Labour embarked on its great devolutionary experiment like some mad scientist let loose in a chemistry laboratory it started a chain reaction which it has no idea how to stop."

That reflects what my hon. Friend the Member for Woodspring (Dr. Fox) said so wisely today—we are not at the end of the story; we are not even at the beginning of the end; we are at the beginning of an experiment that leads we know not where.

Today, there has been a debate about tuition fees in Scotland. The tall oak of proper recognition of the English dimension is likely to grow from the small acorn of that debate. Today, we have heard that the Welsh Assembly is likely to vote to lift the beef-on-the-bone ban in Wales, and I say good luck to it, because it is the right decision. The long journey to a proper constitutional settlement for England is likely to begin with the English understanding of that single step of Welsh determination to do what is right for agriculture and for the people of Wales. Both those issues may dampen the enthusiasm of the Government for proportional representation. I certainly hope so.

I would not start from where we are. What I am about to advocate to the House is not my preferred solution. I would have approached the issue differently, but that is history and there is no point going over it again. We are where we are. English Members, and all Members of this United Kingdom Parliament, are left with a puzzling and complex conundrum—how to achieve two apparently contradictory aims. First, how do we give England a fair say in the new constitutional settlement and, secondly, how do we strengthen the United Kingdom? That is crucial, because the arguments for independence and separation did not die after the elections last week.

Many people who voted Labour in those elections still back independence, and we must respond imaginatively to ensure that the United Kingdom is strengthened, not weakened. In that respect, I was disappointed to hear the Minister of State and the right hon. Member for Caithness, Sutherland and Easter Ross (Mr. Maclennan) appear to say that there was no such thing as England, whereas Scotland and Wales were real countries. I assure them both that there is such a thing as England.

When devolution was proposed for Scotland and Wales, no one suggested for one minute separate regional bodies for the highlands and islands and for the lowlands. No one suggested separate bodies for north Wales, mid-Wales, south Wales or even for Swansea and Cardiff. However, the case for separating Wales into three component parts is just as strong as the one for separating England into its regions. The Government rightly rejected that route for Wales, and they should reject it for England for the same logical reasons. If the Government show such arrogant disregard for the views of the people of England, I predict that tensions will begin to mount.

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy): I respect the fact that there is a country called England, with great traditions. Should not the hon. Gentleman put all his efforts behind the movement for an English Parliament?

Mr. Luff: I do not wish to give away the dramatic conclusion to my remarks, but that is exactly what I am about to argue.

The article in *The Birmingham Post* continues:

"No one is happy now. Certainly not the Scottish who have tasted power and will want for more, nor the Welsh where the successful nationalists will want something better than the talking shop they have been given, and definitely not the English who are bewildered by the whole exercise which has left them in an anomalous and undefined position.

In our new murky world, the Frankensteinian result of Dr Blair's mischievous meddlings, the English are the power without a decent throne. The incongruities are legion."

I shall not go over those points again, because my hon. Friend the Member for Woodspring did that so well in his opening remarks. He talked about funding and over-representation. We have discussed the fact that the Cabinet is dominated by Scots Members. The hon. Member for Thurrock made some intelligent and interesting suggestions about how we could deal with the problem of English issues being decided by Scottish Ministers. Although the dry-as-dust constitutional issues still rightly concern the House, the bread-and-butter issues have now come to the fore. I think that I am supposed to say the "kitchen table" issues, which they are literally in the case of beef on the bone, and metaphorically in the case of university fees. Who knows what the next of those kitchen table issues will be? Whatever they are—and the two that I have mentioned took the Government by surprise this week—the English sense of grievance will grow.

To address Englishness is not, as the Minister seemed to suggest, an appeal to crude nationalism. The opposite is true. Anyone who reads the works of Stanley Baldwin, or even the recent book by Jeremy Paxman, can quickly knock that idea into touch. Try telling the Anglican church that to be English is in some sense crudely nationalistic. That is simply not the case.

The House must, however, understand that unless the mainstream political parties, represented in this Chamber, grapple seriously with the issue of how to address Englishness, other much less pleasant forces will do the grappling for us. In my home city of Worcester, we recently faced the prospect of a National Front march. The British National party has been campaigning on the issue already. Unless we address the question of Englishness and defuse it, the consequences could be extremely serious. That is why I am so pleased that the Conservative party decided to have this debate, which I predict will be the first of many on this important subject.

The Government know that there is a problem, and accept that the constitution is no longer balanced. That is why the Minister, in her opening remarks, offered the English the insulting idea of a Standing Committee on Regional Affairs, as if that were some sort of answer to the Scottish Parliament and Wales's National Assembly. I used to support the Minister's idea, but no longer.

Regionalism is wrong, for many reasons. I shall not run through the list, as I have done so at least twice before in the House. Regions have none of the sense of identity from which governance must flow. Democracy depends on that sense, but I have no identity with the west midlands. I accept that it is a useful administrative concept for the delivery of services, but it does not serve for the establishment of legitimate democratic institutions.

Mrs. Louise Ellman (Liverpool, Riverside): Does the hon. Gentleman accept that billions of pounds of public money is spent at a regional level on vital matters such as the economy, the environment, education, housing, and so on? Does he also accept that the previous Conservative Government recognised the importance of regions when they set up Government offices for the regions?

Mr. Luff: The hon. Lady obviously was not listening, although the people of Blackburn and Blackpool will have been aware of her mismanagement of the county council when they decided to opt out of its control.

Regional government is a useful administrative idea, but it is not a democratic concept. I do not belong to the west midlands and have no part in it, although I like Birmingham a lot. However, what about the south-west, bits of which lie further north than my constituency in Worcestershire? For example, the village of Willersey in Gloucestershire is well to the north of Broadway. Would Bournemouth, or the Isles of Scilly, be part of some south-west region? It is a ludicrous proposition that makes no sense at all.

In a shamefully loaded opinion poll by MORI, *The Economist* asked people whether they wanted regional government. However, people were not told what would go with it—the abolition of at least one tier of local government. The tier most at threat is the county council, but that is the one layer with which people identify. Counties have a thousand years of history.

Miss Begg: I was interested in what the hon. Gentleman said about losing the county council. The previous Conservative Government got rid of the district councils in Scotland. If that was good enough for Scotland, why not for England?

Mr. Luff: I shall not get into a full debate about local government, which would risk being ruled out of order. Suffice it to say that I believe that the idea of unitary authorities is good and sound, and I should quite like Worcestershire county council to be one. That is where I would put the power. I agree with the devolution of power away from the centre, but it should go to the genuine, respected and historic units of government in this country—the county councils. It should not go to those new monsters, the regions.

I shall surprise my hon. Friend the Member for Rochford and Southend, East (Sir T. Taylor) by saying that the last of the dangers posed by regionalism is the real and lively one, that Brussels will be able to divide and rule. The ambition is to have a Europe of the regions, but I do not want my region to turn into a dreary outpost of the European Commission in Brussels.

Regionalism does not answer the problem of legislation. The Scottish Parliament is a legislative assembly that takes real decisions. I did not want the Welsh Assembly, but now that it is here, I want it to be a real legislative assembly, taking real decisions. The regions of England will not be able to do that. There will not be one law for beef on the bone in the west midlands, and another in the south-west. Clearly, that is not on: the Government should accept that the idea of regionalism is dead in the water, and that it does nothing to answer the West Lothian question.

England must not feel that it has become a second-class citizen in the United Kingdom. I am driven to conclude—with some reluctance and hesitation—that the only answer is some kind of English Parliament. That would provide the constitutional symmetry of which the hon. Member for Thurrock spoke so persuasively. I also support increased powers for Wales in—I hesitate to use a word that is so unpopular and so often misunderstood—a federal United Kingdom.

I find myself praying in aid strange allies. I never thought that I would quote Enoch Powell in the House but, in the 1976 devolution debates, he said of the United Kingdom that

"it is not possible for the same electorate to be represented directly in two legislative Assemblies unless one of two things occurs: either the unitary State must become federal, with a pre-determined area within which the one set of elected representatives is sovereign and another area in which the representation of the whole realm is to be sovereign: or there must sooner or later as a consequence be separation and the recognition of separate sovereignties."—[*Official Report*, 19 January 1976; Vol. 903, c. 998.]

It is precisely because I wish to avoid separate sovereignties that I am driven to agree that a federal United Kingdom is the only structure that will stand the test of time.

Dr. Godman: Am I right in thinking that more and more Conservative Members are coming to support a federal Britain? For some time, the more intelligent members of the Scottish chattering classes have been debating federalism versus separatism, and last week's election will not stop that debate.

Mr. Luff: The hon. Gentleman is absolutely right. Federation or separation is the choice that the United Kingdom must ultimately make. That is where we are being driven. I do not know how long it will take to get there, but that is the fundamental decision facing us. That is why I believe that it is crucial to have an intelligent debate, one not smothered in a blanket of regionalism that fails to address the fundamental question.

[Mr. Luff]

The motion calls for a fight against "resurgent nationalism". The only way to do that is to move as rapidly as we can towards a more stable United Kingdom. In her opening remarks, the Minister said that the Conservative party had shown an inability to rise to great events. On the basis of what she said, however, the Government do not understand the events that they have set in train. The Conservatives understand those events, and we are discussing them. I hope that we reach the right conclusion.

9.1 pm

Miss Anne Begg (Aberdeen, South): I have been disappointed by the debate, and particularly by Opposition speeches. The decision to debate devolution was taken by the Conservatives but, at a time of momentous events in Scotland, their debate has been sterile as they have raked over old coals.

Devolution in Scotland and Wales has serious implications for the rest of the United Kingdom. However, we have heard no positive questions, answers or practical propositions from the Opposition on how the two Parliaments might work together. Nor did we hear anything about how we could build on the success of the Scottish Parliament. Nor was there even a word about the lessons that we might learn from the way in which the Scottish Parliament does its business.

What we did hear from the hon. Member for Woodspring (Dr. Fox) was the same speech that he used during the referendum debate—on Second Reading of the Scotland Bill, at various stages during the Committee on that Bill, on Report and on Third Reading. I am surprised that when he reached into his drawer for his speech, no moths flew out—although I suppose that it has been in and out of the drawer so often that the moths have had no time to settle. Surely the debate has moved on. Devolution has happened, but the speeches we heard tonight have been disappointing.

My hon. Friend the Member for Thurrock (Mr. Mackinlay) looked into the future, and I agree with much of what he said about the constitutional make-up of the UK. I do not agree that there must necessarily be symmetry in our constitutional arrangements; Spain has operated happily with an asymmetrical system. However, issues about the better governance of England require to be addressed, and they are matters on which the English people must decide.

Some implications must be addressed in the short term. We must address the relationship between the two Parliaments. Little in the Scotland Act 1998 refers to that relationship but, if the Scottish Parliament, the Welsh Assembly and the Westminster Parliament are to work together, relationships must be developed. It is important that we consider that.

I serve on the Select Committee on Scottish Affairs, the role of which is being examined by the Procedure Committee. I should like to see its role enhanced and developed. It will certainly continue to have a role in scrutinising reserved matters that will impact on Scotland. I should like to see the Select Committee become much more a Back-Bench liaison committee. There is no reason why a Select Committee of this House cannot meet with members of a Select Committee of the Scottish Parliament, perhaps to consider issues that have implications for both Scottish and United Kingdom legislation. Perhaps one way of developing the relationship and ensuring that the two Parliaments work together is for the Westminster Scottish Affairs Committee and whatever Committee is set up by the Scottish Parliament—perhaps a United Kingdom Affairs Committee—to have joint meetings and investigations. We should develop such issues. They will change and they are not set in stone.

There may be lessons in the short and longer term that this House can learn from the Scottish Parliament. The Scottish Parliament will do business differently. I hope that debates will not see the barracking that the Minister got from the Opposition tonight—to the extent that often it was difficult to hear what was going on. I hope that the Scottish Parliament will do things differently. It will be more consensual. There may be other things that it can do better than this Parliament. There is talk of its having pre-legislative committees, so that, by the time legislation reaches the Floor of the House, it will have been improved on the basis of evidence taken in a non-partisan, open, consensual way. Perhaps there are lessons for this place in that. Discussion of such ideas would have been a positive contribution to the debate, but we did not get much of that from Conservative Members.

We must also examine the role of the Scottish Grand Committee and Scottish questions. Earlier, someone said that a Committee for the English regions would not be a substitute for a proper Parliament. Yet I remember the previous Secretary of State for Scotland, Michael Forsyth, saying that the Scottish Grand Committee would be a substitute for a Scottish Parliament. Of course, the Scottish people had none of it. I contend that the Scottish Grand Committee has lost its role. I do not know whether there is a need for it any more, provided that the Scottish Affairs Committee survives. There is a balancing act to be performed and, if one Committee is to survive, I prefer that it be the Select Committee.

The role of Scottish questions will inevitably change and they should perhaps be shorter. No one on the Government Benches has any problem with that, but there will also be a need for a Secretary of State for Scotland because Scotland will still be part of the Union. This is not separation; it is devolution.

The hon. Member for Woodspring said that Scottish Members of this House were semi-redundant. The horny old West Lothian question came up again. The hon. Gentleman asked how we could possibly have Scottish Members of Parliament debating and voting on purely English matters. I have been in this place two years and in that time there has been no debate on Scottish education, no debate on Scottish health and no debate on Scottish land reform in which I could have taken part because there has not been time for such debates. That is why we wanted devolution. As a Scottish Member, I have not debated those matters during the time that I have been a Member of the House. It is not suddenly wrong for Members representing Scottish constituencies to be involved in English matters; that is the business of the House. This is still the UK Parliament and, as long as it continues to deal with English matters, all its Members may perfectly legitimately debate them.

Mr. Evans: During the hon. Lady's two years as a Member of Parliament, has she ever asked for an Adjournment debate on Scottish education?

Miss Begg: On one occasion during Scottish questions, an important issue was raised in relation to Scottish education and I wanted to be called to speak. An Adjournment debate is a Back-Bench matter; I want something more important—a debate involving the whole House. The hon. Gentleman has not been involved in such debates because they have not taken place on the Floor of the House as part of Government or Opposition business. There has been no time. There has been time for plenty of other matters, but not for those Scottish issues.

As Members of Parliament representing Scottish constituencies, we hold a UK remit. There is no contradiction in that; there is no issue with which we cannot be involved. I disagree with my hon. Friend the Member for Thurrock, who said that he believed that a Scottish Member of Parliament could not be the Secretary of State for Education and Employment, for Health or for any other departmental responsibility without a UK-wide remit—although the Department for Education and Employment does have a UK remit and does not deal only with UK legislation. Under the remit of the UK Parliament, if an individual is good enough to serve, it is irrelevant where that person originates from or where his or her constituency is located. The Leader of the Opposition used to be Secretary of State for Wales, but he did not represent a Welsh constituency. Why should that be different from what will happen post-devolution?

Mr. David Marshall: Does my hon. Friend agree that it is rather hypocritical for the Opposition to complain about Scots Members of Parliament voting on English matters when, for 18 years, from 1979 until 1987, we in Scotland had to suffer the unwanted, detested policies imposed on us by the UK majority of the Conservative Government when hardly any Conservative Members represented Scottish constituencies? As my right hon. Friend the Minister for Education, Scottish Office, pointed out, the Conservatives used the Scots as guinea pigs for the introduction of the poll tax. They also caused us to resist fiercely and successfully the possible privatisation of water in Scotland. Does my hon. Friend agree that the Opposition are being hypocritical? They like to give it out, but they do not like to get it; it is good to see them getting a dose of their own medicine.

Miss Begg: I would go further. If the Tory wipe-out in Scotland had happened in 1992 and not in 1997, I am sure that the 1992 Government would have imposed an English Member of Parliament as Secretary of State for Scotland. I have no doubt about that. I shall be interested to see whether any Opposition Member will challenge that. If there had been no Tory Members of Parliament in Scotland after the 1992 election, when the Tories were in power, would they not have imposed an English Member to decide on Scottish affairs? I would have had no problem with that, because, at that time, Scotland was part of the UK Government.

Dr. Godman: I have listened to my hon. Friend's remarks with a good deal of sympathy, but I disagree profoundly with her as to the continued existence of the Grand Committees, Question Times and Select Committees. The House will have to face up to the possible elimination of the Northern Ireland, Scottish and Welsh Grand Committees, Select Committees and Question Times.

Miss Begg: I would not go as far as that, but the situation is developing. There is no doubt that the Scottish Grand Committee has a lesser role, but Scottish questions will continue on subjects that remain the responsibility of the Scottish Office: for example, the oil and gas industry is a reserved matter and, because it is pertinent to my constituency, I shall continue to ask the Secretary of State for Scotland questions about it. However, my argument is that the nature of the Select Committee should change, so that it is not a conventionally constituted Committee of the House, but becomes a liaison Committee and takes on a different, additional role. Whether or not we call the new Committee the Scottish Liaison Committee rather than the Scottish Affairs Committee, it should be able to scrutinise the exercise of those powers that have an impact on Scotland but are reserved to this place.

The Labour party identified the need for a Scottish Parliament because it listened to the people of Scotland, and it fought two general elections promising to deliver that. The Scottish Tory party decided to fight the 1997 general election promising to vote against a Scottish Parliament, and it was wiped out. If, as appears likely from tonight's debate, the Tory party is considering fighting the next general election with the establishment of an English Parliament as its number one promise, the electorate can decide—that is what democracy is all about. If the Tories want to do that, there is nothing to stop them, but I suspect that they will not do it because they believe that people in England are not yet ready for an English Parliament. I am not saying that people in England are definitely not ready for that, but I suspect that the Tory party will decide not to make an English Parliament one of their election pledges because they think that the people are not yet ready or because the policy will not be popular. It depends on whether or not "listening to Britain" has worked.

Devolution has worked in other countries. There is asymmetric devolution in Spain and it works well—Spain was one of the countries visited by the Scottish Affairs Committee when we were producing our report. Our report did not damn the Government's devolution proposals, as the hon. Member for Woodspring said; it welcomed them. If other countries can develop and have a changing, dynamic constitution, I do not see why we in the United Kingdom cannot. There does not have to be instability in a constitution that is changing; such a constitution can be stable, as it is in Germany, the United States and Spain. The UK has a great deal to look forward to—things will change in future, but the House should welcome that. We should be congratulating the Scottish people on their good sense in voting for a Parliament that will reflect their needs and desires, and wishing the Parliament every success.

9.18 pm

Sir Teddy Taylor (Rochford and Southend, East): I intend to speak briefly and raise a few points about which I want hon. Members to think.

The hon. Member for Aberdeen, South (Miss Begg) made a delightful speech in which she spoke about her role in this Parliament and told us what questions she

[Sir Teddy Taylor]

intended to ask the Secretary of State for Scotland. I wonder whether hon. Members have thought about that. I have tried to find out: three weeks ago today, I tabled a question asking the Secretary of State on which subjects he would answer questions, and, as far as I can tell, the hon. Lady will be able to question the Secretary of State only about air sea rescue and ask him whether he will pay an official visit to Aberdeen.

To be frank, we have not thought this thing through. I speak as one who has always been opposed to devolution, root and branch, and as one who believes that it will all end up with a horrible constitutional shambles. My brilliant hon. Friends on the Opposition Front Bench are right to attack the Government's policy, but the older ones like me should have more humility. We should not forget that it was the Conservatives who, for the same devious reasons that motivate the current Government, introduced devolution back in the time when our superb leader was the right hon. Member for Old Bexley and Sidcup (Sir E. Heath). Our chief objective tonight should be not to decide whether devolution is rubbish or good, but, now that it has happened, to put some specific questions to the Government that they must consider if devolution is not to end in disaster.

First, will the Government state clearly, precisely and unambiguously in what areas they believe they have the power to overturn the decisions of the Scottish Parliament or of the Welsh Assembly? Student fees are a perfect example. The Scottish Parliament has the power to scrap them, but the Government, under section 35(1)(b) of the Scotland Act 1998, have the power to say to the Scottish Parliament, "Get lost, you have no such power and your plans will interfere with our arrangements." I may be wrong, but the Government have a duty to state clearly and precisely—particularly with regard to reserved powers—where they believe they can and cannot interfere.

Secondly, we must face the problems that will stem from proportional representation and from having two groups of Members of Parliament in the Scottish Parliament. Hon. Members should reflect on what has happened in other countries with PR systems—we should not pick out only those countries where the system has worked. In countries with pure PR systems, instead of majority rule, the mad, lunatic fringe parties always hold the balance of power and run the show. I would not think of referring to the Liberal Democrats as the mad or lunatic party in Scotland—far from it—but we must face the fact that, basically, they are in charge at present and, because of PR, will determine policy vehicles and their form and direction.

The hon. Member for Thurrock (Mr. Mackinlay) has a long-standing interest in this matter. What would happen if there were a Euro MP, a Westminster MP, a regional MP and other regional non-constituency MPs plus councillors in Tilbury? To whom would the hon. Gentleman's constituents turn? Hon. Members should realise that, when an army of politicians represents a single area, it is an absolute nightmare. If Conservative and Labour Members have not thought about that, we will face a disaster.

I used to be a Member of Parliament in Glasgow. What will happen if a Glasgow constituent has a problem with a school or a hole in the road? When a series of Members of Parliament represents different parties in an area, the only thing we can be sure about is that they will blame each other for any problems.

Thirdly, we must consider the West Lothian question and find an interim answer. It is all very well for the Minister to say, "It doesn't really matter because Labour has a big majority." That is the case now, but it will not last for ever. What will happen if the number of independents grows or some freedom is allowed in the Labour party? I know that an issue will emerge about which Labour Members have strong feelings—many of them are decent people—and they will not want simply to follow the party Whips. It is not good for Parliament if Scottish Members are to be allowed to determine English issues.

There is an easy answer. We could change the Standing Orders to recognise that, until further notice, Scottish MPs shall not interfere in, or vote for, matters relating to England and Wales. Such a rule would be easy to administer and would not create a constitutional nightmare. We must face the inevitable.

Fourthly, what will happen to England? I was horrified to hear the reply of the Minister—who is a delightful lady—to a question about the possibility of establishing an English Parliament. She said, on the one hand, that the Government might consider the possibility of regional government for England if that was what the people wanted, but, on the other hand, that the Government would not consider establishing an English Parliament, although the people might want it.

The Minister, the Conservatives and the Liberal Democrats are well aware that basic regional government exists in England. We do not have elected assemblies, because people do not want them. There may be a demand for such bodies in the north of England because the people think that, like Scotland, they will somehow get extra cash. The hon. Member for Thurrock and I have some experience of regional government. We yearned to escape from the brutal rule of the Essex county council because Chelmsford was too far away. However, we now find that, under regional government, we will be subject to the rule of Cambridge. If the Government have any doubts about that, they should go to Tilbury and Southend tomorrow and ask how many people there know that they are part of the east of England region. Nobody apart from the consultants who want to make lots of money by carrying out surveys for the expensive new authorities knows anything about it.

The Minister and the hon. Member for Aberdeen, South may be right. Perhaps this will turn out to be a wonderful, rosy, exciting constitutional experiment. However, I hope that they accept that there is just a possibility that the whole thing will turn out to be a costly and divisive flop, with non-stop, deeply felt rows between Edinburgh and London. I believe that devolution will develop in that way because the control of money will result in blackmail. Laws passed by the Scottish Parliament will be overturned by England by the front door or the back door.

Let us imagine that things go terribly wrong, as I fear that they will—I pray that I am wrong. Is there not a case for what we might loosely call a five-year review? After five years we should look at the issue again, see how the system has worked and see whether it is worth carrying on. If it is going to create tension, cause problems and create a lot of unnecessary extra expenditure with an army

of politicians creating a constitutional nightmare, should we not have some procedure to allow us to think again? I say in all sincerity that I am not trying to bash the system. I hope that it succeeds, but I fear that it will be a great disaster. Surely there should be a procedure to enable us to think again if everything goes wrong.

There is a real danger of a constitutional nightmare. I fear that there will be a wild increase in spending and regional government will be forced on England regardless of whether the people want it. That is surely wrong. I hope that the Government will show humility, accept that they might be wrong and agree to a five-year review. That is the right way forward.

Finally—I promise that I shall sit down after this point—many years ago, before most hon. Members here were in Parliament, I had the pleasure of being the leader of the Scottish Conservative party. That was not because I was good, but because there were not many of us around. The other reason was that our splendid leader, Lady Thatcher, had the same views on devolution as I did. Unfortunately, the rest of the Scottish party thought that devolution was wonderful. We fought the 1979 election on a policy of total opposition to all that nonsense. We took the nationalists head-on. We made people think about independence, which was their logical policy. As a result, they disappeared. We wiped them out.

Unfortunately, as I warned Lady Thatcher, making the SNP vote disappear meant that the then Member of Parliament for Glasgow, Cathcart had to disappear as well. However, it was a good bargain for Scotland to get rid of the SNP and devolution, even if it meant that I had to go as well. I hope that the Government will think again. They think that they are solving a problem with devolution. I think that they are creating more. I hope that I am wrong.

9.28 pm

Mr. Gareth Thomas (Clwyd, West): I regret that the debate has been so short, because there have been some interesting and stimulating contributions. I am pleased that some English Members have had the opportunity to speak. I congratulate my hon. Friend the Member for Thurrock (Mr. Mackinlay) on his thought-provoking comments about the future constitutional position. I found his remarks about an asymmetrical settlement interesting, although I do not necessarily agree with them.

The hon. Member for Mid-Worcestershire (Mr. Luff) also made some intriguing comments. He seems to be taking the argument about an English Parliament seriously, unlike the hon. Member for Billericay (Mrs. Gorman), who sadly did not have an opportunity to speak. I hope that I am not being too disrespectful when I say that she is raising the possibility of an English Parliament as an act of provocation. She is raising the spectre of English nationalism in an inflammatory way, when the hon. Member for Mid-Worcestershire looked on it as a possible solution to the anomalies in an asymmetrical system of devolution. As a Welsh Member, I am acutely aware that the UK has an asymmetrical system.

One of devolution's major implications for the House is that there will be an impetus towards further serious strategic thinking about the role of the regions in England and whether it is better to create a regional system or to consider England as having an identity in its own right. There are weaknesses and strengths in both arguments.

In the short time available, I shall deal with what I hope will be the exciting results of devolution. I am pleased that a partly proportional electoral system has been introduced for both bodies. It may be slightly controversial of me to say that, in many respects, the result was disappointing for the Labour party in Wales, but at least it has produced a body that is broadly proportional in terms of the votes cast.

I strongly believe that the balance of the parties in the Assembly is such that there will be an opportunity for more consensual and pluralist politics, and that is what the public want. It is possible to have consensus and pluralism and still have genuine scrutiny. One of the virtues of a more devolved system is that there can be more thorough scrutiny of how public money is spent and policy developed.

In contrast to my hon. Friend the Member for Houghton and Washington, East (Mr. Kemp), who over the weekend made derogatory comments in the press about the additional member system, I believe that, if the Scottish Parliament and the National Assembly for Wales are seen to be working effectively and pioneering more pluralist, consensual politics, many people will recognise the strength of the Jenkins report, which offers a form of proportional representation that would maintain the constituency link while introducing a strong element of proportionality.

The existence of devolved bodies will serve as a substantial check and balance to our over-centralised system. Its reform is long overdue. The establishment of the bodies will engender diversity and a more competitive policy environment, which is to be welcomed. Profound changes are afoot and this is indeed an interesting time.

9.33 pm

Mr. Nigel Evans (Ribble Valley): I agree with the hon. Member for Clwyd, West (Mr. Thomas) that this is a short debate, but I am afraid that I can agree with him only on that point.

I was surprised to hear the suggestion that current events are giving Conservatives a dose of their own medicine. I hope that that is not why the Government are imposing devolution on us and failing to deal with the West Lothian question.

I could not pass up the opportunity to reflect on the new Labour Government's great achievements of the past two years, one of which is to have created two institutions that have breathed new life into nationalism and given it a home. So much for the promise to kill nationalism stone dead. They have created a system that has led to them losing some of their heartland seats. Coming from Swansea, I know Islwyn, Rhondda and Llanelli well. I never thought that I would live long enough to see them change their Labour party complexion, but they certainly did last week.

The Government are responsible for the improbable circumstance of the Secretary of State for Wales being the same person as the First Secretary of Wales. We have to concede that he just slipped into that position late on Friday as one of the regional list Members, but he will not be able to sustain his position as Secretary of State and First Secretary because of collective responsibility.

My hon. Friend the Member for Woodspring (Dr. Fox) mentioned the ban on beef on the bone. If the Welsh Assembly decides to lift the ban, the Secretary of State

[Mr. Nigel Evans]

for Wales will follow that route as First Secretary, but his own Government will wish him to follow a completely different route. I therefore believe that he should resign forthwith as Secretary of State for Wales.

The Government have also managed to split constituencies asunder. Seven constituencies in Wales are now served by politicians representing a different party from the party representing them at Westminster, and the same applies to three constituencies in Scotland. It will be interesting to see how those politicians work with each other. It is a great shame that the hon. Member for Monmouth (Mr. Edwards), who was present at the beginning of the debate, is not present at the end. I would have liked to ask him how he would continue to work with David Davies. Interesting times lie ahead.

The lacklustre turnout has been mentioned. All political parties will need to address that. A 46 per cent. turnout cannot be acceptable in the election of a body for which, we are told, the Welsh people have been waiting for 300 years. We must do something to ensure that there is a better turnout in the future, but compulsory voting is not the answer. As far as I am concerned, the voters are never wrong—although I had my doubts about the last general election—but, when they decide to stay at home, that says something to all of us.

Then there is the wonderful system of proportional representation with which we have now been blessed. It has assured us of a minority Government in both Scotland and Wales. Two out of two cannot be bad on the first go, can it? Deals—some formal, others informal—are now being struck between the Labour party and the party with the lowest representation: the party that came fourth in Wales and Scotland. Deals are now being done behind closed doors, and we will never know exactly what will happen. We could end up with policies that none of the parties supported.

There is also the problem of the Prime Minister's role, and his relationship with the devolved bodies. It has been said that

> "The Secretary of State's election was the result of a combination of old Labour vote-rigging and new Labour control freakery. Welsh electors last week expressed their anger at London's imposed leader. New Labour has created its own powerful opposition in Wales. It was a disaster, conceived in Downing Street and produced by a new Labour team in Cardiff. The party was judged to be unprincipled and undemocratic."

Those are the words of a Labour Member, the hon. Member for Newport, West (Mr. Flynn)—and who am I to disagree with his views?

We have discussed policy differences. We have discussed the possibility that policies in Scotland and Wales will be different from those in the rest of England, and that we do not know what deals the Liberal Democrats will be able to extract from the Labour party in Scotland. I think that they will be a little more feisty than they were in the House of Lords when they caved in on the open-list system that they loved so much, and we ended up with a closed-list system for the European elections; but deals will be done. That is part of the present system of coalition.

Tuition fees have been mentioned. Irrespective of the system that is used, if tuition fees are abolished in Scotland, what will happen in England? Is it sustainable to have no tuition fees in Scottish universities, but to have them in England—or for Scottish students to be given money amounting to the fees, so that they can go to any university in the United Kingdom, while English students are not given that opportunity?

Miss Begg: Perhaps the Scottish Tory party should have addressed those issues before it went into an election with the policy of abolishing tuition fees.

Mr. Evans: The issues have been dealt by the Conservative party in Scotland, as the hon. Lady knows. What I am pointing out are the anomalies that will exist in Scotland as a result of devolution. The position on tuition fees will be completely different in Scotland and in England. Does the hon. Lady really think that that will be sustainable? Her Government's policy is that tuition fees should be imposed on all students in England, yet in Scotland there will be no tuition fees.

I shall be interested to see whether the Liberal Democrats stick to their guns in Scotland. One Liberal Democrat member said:

> "There is going to be no backing down on this. If we roll over on this demand, we will be the laughing stock of Scotland."

The Liberal Democrats do not seem to have noticed that it is the Government who are the laughing stock of Scotland.

Then there is the policy on beef on the bone in Wales. Tomorrow, Rod Richards will table the motion that that ban should be lifted in Wales. I shall be interested to see whether the Liberal Democrats and Plaid Cymru stick to their guns. During the election campaign, they said that they would support that policy. When the Welsh Assembly meets and discusses the motion, we shall see whether they support it.

T-bone steak will be the national dish of Wales. We know that the Secretary of State for Wales likes beef on the bone, although he cannot always recognise it, even when he is eating it. The absurd image of the meat police at the Severn bridge, turning people back with their beef on the bone, does not bear thinking about. Whitbread inns in Bristol will have no beef on the bone on their menu, but Whitbread restaurants in Newport will have it on the menu.

We want to know what will happen in Scotland with regard to tuition fees, and what will happen if the ban on beef on the bone is lifted in Wales. The Government cannot continue to shy away from answering the questions, as the Minister did in her opening remarks. It is shameful.

There is the problem of England. The West Lothian question has always been acknowledged, but it has never been addressed. What will happen? The right hon. Lady said that referendums will be held in the regions. It is as though she recognises that Scotland is a country, Wales is a country, but England is not—England is made up of various regions. That is not a consistent line, and she knows it.

Mrs. Liddell: Can the hon. Gentleman confirm that it is the policy of his party to establish an English Parliament?

Mr. Evans: No, it is not. If the hon. Lady wishes to change places with me, I should be happy to sit where she

is sitting and make the real decisions that are necessary. When one is in government, one must make real decisions, but she is failing to do so. She is promoting referendums in the regions of England, but she is not prepared to accept that there is an English identity.

We know the views of the Liberal Democrats. I debated with one on Sunday, who said that they wanted English regions, and that the regions could have tax-raising or tax-varying powers. That means that the tax rate in the north-west of England could be 3p more than in the north-east or the south-west of England.

Mr. Maclennan: Those are our policies.

Mr. Evans: We know that those are the right hon. Gentleman's policies, and we are delighted to give them more publicity, as they are absurd.

Mrs. Ellman: Does the hon. Gentleman recognise that there is growing regional consciousness in England, with the regional development agencies and the regional chambers, at least one third of whose membership comprises non-elected social partners? Does he recognise that central powers are increasingly going to regional offices, and that the only thing that is missing is full democratic accountability? Does he accept the importance of the English regions?

Mr. Evans: The hon. Lady obviously lives in a different part of the north-west from me. As I was going around at the recent local elections, people did not say that they wanted a regional assembly elected in the north-west. They are certainly concerned about what is happening in Scotland and Wales.

What will the hon. Lady say to her constituents if the West Lothian question is not properly addressed? There could be a time when Scottish Members of Parliament could outvote her on issues that are purely English and Welsh, whereas she could have no say in what was happening in Scotland. Indeed, even a Scottish Member could not have a say in what was happening in Scotland. She knows that there is a real problem. She has acknowledged it, but the Government are not prepared to deal with it.

Mrs. Ellman: Will the hon. Gentleman give way?

Mr. Evans: No.

I know that changes will be made to the methodology, to the structure of Committees and Grand Committees and to Question Time, but I repeat this: I am a Welsh Member representing an English constituency and English taxpayers who are paying taxes which are spent in Scotland and in Wales, and my constituents expect me to have the opportunity to question Ministers on how that money is being spent. We cannot have taxation without proper representation; we cannot have taxation without Members of the United Kingdom Parliament asking United Kingdom Ministers how that money is being spent.

We are told that devolution is a journey, not a destination. The pressure will no doubt grow for more powers to go to the Scottish Parliament and the Welsh Assembly. Indeed, the hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd) has already said that he, as a Westminster Member of Parliament, will push constantly for more powers to go to both those bodies, but my biggest fear of all—in all this muddled thinking, incoherence and unjoined-up thinking—is that the very integrity of the United Kingdom is at risk.

We were told that devolution was a blueprint for a better Britain. The proof of the pudding is in the eating, as we have seen from what happened on Friday and what has happened since. The whole mismanaged, ill-thought-out and piecemeal approach has led to instability and uncertainty throughout the United Kingdom. The alarm bells are ringing; the Government should take off their rose-tinted spectacles and wake up before it is too late.

9.46 pm

The Parliamentary Under-Secretary of State for Wales (Mr. Peter Hain): I was trying to count the number of clichés in the speech of the hon. Member for Ribble Valley (Mr. Evans), but I should begin by responding to the other contributions that have been made this evening. First, the hon. Member for Woodspring (Dr. Fox) focused a lot of his criticism on proportional representation. I remind him that proportional representation in Wales gave him Rod Richards; maybe that is why he is so bitterly opposed to it. Proportional representation in Wales gave the Conservatives a lifeline into the Assembly and gave all the minority parties representation that they would not otherwise have achieved and which we believe they should have had.

When the hon. Member for Mid-Worcestershire (Mr. Luff), in an interesting speech, quoted *The Birmingham Post* in support of his case for an English parliament, he neglected to say that its top man on the board of directors is the right hon. Member for Sutton Coldfield (Sir N. Fowler). The hon. Gentleman's contribution was interesting—I shall return to this point—because his Front Benchers were notably silent about whether they support his case for an English parliament, preferring to dodge the question.

The right hon. Member for Caithness, Sutherland and Easter Ross (Mr. Maclennan) made an interesting and thoughtful contribution. He referred to the importance of the English regions, which is a point that many of my hon. Friends who represent English constituencies would have made had they been called to speak. The Government's position on decentralisation of power and devolution of responsibility and decision making throughout Britain is that the English regions should be empowered as well. We have already begun to do that, through the establishment of regional development agencies for all nine regions of England—the statutory power came into force only a month ago.

We have already begun the process of achieving devolved bodies for the English regions by legislating for a Greater London Authority. Elections for the authority and for mayor of London will take place next year and we have already put in place regional chambers representing the nine English regions.

There are already signs—in the north-east, for example—that demand for regional government is building. As has been made clear, and my hon. Friend the Member for Thurrock (Mr. Mackinlay) reinforced the point, if and when there is such demand in the English regions, as I hope that there will be, we will be able to

[Mr. Peter Hain]

achieve elected regional government—under a Labour Government and after it has been sanctioned in a referendum.

Mr. Brady: The Minister referred to the possibility of a regional assembly for the north-west and other parts of the country. Does he realise that his message would carry more force if the regional development agency in the north-west were properly representative? After last week's results in the local elections, will he now agree to put a Conservative representative on the RDA in the north-west? It is a scandal that the Government have not done so before and, following last week's very good results for the Conservatives in the north-west, they should now do so.

Mr. Hain: I am not sure whether the hon. Gentleman wants to emulate the experience of the old Welsh Development Agency, which was packed full of Conservative stooges, resulting in all sorts of shenanigans, which that the Labour Government have had to clear up. The answer to the hon. Gentleman's question will be found if—I should say when—Labour is elected at the next election, because there will be the opportunity for his area to have an elected regional government if the people wish it.

My hon. Friend the Member for Thurrock (Mr. Mackinlay) made an extremely interesting speech and said that devolution was not about Scottish, Welsh or—for that matter—English nationalism, but about good governance and the modernisation of government. I agree. I agree also with his comments about the House of Commons trying to do too much, and doing it badly. That is an additional reason why we are pressing ahead with the decentralisation of power throughout Britain.

My hon. Friend asked about the reciprocity of access between Members of Parliament with Members of the Scottish Parliament and Members of the Welsh Assembly. That is a good point which ought to be examined by all three bodies. He asked also about overseas territories and whether they should have representation, and he mentioned Gibraltar. I should say that I have enough on my plate with Wales without considering Gibraltar or any other overseas territory.

My hon. Friend the Member for Aberdeen, South (Miss Begg), by stark contrast with almost all Conservative Members, made a series of lucid points about the process of devolution upon which we have embarked.

The hon. Member for Rochford and Southend, East (Sir T. Taylor) was good enough to remind us of 1979 and his venerable leadership of the Scottish Conservative party. I believe that he was referred to as "the leader of one" and that he subsequently lost his seat in the process. He asked specifically about tuition fees. That is a matter devolved to Scotland. It will be within the rights of the Scottish Parliament to take a different decision on tuition fees, but it then must take the consequences in terms of spending within the Scottish block.

The hon. Member for Ribble Valley (Mr. Evans) made a series of familiar points—it was like listening to an old gramophone record that we heard during the passage of Government of Wales Act and the Scotland Act. My right hon. Friend the Secretary of State for Wales has made it clear that, after the transfer order goes through on 1 July, he does not think it appropriate that he should stay in post much longer because the two roles will eventually be incompatible. [HON. MEMBERS: "How much longer?"] My right hon. Friend has answered that question specifically.

The hon. Member for Ribble Valley referred sarcastically to the current discussions between the Labour party and the other parties in the National Assembly. This is the new partnership politics that the Welsh Assembly was invited to project in Wales. It makes a difference from the old confrontational, elitist, centralised and dictatorial politics that we had during 18 years of Tory rule.

The real issue is that neither the hon. Gentleman nor his Tory colleagues can stand the idea of diversity. They do not like the idea that the Scottish Parliament may or may not decide to do something different about tuition fees. They do not like the idea that the Welsh Assembly may introduce free travel for senior citizens—something that does not exist as yet in England or Scotland. The hon. Member for Ribble Valley wants the uniformity that Thatcherism and Majorism thrust on all parts of the UK, to such disastrous effect.

What has characterised the debate is a series of illusions. First, the Conservatives claim to be speaking for England, but they are not. Only 31 per cent. of Members of Parliament in England are Conservative; just 165 out of 528. It is the Labour party that speaks for England. A total of 329 Members of Parliament in England—60 per cent.—are Labour Members.

The Conservatives do not speak for England. They do not speak for anyone but themselves. It is Labour that speaks for England. It is Labour that speaks for Scotland, Wales and indeed the whole of the United Kingdom.

Dr. Fox: Simply as a matter of interest, if the Labour party speaks for Scotland and Wales, why did it fail to win a majority in either Scotland or Wales last week?

Mr. Hain: The answer is simple: we designed an electoral system to ensure that the Opposition parties got fairer representation. Labour is by far the biggest party in both Scotland and Wales, but we are proud of introducing a fairer electoral system, which gave a lifeline to the Scottish Conservative party and to the Welsh Conservatives as well.

Mr. Llwyd: Given what the Minister has said, can he explain why the Labour vote in Wales was the lowest since 1931?

Mr. Hain: There are lots of explanations for that, but there is an important point, from which the hon. Gentleman's party has benefited. We won 27 out of the 40 single Member seats in Wales. We are by far the biggest party. If we had not had a fairer system, his party would not have got the representation that it has. Nevertheless, I congratulate it on its achievement.

The second thing that the Conservatives claim is that their policies will strengthen the Union. Their policies created the problems that resulted in resurgent nationalism, to which the hon. Member for Woodspring (Dr. Fox) referred. The Conservative leader admitted as much in an astonishing speech on 24 February last year,

when he confessed that, in the 1980s and 1990s, Tory Governments politically neglected Britain in not moving fast enough to satisfy demands in Scotland and Wales for a measure of self-government.

The third illusion concerns the West Lothian factor. I remind Conservative Members that the West Lothian factor has been eclipsed by the West Clwyd factor. The Tory leader in Wales could not even win his own constituency. Indeed, his vote fell by 5 per cent. compared with when he lost the seat in 1997 to my hon. Friend the Member for Clwyd, West (Mr. Thomas), who, on the current trend, will certainly retain his seat next time.

The results in Wales were desperately bad for the Conservative party. I give figures on the seats that they held until 1997. In Cardiff, North, their vote was down 2 per cent. In Brecon and Radnorshire, it was down 5 per cent. In Clwyd, West, it was down 5 per cent. In Conwy, it was down 6 per cent. On the basis of such a mid-term performance, they are not in any position to make a comeback. Labour is poised to win the next general election in Wales, Scotland and, indeed, throughout Britain.

There is much confusion as to whether the Conservatives want an English Parliament. The hon. Member for Mid-Worcestershire argued that case strongly. Many people in Wales and Scotland maintain that that is what they had under the Conservatives for 18 years: a Parliament representing England alone. One of the solutions to that problem is being provided by the Labour Government through devolution for Scotland and Wales.

In an article published today, the former Member, Michael Portillo said—

Mr. James Arbuthnot (North-East Hampshire) *rose in his place and claimed to move,* That the Question be now put.

Question, That the Question be now put, *put and agreed to.*

Question put accordingly, That the original words stand part of the Question:—

The House divided: Ayes 121, Noes 358.

Division No. 170] **[9.59 pm**

AYES

Amess, David
Arbuthnot, Rt Hon James
Atkinson, Peter *(Hexham)*
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brazier, Julian
Browning, Mrs Angela
Burns, Simon
Butterfill, John
Chapman, Sir Sydney *(Chipping Barnet)*
Chope, Christopher
Clappison, James
Clark, Rt Hon Alan *(Kensington)*
Clark, Dr Michael *(Rayleigh)*
Clifton-Brown, Geoffrey
Cran, James
Curry, Rt Hon David
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice & Howden)*
Day, Stephen
Dorrell, Rt Hon Stephen
Duncan, Alan
Duncan Smith, Iain
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Flight, Howard
Forsythe, Clifford
Forth, Rt Hon Eric
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Fraser, Christopher
Gale, Roger
Garnier, Edward
Gibb, Nick
Gill, Christopher
Gorman, Mrs Teresa
Green, Damian
Greenway, John
Grieve, Dominic
Gummer, Rt Hon John
Hammond, Philip
Hawkins, Nick
Heald, Oliver
Heseltine, Rt Hon Michael
Horam, John
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Johnson Smith, Rt Hon Sir Geoffrey
Key, Robert
Kirkbride, Miss Julie
Lansley, Andrew
Leigh, Edward
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
MacGregor, Rt Hon John
McIntosh, Miss Anne
MacKay, Rt Hon Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Madel, Sir David
Malins, Humfrey
Maples, John
Mates, Michael
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Norman, Archie
Ottaway, Richard
Paice, James
Pickles, Eric
Prior, David
Randall, John
Redwood, Rt Hon John
Robathan, Andrew
Rowe, Andrew *(Faversham)*
Ruffley, David
St Aubyn, Nick
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Shepherd, Richard
Simpson, Keith *(Mid-Norfolk)*
Soames, Nicholas
Spicer, Sir Michael
Spring, Richard
Steen, Anthony
Streeter, Gary
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, Sir Teddy
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Walter, Robert
Wardle, Charles
Waterson, Nigel
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Wilkinson, John
Willetts, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Woodward, Shaun
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Mrs. Eleanor Laing and
Mr. Tim Collins.

NOES

Abbott, Ms Diane
Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Allan, Richard
Allen, Graham
Armstrong, Rt Hon Ms Hilary
Ashton, Joe
Atherton, Ms Candy
Atkins, Charlotte
Austin, John
Ballard, Jackie
Banks, Tony
Barnes, Harry
Barron, Kevin
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Begg, Miss Anne
Beith, Rt Hon A J
Bell, Martin *(Tatton)*
Benn, Rt Hon Tony
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry, Roger
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Blunkett, Rt Hon David
Boateng, Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brake, Tom
Brand, Dr Peter
Brinton, Mrs Helen
Brown, Rt Hon Gordon *(Dunfermline E)*
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Bruce, Malcolm *(Gordon)*
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnett, John
Burstow, Paul
Butler, Mrs Christine
Byers, Rt Hon Stephen
Cabom, Rt Hon Richard
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Rt Hon Menzies *(NE Fife)*
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, Dale
Cann, Jamie
Casale, Roger
Caton, Martin
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Chidgey, David
Clark, Rt Hon Dr David *(S Shields)*

Clark, Dr Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Coleman, Iain
Colman, Tony
Connarty, Michael
Cook, Frank *(Stockton N)*
Corston, Ms Jean
Cousins, Jim
Cranston, Ross
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cummings, John
Cunliffe, Lawrence
Cunningham, Rt Hon Dr Jack *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dismore, Andrew
Dobbin, Jim
Dobson, Rt Hon Frank
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Drown, Ms Julia
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Etherington, Bill
Field, Rt Hon Frank
Fisher, Mark
Fitzsimons, Lorna
Flint, Caroline
Follett, Barbara
Foster, Don *(Bath)*
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Fyfe, Maria
Galloway, George
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Dr Norman A
Godsiff, Roger
Goggins, Paul
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hancock, Mike
Hanson, David
Harman, Rt Hon Ms Harriet
Harris, Dr Evan
Harvey, Nick
Heal, Mrs Sylvia
Healey, John
Heath, David *(Somerton & Frome)*
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Hoey, Kate
Hood, Jimmy
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hughes, Simon *(Southwark N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Ingram, Rt Hon Adam
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Mrs Fiona *(Newark)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jones, Nigel *(Cheltenham)*
Jowell, Rt Hon Ms Tessa
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keen, Ann *(Brentford & Isleworth)*
Kelly, Ms Ruth
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
Kingham, Ms Tess
Kirkwood, Archy
Kumar, Dr Ashok
Ladyman, Dr Stephen
Laxton, Bob
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Liddell, Rt Hon Mrs Helen
Linton, Martin
Livingstone, Ken
Llwyd, Elfyn
Lock, David
McAvoy, Thomas
McCartney, Rt Hon Ian *(Makerfield)*
McDonagh, Siobhain
McDonnell, John
McFall, John
McGuire, Mrs Anne
Mackinlay, Andrew
Maclennan, Rt Hon Robert
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWilliam, John
Mahon, Mrs Alice
Mallaber, Judy
Mandelson, Rt Hon Peter
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Marshall–Andrews, Robert
Martlew, Eric
Maxton, John
Meacher, Rt Hon Michael
Meale, Alan
Merron, Gillian
Michie, Bill *(Sheff'ld Heeley)*
Miller, Andrew
Mitchell, Austin
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Ms Julie *(Cardiff N)*
Morley, Elliot
Morris, Ms Estelle *(B'ham Yardley)*
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Naysmith, Dr Doug
Oaten, Mark
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
Olner, Bill
O'Neill, Martin
Öpik, Lembit
Organ, Mrs Diana
Osborne, Ms Sandra
Palmer, Dr Nick
Pearson, Ian
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pond, Chris
Pope, Greg
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Primarolo, Dawn
Prosser, Gwyn
Quin, Rt Hon Ms Joyce
Quinn, Lawrie
Radice, Giles
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Rendel, David
Robinson, Geoffrey *(Cov'try NW)*
Roche, Mrs Barbara
Rooker, Jeff
Ross, Ernie *(Dundee W)*
Roy, Frank
Ruane, Chris
Ruddock, Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Sanders, Adrian
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Shipley, Ms Debra
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Snape, Peter
Soley, Clive
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stewart, David *(Inverness E)*
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Stoate, Dr Howard
Stott, Roger
Strang, Rt Hon Dr Gavin
Straw, Rt Hon Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Temple–Morris, Peter
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tyler, Paul
Vaz, Keith
Ward, Ms Claire
Wareing, Robert N
Watts, David
Webb, Steve
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Wood, Mike
Woolas, Phil

Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Mr. Robert Ainsworth and
Mr. Clive Betts.

Question accordingly negatived.

Question, That the proposed words be there added, *put forthwith, pursuant to Standing Order No. 31 (Questions on amendments):—*

The House divided: Ayes 349, Noes 118.

Division No. 171] **[10.14 pm**

AYES

Abbott, Ms Diane
Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Allan, Richard
Allen, Graham
Armstrong, Rt Hon Ms Hilary
Atherton, Ms Candy
Atkins, Charlotte
Austin, John
Ballard, Jackie
Banks, Tony
Barnes, Harry
Barron, Kevin
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Begg, Miss Anne
Beith, Rt Hon A J
Benn, Rt Hon Tony
Benton, Joe
Bermingham, Gerald
Berry, Roger
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Blunkett, Rt Hon David
Boateng, Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brake, Tom
Brand, Dr Peter
Brinton, Mrs Helen
Brown, Rt Hon Gordon *(Dunfermline E)*
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Bruce, Malcolm *(Gordon)*
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnett, John
Burstow, Paul
Butler, Mrs Christine
Cabom, Rt Hon Richard
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Rt Hon Menzies *(NE Fife)*
Campbell, Ronnie *(Blyth V)*
Campbell–Savours, Dale
Canin, Jamie
Casale, Roger
Caton, Martin
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Chidgey, David
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Coleman, Iain
Colman, Tony
Connarty, Michael
Cook, Frank *(Stockton N)*
Corston, Ms Jean
Cotter, Brian
Cousins, Jim
Cranston, Ross
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cummings, John
Cunliffe, Lawrence
Cunningham, Rt Hon Dr Jack *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dismore, Andrew
Dobbin, Jim
Dobson, Rt Hon Frank
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Drown, Ms Julia
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Etherington, Bill
Fearn, Ronnie
Field, Rt Hon Frank
Fisher, Mark
Fitzsimons, Lorna
Flint, Caroline
Follett, Barbara
Foster, Don *(Bath)*
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Fyfe, Maria
Galloway, George
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Dr Norman A
Goggins, Paul
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hancock, Mike
Hanson, David
Harman, Rt Hon Ms Harriet
Harris, Dr Evan
Harvey, Nick
Heal, Mrs Sylvia
Healey, John
Heath, David *(Somerton & Frome)*
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Hoey, Kate
Hood, Jimmy
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hughes, Simon *(Southwark N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Ingram, Rt Hon Adam
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Mrs Fiona *(Newark)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jones, Nigel *(Cheltenham)*
Jowell, Rt Hon Ms Tessa
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keen, Ann *(Brentford & Isleworth)*
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
Kingham, Ms Tess
Kirkwood, Archy
Kumar, Dr Ashok
Ladyman, Dr Stephen
Laxton, Bob
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Liddell, Rt Hon Mrs Helen
Linton, Martin
Livingstone, Ken
Lock, David
McAvoy, Thomas
McCartney, Rt Hon Ian *(Makerfield)*
McDonagh, Siobhain
McDonnell, John
McFall, John
McGuire, Mrs Anne
Mackinlay, Andrew
Maclennan, Rt Hon Robert
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWilliam, John
Mahon, Mrs Alice
Mallaber, Judy
Mandelson, Rt Hon Peter
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Marshall–Andrews, Robert
Martlew, Eric
Maxton, John
Meacher, Rt Hon Michael
Meale, Alan
Merron, Gillian
Michie, Bill *(Sheff'd Heeley)*
Miller, Andrew
Mitchell, Austin
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Ms Julie *(Cardiff N)*
Morley, Elliot
Morris, Ms Estelle *(B'ham Yardley)*
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Naysmith, Dr Doug
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
Olner, Bill
O'Neill, Martin
Öpik, Lembit
Organ, Mrs Diana
Osborne, Ms Sandra
Palmer, Dr Nick
Pearson, Ian
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pond, Chris
Pope, Greg
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Primarolo, Dawn
Prosser, Gwyn
Quin, Rt Hon Ms Joyce
Quinn, Lawrie
Radice, Giles
Raynsford, Nick
Reed, Andrew *(Loughborough)*

Rendel, David
Robinson, Geoffrey *(Cov'try NW)*
Roche, Mrs Barbara
Rooker, Jeff
Ross, Ernie *(Dundee W)*
Roy, Frank
Ruane, Chris
Ruddock, Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Sanders, Adrian
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Shipley, Ms Debra
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Snape, Peter
Soley, Clive
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stewart, David *(Inverness E)*
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Stoate, Dr Howard
Stott, Roger
Strang, Rt Hon Dr Gavin
Straw, Rt Hon Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Temple-Morris, Peter
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tyler, Paul
Vaz, Keith
Ward, Ms Claire
Wareing, Robert N
Watts, David
Webb, Steve
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Wood, Mike
Woolas, Phil
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Ayes:
Mr. Clive Betts and
Mr. Robert Ainsworth.

NOES

Arness, David
Arbuthnot, Rt Hon James
Atkinson, Peter *(Hexham)*
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brazier, Julian
Browning, Mrs Angela
Burns, Simon
Chapman, Sir Sydney *(Chipping Barnet)*
Chope, Christopher
Clappison, James
Clark, Rt Hon Alan *(Kensington)*
Clark, Dr Michael *(Rayleigh)*
Clifton-Brown, Geoffrey
Cran, James
Curry, Rt Hon David
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice & Howden)*
Day, Stephen
Dorrell, Rt Hon Stephen
Duncan, Alan
Duncan Smith, Iain
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Flight, Howard
Forsythe, Clifford
Forth, Rt Hon Eric
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Fraser, Christopher
Gale, Roger
Garnier, Edward
Gibb, Nick
Gill, Christopher
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Gummer, Rt Hon John
Hammond, Philip
Hawkins, Nick
Heald, Oliver
Heathcoat-Amory, Rt Hon David
Horam, John
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Johnson Smith, Rt Hon Sir Geoffrey
Key, Robert
Kirkbride, Miss Julie
Lansley, Andrew
Leigh, Edward
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
MacGregor, Rt Hon John
McIntosh, Miss Anne
MacKay, Rt Hon Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Madel, Sir David
Malins, Humfrey
Maples, John
Mates, Michael
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Norman, Archie
Ottaway, Richard
Paice, James
Pickles, Eric
Prior, David
Randall, John
Redwood, Rt Hon John
Robathan, Andrew
Rowe, Andrew *(Faversham)*
Ruffley, David
St Aubyn, Nick
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Shepherd, Richard
Simpson, Keith *(Mid-Norfolk)*
Soames, Nicholas
Spicer, Sir Michael
Spring, Richard
Steen, Anthony
Streeter, Gary
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, Sir Teddy
Trend, Michael
Tyrie, Andrew
Walter, Robert
Wardle, Charles
Whitney, Sir Raymond
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Wilkinson, John
Willetts, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Woodward, Shaun
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Noes:
Mrs. Eleanor Laing and
Mr. Tim Collins.

Question accordingly agreed to.

MR. DEPUTY SPEAKER *forthwith declared the main Question, as amended, to be agreed to.*

Resolved,

That this House welcomes the establishment of the Scottish Parliament and the National Assembly for Wales, following the elections on 6th May, and the prospect of working co-operatively with these bodies and in particular the opportunity this presents to make government more democratic, accountable and inclusive within the context of a stronger Union.

PETITION

Hunting with Dogs

10.26 pm

Ms Julia Drown (South Swindon): I am pleased to have this opportunity to present a petition of 258 signatures collected in one day in South Swindon. I agree with the petitioners that the hunting of wild mammals with dogs

"is cruel and unnecessary and has no place in a modern Britain."

The petition continues:

The petitioners therefore request that the House of Commons calls on the Government to act on the overwhelming mandate it has received from MPs and the public to end hunting by making a clear commitment by the year 2000 to legislate for its abolition. And the petitioners remain etc.

To lie upon the Table.

Rural Crime and Vandalism

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Hanson.]*

10.27 pm

Mr. John Smith (Vale of Glamorgan): I welcome this opportunity to bring to the House's attention the serious problem of crime and vandalism in rural towns and communities in my constituency. I was not surprised to discover that rural crime and vandalism was a far more widespread problem than I had first imagined. Since the subject of this Adjournment debate appeared on the Order Paper, I have received a number of representations from organisations and individuals throughout the country who share my concerns about vandalism in rural towns in England and Wales.

I have received representations from the British Retail Consortium, for example, about crime in shops in rural areas, from crime prevention groups, from individuals and from hon. Members on both sides of the House, who have expressed their deep concern. It was interesting to hear my hon. Friend the Member for Stroud (Mr. Drew) describe almost the same problems in his constituency that we are experiencing in my constituency. Large gangs of teenagers are committing wanton and reckless vandalism and damage for no apparent reason in our rural town centres.

The problem came to my notice a couple of months ago when Mr. Colin Webster came to my constituency surgery. I sat in disbelief as he described to me the catalogue of destruction and damage to his property in the past few years. His shop window has not just been smashed on the odd occasion, cracked or had something bump into it, but has systematically been broken, week in and week out for months and years. The poor man has had to pay in excess of £104,000. It is a small hardware shop in a rural part of my constituency, and in a rural area such shops are an essential facility. Often, it is hard to keep retail outlets going in rural areas. Mr. Webster has had to pay an enormous amount to replace the glass broken as a result of teenagers congregating on Friday and Saturday nights.

I listened to him in disbelief, not only because of the extent of the damage, but because it occurred in one of the most attractive rural towns in my constituency—Llantwit Major. It did not take place, for example, in an urban area of high social deprivation, where, it is sad to admit, one might reasonably expect to find that sort of vandalism and where one would think that it would be more common. However, that is not the case at all; the vandalism occurs in a rather prosperous and attractive town in the heart of my constituency. Indeed, it is a very attractive town; it has some of the highest land values in Wales. To the south of the town lies the beautiful, heritage coast of the Vale of Glamorgan; to the west is St. Donat's castle, which was at one time the home of William Randolph Hearst and is now the Atlantic college—the international college; to the north are the rolling hills for which the Vale of Glamorgan is famous; and to the east is RAF St. Athan.

The area is an ideal place in which to live and to settle down, but unfortunately it is being blighted by the mindless actions of gangs of teenagers. I was shocked to discover the extent of that vandalism; it is not confined to only one town. As I discovered, it occurs much more commonly throughout the country than I had first realised, so I am sure that many people can relate to the problem. The teenagers who commit that vandalism come from respectable families in a middle-class area. I believe that is a relatively modern phenomenon. In the 1980s, we saw the lager louts spring up and now, in the 1990s, we seem to have the phenomenon of gangs of teenagers from respectable homes committing vandalism.

I promised Mr. Webster that I would do what I could for him and that I would take the matter up at every level and investigate the causes of the problem. Those investigations proved most interesting. There are many structural reasons for such vandalism and many simple, practical reasons. I think it is worth drawing the House's attention to some of those reasons, because the problem is not confined to one area. Hon. Members on both sides of the House, and people throughout the country, will hear the ring of truth when I tell the House what is happening and why it happens.

For example, in recent years, Llantwit Major has undergone a dramatic increase in size; the population has increased by more than one fifth. However, the sad truth is that the facilities for youngsters and teenagers in that community have not experienced an increase commensurate with the population increase. My old friend, Bob Fussell, who runs the youth centre, told me that as many as 120 young teenagers, up to the age of 14, might be at the youth club on a busy night. That is an indication of how many teenagers now live in the town. I am not convinced that enough is being provided for them to occupy their leisure time.

A common complaint from the youngsters is that, for years, there has been inadequate transport serving rural areas—a common theme throughout the country. We have inadequate bus services; a railway line runs through the town, but there is no passenger service. Youngsters have no access to cities and urban areas. It takes mum a couple of hours to do a round journey to the city to drop off the children so that they can go to the cinema, go skating or take up the same leisure options as other youngsters. That can cause some frustration, so the youngsters congregate in large numbers—30 or 40—usually after the disco on a Friday night, and end up doing a great deal of damage.

The area in which the youngsters congregate has extremely bad lighting—it is a shopping precinct off the main road in Llantwit Major. There are many alleyways through which the youngsters can get in and out, so, when the police arrive, as they frequently do, the youngsters disperse quickly. The local shop, Somerfield, leaves its trolleys out overnight, and we are trying to get it to stop doing so, because the youngsters use the trolleys to ram shop windows and do all sorts of damage. There are practical steps that we can take—for example, improve the lighting in that area. We have made representations to local agencies, and I am glad to say that, through the partnership approach that has been adopted and encouraged by the Government, great strides are being made in dealing with the problem.

I have to point out that one of the key factors is underage drinking by these very young teenagers and younger children. During my investigations on behalf of Mr. Webster, I was surprised to learn that the alcohol does not come from the local off-licence or the pub, being bought by an older teenager or an adult, or from the shops in the area that now sell alcohol. In fact, most of the

[Mr. John Smith]

alcohol comes from the youngsters' homes: they take it from the fridge or from the cocktail cabinet, and—I hate to say this—occasionally their parents know what is going on and turn a blind eye, thinking that it is only a little youthful mischief. The children cannot handle their drink and they go out, get drunk and congregate in large groups; they often start showing off to each other and end up doing a great deal of damage, so undermining the quality of life for people living in a community that would otherwise enjoy many advantages.

Mr. David Drew (Stroud): I thank my hon. Friend for mentioning me earlier. I concur with his argument that underage drinking is a common theme in these problems. From talking to my local police, I know that, often, when they have had occasion to take home very young, drunk children, either no parents are at home or, if the parents are at home, they tend to laugh off the incident; yet underage drinking and the behaviour associated with it feeds into a vicious circle and causes the problems about which my hon. Friend is talking.

Mr. Smith: I thank my hon. Friend for that intervention, because he raises one of the key issues on which we should focus, and gives me an opportunity to draw it to the Minister's attention. I have already said that the partnership approach is the way to achieve results. We must support the police in any way that we can in policing such areas, by using the local authority, the voluntary sector and neighbourhood watch schemes. However, I passionately believe that parents must be part of that partnership: they must play a key role in what we are trying to do to stamp out vandalism in communities like Llantwit Major. If we do not involve parents fully, it will be extremely difficult to get rid of the relatively modern phenomenon of teenage gangs vandalising our rural town centres.

I do not think that parents believe what their children are up to. I have said it once, but I shall say it again: these are respectable families. The youngsters come from good homes which are, by and large, secure homes, and I do not think that parents believe that their little Johnny and their little Mary are out doing damage on Friday or Saturday night. Let us take tonight: I wonder how many parents in rural communities throughout England and Wales can put their hand on their heart and say with certainty where their 13, 14 and 15-year-old children are right now, at 10.30 on a weekday night. Many of them would be extremely surprised to discover what some of their youngsters are up to even in the middle of the week, and on a Friday or Saturday night the problem is 10 or 20 times worse. Parents have a key responsibility.

I have spoken to Mr. Webster and the other shopkeepers in the precinct and the surrounding area, and all give me the same message: something has to be done—this has gone on for years.

The local authority is considering the lighting and the access and egress. The police are focusing resources on the area, and the local youth club and the voluntary sector are co-ordinating their activities with other agencies. The shopkeepers believe that they need closed circuit television because of the area's layout. I support them in that request, and I have written to the Minister about the issue. I am delighted to say that he has replied, pointing out that the prospectus for the Government's crime reduction plans will be released shortly, and that the £170 million accompanying it could include provision for closed circuit television in the area. I hope that the CCTV proposal will be considered sympathetically, and I am sure that the retailers and the whole community will submit a bid to that effect.

Something must be done to encourage parental responsibility. I hope that drawing attention to this problem in this short Adjournment debate will get the message across to the mums and dads, not just in Llantwit Major in my constituency but in rural communities throughout the Vale of Glamorgan. I promised Mr. Webster that I would do all that I could to help him in this matter. I promised that I would take it as far as I could and I think that, by raising the issue on the Floor of the House this evening, I have fulfilled my commitment.

If the vandals win and Mr. Webster is forced to close the store that he has run in the town for 18 years, the whole community will lose. Everyone will lose that valuable service and facility by giving in to vandalism. We cannot afford to give in, and I hope that the Minister can offer me help and encouragement in solving this problem.

10.42 pm

The Minister of State, Home Office (Mr. Paul Boateng): By bringing this important matter before the House tonight, my hon. Friend the Member for Vale of Glamorgan (Mr. Smith) has not only done Mr. Webster and his other constituents a service but assisted the Government in addressing an issue that concerns us all. My hon. Friend gives the lie to the notion that crime and concern about crime is the preserve of urban, not rural, areas. We in the Home Office recognise that that is an important issue in rural areas, and we share the real determination expressed by my hon. Friend, his constituents and the local police in south Wales—and the Vale of Glamorgan in particular—to ensure that all agencies concerned with, and affected by, the criminal justice system work in a concerted and focused way to tackle the crime and disorder issues of rural areas.

I had the pleasure of visiting my hon. Friend's constituency during his initial election campaign—it is some years ago now—when his constituents first had the good sense to send him to this place. I visited both south Wales and Dyfed-Powys recently and saw for myself the impact of rural crime. I surveyed the situation from the vantage points of a patrol car, a patrol helicopter and a coastal patrol boat, which I helped to launch. Rural crime clearly deserves the attention of the House and of the police and the local community.

My hon. Friend is right to emphasise partnership in combating rural crime. The countryside suffers its share of criminal activity and disorder. In rural life, issues such as stealing stock, breaking into premises to take animals, damage to crops and the stealing of farm equipment are as current as the problems of burglary, theft and violence that are familiar to us in an urban environment. People in rural and urban areas are fed up to the back teeth with having their property violated, their freedom of movement constrained, their public spaces wrecked in the manner that my hon. Friend has described and their peace and tranquillity threatened by the criminal or anti-social activities of a selfish minority.

The Government have taken action through the Crime and Disorder Act 1998 and we are determined to continue focusing on the issues. As strategies have developed, we have been heartened to see how local partnerships have emerged to tackle the problems. I recently had the privilege of visiting the constituency of my hon. Friend the Member for Stroud (Mr. Drew), where I saw the development of a local strategy that embraced issues of rural crime and the importance of the work of the police, but also properly addressed the need to involve young people as part of the solution to the problem that a tiny minority of them represent.

It is important to put the problem in perspective. We are talking about a minority of young people involved in crime and anti-social behaviour. We should not forget that, but nor should we excuse it. I heard what my hon. Friend said about recreation and access to facilities. The lack of access to leisure and educational facilities is a concern. The Home Office programme development unit is funding a Suffolk-based project aimed at reducing risk factors and offending in rural areas by improving access to facilities and increasing participation in community life. The project is due for completion at the end of 1999. We are determined to learn lessons from it and to roll out some of the good practice in succeeding years.

I do not underestimate the importance of leisure and educational facilities, but we should remember that the examples that my hon. Friend gave involved activity on a Friday night after a disco. The people involved had access to a recreational facility and they subsequently trashed the surrounding environment, making themselves a nuisance and a menace to honest, law-abiding elements in the community. That cannot be tolerated or excused.

One of the lessons that we are learning from the emerging crime and disorder strategies is the importance of identifying problem hot spots such as those to which my hon. Friend has referred where loitering, creating mayhem, vandalism and graffiti are all too often prevalent. We must work concertedly with local agencies to address that. Partnerships are particularly important. They involve the private and public sector, off-licences, other community facilities, pubs and clubs. They must all be part of the solution, or they will constitute part of the problem. We have to ensure that we support the police and local authorities in the leadership that they give in the crime and disorder strategies so that we have a joined-up approach that takes advantage of licensing law and regulation, planning in relation to lighting and closed circuit television.

I am grateful to my hon. Friend for corresponding with me about CCTV, which enables me to assure him, as I did in my letter to him, that he and his local authority and the police in Llantwit Major will be able to respond to the prospectus that we shall issue, probably at the end of May. They will be able to demonstrate how they would use that technology as part of a wider strategy to reduce crime in their area. CCTV needs to be viewed in its widest context because it is not designed to be a quick fix; it needs to be linked to the actions of the police and, for example, the door-keeping activities of local retailers and proprietors. It needs to be linked also to neighbourhood watch schemes and various other local schemes that can contribute to the partnership.

There will be an opportunity for local authorities to bid for the resources that will be available as part of the £150 million programme of work over the next three years, which was announced by my right hon. Friend the Chancellor of the Exchequer in his Budget. We know from work that is already going on that there is much to be gained from that partnership approach.

Neighbourhood watch is a fine example of what people can do together, particularly in rural areas, acting as the eyes and ears of the police. There are many other excellent watch schemes. In my recent visit to Wales, I had an opportunity to learn about schemes such as farm watch, horse watch and country and poacher watch, which are all directly relevant to rural areas and have a contribution to make. They reflect the rural community's willingness to help the police to fight crime. They represent an opportunity for the community to get involved, eschew what my right hon. Friend the Home Secretary has described as the walk-on-by society and actively watch out for each other—especially the most vulnerable.

The crime reduction programme, which includes £250 million over the next three years, will underpin that partnership and evidence-based crime reduction work. It is the largest-ever single investment of its kind anywhere, and it aims to reverse the long-term rise in crime of 5 per cent. a year since 1980. We recently announced 11 proposals under the programme's targeted policing initiative which have been shortlisted and are now being developed further. Those measures are designed to develop policing techniques that we can spread across the country. Rural areas will be the beneficiaries of that.

As my hon. Friend said, vandalism is a problem. That was identified as a priority in the Vale of Glamorgan's audit. It will be tackled in the first year of its strategy, along with domestic burglary and vehicle crime. The Home Office's retail crime reduction action team and its predecessor, the retail action group, have produced various guidance for large and small retailers. I shall arrange for the team to forward details to my hon. Friend so that he can pass them on to his constituent.

All the evidence demonstrates that we need to maximise effective co-ordinated, preventive action at a local level to identify the means of tackling issues and bringing parties together. We envisage such partnerships developing in the Vale of Glamorgan. They will work towards reducing the unpleasant and extremely expensive menace of vandalism. Vandalism contributes to environmental degradation. It is not to be excused, and will not be excused. The Criminal Damage Act 1971 enables, where the value of goods damaged is more than £2,000, the imposition of a maximum penalty of 10 years' imprisonment for those aged 18 or over, and two years' detention in a young offenders institution for those aged 15 to 17. Within the maximum limit, it is for the courts to decide in the light of all the circumstances; but they will bear in mind the impact of such vandalism on the communities that they serve.

The police are there to stand four square with those local communities, building on intelligence-led policing and using and building on the framework that we provided in the Crime and Disorder Act 1998. I have no doubt that CCTV, which my hon. Friend mentioned, can play a major part in the development of that.

[Mr. Paul Boateng]

Our rural life is precious. It may on occasion appear idyllic, but, as my hon. Friend says, appearances can be deceptive. The fear of crime is real, and must be reduced. The environment must be protected. We are determined that the measures that we have introduced, are introducing and will continue to introduce will support the decent, law-abiding people who constitute the overwhelming majority by maintaining the safety, security and tranquillity of their communities. In the Vale of Glamorgan, those communities have been served by my hon. Friend's initiating tonight's debate. The House is grateful to him and to his constituent for raising the matter: we will not fail them.

Question put and agreed to.

Adjourned accordingly at four minutes to Eleven o'clock.

House of Commons

Wednesday 12 May 1999

The House met at half-past Nine o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

Prison Service

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Hanson.]*

9.33 am

Mr. A. J. Beith (Berwick-upon-Tweed): The purpose of this debate is to raise in the House some of the wide concerns about the management of the Prison Service, especially those concerns highlighted in the reports of the chief inspector of prisons. I seek a response from the Government to those concerns and to some of the ideas that I will advance.

As of last Friday, the Prison Service held 64,238 prisoners in 127 directly managed establishments and in seven prisons run by private sector companies. I have chosen not to debate the issue of private prisons on this occasion, but we believe strongly, on principle, that the state should not deprive people of liberty and then hand the key to the private sector. However, that does not mean that private sector prisons cannot be managed well, and we can learn some lessons from them. I shall briefly explore that issue later.

The Prison Service employs about 40,000 staff in the prisons that it manages directly and the operating costs of the service total about £1.7 billion. A service of that size must be managed as effectively as possible and must achieve its stated purposes, giving value for money.

I do not believe that the Prison Service is in decline. It has made considerable achievements in recent years under particularly stressful conditions, most notably—although not exclusively—in prison security and in reducing the number of escapes. That is not surprising, as all efforts have been directed at those areas. The chief inspector pays a particularly warm tribute to the work of the former director, Richard Tilt, who was the first director appointed from within the Prison Service. He took control of the service in difficult circumstances when morale had been damaged dramatically and made significant improvements.

While criticising the management of the Prison Service, I acknowledge that friends and people whom I respect work at every level of the service, from prison officers to top management. I know the dedication and commitment that they demonstrate. However, the fact remains that there are significant problems and that something is seriously wrong with the management of the service.

Members of Parliament tend to know when something is wrong with organisations from the way in which individual cases are handled. I have had problems with the Prison Service over the years. While trying recently to secure the transfer of a prison officer from Scotland to England, I discovered that the England and Wales Prison Service and the Scottish Prison Service have been in dispute over transfers since 1995, and that that dispute remains unresolved.

While pursuing another case involving a prison officer who I believe was wrongly dismissed and unjustly treated, I discovered that Prison Service headquarters had told a local authority inquiring about his reference that that man had never worked for the service. When such things happen, one begins to explore the situation more deeply. Those painful individual matters—the first has been resolved satisfactorily, but the second has not—cause concern, but I have many other reasons to be worried about the management of the Prison Service.

Many of my greatest and most obvious concerns date back to the closing years of the previous Government. The Prison Service will never forget the years when it was run "Howard's way". His was an era when the Home Secretary interfered in all aspects of the service, but was never prepared to take responsibility for it, especially if something went wrong—as it often did. The revelations of the then outgoing Minister of State, now the shadow Secretary of State for Health, the right hon. Member for Maidstone and The Weald (Miss Widdecombe), confirmed all our worst fears about the then Home Secretary's approach to the management of the service.

However, the problems had begun even before that. The Woodcock report on the Whitemoor escapes stated:

"There exists at all levels within the Service some confusion as to the respective roles of Ministers, the Agency Headquarters and . . . Prison Governors. In particular, the Enquiry has identified the difficulty of determining what is an operational matter and what is policy, leading to confusion as to where responsibility lies."

The report made the further crushing observation:

"Any organisation which boasts one Statement of Purpose, one Vision, five Values, six Goals, seven Strategic Priorities and eight KPIs"—

key performance indicators—

"without any clear correlation between them, is producing a recipe for total confusion and exasperation amongst those undertaking a most difficult and dangerous task on behalf of the general public."

The new Home Secretary has rightly changed the management style that he inherited from his predecessor. He has stated clearly that he takes responsibility for the service, but his style is not one of constant and detailed interference. That is very welcome. It would be easy to assume that all the deficiencies in Prison Service management have been remedied, but the chief inspector's annual report makes it clear that serious long-term problems remain.

A major theme of the report is the lack of consistency within the Prison Service. Service standards and conditions identified by the chief inspector vary greatly and include variations within the same category of prison establishment. With the exception of dispersal prisons, there appears to be considerable inconsistency of standards within each category of prison. Factors such as whether a prisoner's offending behaviour will be challenged through education, work or offending behaviour programmes, how much time prisoners spend locked in their cells and whether those cells are overcrowded depend upon which prison an offender is sent to.

[Mr. A. J. Beith]

Referring to young offender institutions, the chief inspector's report states:

"We have continued to find some disgraceful examples of unacceptable treatment and conditions of children under the age of 18 and other young offenders, as well as some outstanding examples of good practice."

The reports on Feltham and Werrington understandably caused considerable alarm. The inspector also pointed out that Prison Service management is failing to identify the problems within prisons. He stated:

"Time and time again, my Inspectorate and I find ourselves reporting on matters that I believe should have been resolved by line management as a matter of course."

He continues:

"Unless senior management is ruthless in insisting on the maintenance of standards, never tolerating anything less than what is required, while recognising and enthusing over what is good, or better, no operational organisation can hope to succeed."

The chief inspector's conclusion is that the fundamental cause of those failures is that

"this organisation is inefficient, because it appears to be more about the management of financial resources than the oversight of operational delivery".

There must be something wrong with the management of a national service in which such contrasting results are achieved and significant problems are not identified by line management. That would not be acceptable in any other national service, and it should not be accepted in the Prison Service. There are varying circumstances for each Prison Service establishment, but that does not justify the results, which seem to be due to a failure in the organisation of line management.

The chief inspector suggests that the problem might have originated from the abolition of the Prison Commission in 1962 and the consequent Whitehall takeover of the management of prisons. He believes that from that point, the ethos has been wrong. The emphasis has been on a service to Ministers, rather than the delivery of required operational outcomes. I have always suspected that the Home Office's tendency to second-guess Prison Service decisions, or the fear that it will do so, blurs management responsibility and weakens managers.

The chief inspector does not blame individual operational directors, area managers or governors, but argues that the organisational structure needs reform. He contrasts the experience of dispersal prisons with the rest of the prison service. Dispersal prisons are under a single director with financial authority, so there is much greater direction and consistency, which contrasts with the geographically organised management of the rest of the Prison Service. He concludes that there should be much greater functional management of the service.

Recent changes have addressed some of those issues, but I share the chief inspector's concern that those reforms may not have gone far enough, and some aspects of them may create new problems. A positive step is the creation of a new position of director of regimes, as well as assistant directors for adult training, women prisoners and young offenders. However, the concern remains that, because there is not direct authority over all aspects in each of those areas, the necessary improvements will not be made.

The failure within young offenders' institutions is an example. Despite the Home Secretary's statements on improving the juvenile secure estate, senior operational managers were found to be failing to achieve their targets. The chief inspector said that, at Werrington, operational managers were sanctioning extensive doubling up in single cells and young people were being required to share cells with strangers on their first night in prison. At Feltham, conditions were even worse than when he had inspected the establishment two years earlier. He said:

"That senior line management in the Prison Service should even think that such conditions and treatment are appropriate, confirmed my fear that the Assistant Director of Regimes would be powerless to influence the day to day routines that are currently not her responsibility to fund, however much she might be able to design appropriate offending behaviour programmes."

The chief inspector gives the shocking example of HMP Brockhill, where, he says,

"disgracefully, we found that 80 per cent. of the uniformed staff were male, over a year after it had been converted to a women's prison."

He says that Holloway remains virtually unmanageable.

The chief inspector has therefore repeated his call for greater direct functional management for aspects of the Prison Service, including making one person responsible for all aspects of individual functions, with the authority to allocate resources. The priority areas are women and young offenders, with one overall director needing to be responsible for all day-to-day activities in any prison in each of those categories. The Government have so far resisted that call, and I should like to know what their latest thinking is.

The chief inspector has also drawn attention to the fact that prison governors have extensive delegated powers over the budgets for their establishments, but also face a heavy bureaucratic load, which inhibits their ability to exercise leadership and remain in close contact with the prison. He says:

"To bog governors down in bureaucratic detail shows a lack of awareness of the load on them, and the fact that it is inhibiting their ability to walk their prisons is bound to have an effect on the operational performance of staff, which in turn affects the delivery of the operational aim."

There have been other recent reforms of the management system. The quinquennial review of the Prison Service has confirmed its agency status, which we have supported, but there have been further changes. A new strategy board is to be chaired by a Home Office Minister, Lord Williams of Mostyn, with the director general as his deputy, but there is also a separate Prison Service management board, which is chaired by the director general. There is concern that this unusual system of two overlapping boards will again blur the lines of responsibility in the Prison Service between operational and policy matters. How will that system work?

Part of the answer to improving management may be the extension of service delivery agreements within the Prison Service. We welcome that approach, which makes clear what is expected and how it is to be achieved, and that oversight of outcomes is needed. This is not, as I have said, the occasion for a debate on the ethics of the private management of prisons, about which we have concerns, but it is relevant to note private prisons' clear advantage, which we can learn from, which is that they are told precisely what is expected of them.

The Prison Service has a key regulatory role for private prisons, which do not always achieve their targets, as the long list of reduced contract payments demonstrates, but there are lessons to be learned from private management and the system by which those prisons' requirements are set. In the public sector, there needs to be proper assessment of the needs of each individual prison. Funding should follow needs more effectively, and reform should be based on that concept.

The biggest problem that the Prison Service faces is overcrowding. Excessive numbers not only lead to unacceptable conditions but undermine the work of the service. The focus becomes containment and security—keeping prisoners inside—instead of the more positive work that can be done. Overcrowding drains resources, reduces morale and undermines the capacity to undertake constructive work with offenders. It is understandably difficult to manage a service in which demands constantly outweigh resources. Overcrowding is a theme to which the chief inspector returns every year.

Overcrowding jams up the prison system. In theory, prisoners should move through categories of prisons by completing the required parts of their sentence at each level. However, the chief inspector points out that

"this sensible procedure has been severely disrupted by the effects of overcrowding, the Prison Service having to operate at over capacity the whole time to ensure that every available bed-space is occupied."

It is welcome that the recent rapid rise in the prison population has decreased in the past year, but at more than 64,000 prisoners, it is stabilising at an overcrowded level. That is like saying to the inhabitants of various midlands towns, "It is all right, the floods will stay at about their present level, and they won't go up much more." The prison population is at a level above the Home Office's projection for this period.

According to the chief inspector, in the past year, local prisons were, on average, holding 26 per cent. more prisoners than they are resourced to hold. That category of prison is the greatest cause for anxiety because they are centres of inactivity and idleness. They have by far the highest suicide rate. Suicide is a major problem in the service. The figures for the first quarter of this year suggest that record numbers last year may be matched this year.

This country has 122 prisoners for every 100,000 people, compared with 110 in Spain, 90 in France and Germany, 85 in Italy and Holland, 80 in Belgium, 65 in Denmark, 60 in Sweden, 55 in Norway and 50 in Greece. Our prison population is well over double those of Greece and Norway. In the whole of western Europe, only Portugal jails a higher proportion of its population. We are similar to ex-communist countries in our rate of imprisonment.

Liberal Democrats have continually challenged the false argument that excessive use of prison sentences makes communities safer; it has the opposite effect because it maximises reoffending and consumes huge resources that could be used more effectively to protect the public. There seems to be a belief in the Home Office that the new community sentences in the Crime and Disorder Act 1998, the introduction of home detention curfews and some lessening of the "lock 'em up" rhetoric will reduce the prison population to a more reasonable level, but there is no guarantee of that. We have yet to see the results for the prison population of the Government's adoption of the previous Government's policy of mandatory sentencing.

Mandatory sentencing will not only affect those convicted of offences with mandatory sentences, but will almost certainly ratchet up other sentences when comparisons begin to be made between someone who gets a defined, mandatory sentence and someone whose offence seems to the courts and the public to be worse and more violent and therefore to demand a sentence greater than that for an offence carrying a mandatory sentence.

Overcrowding and excessive demands on the Prison Service have probably been directly responsible for the provisional figures for the results achieved against the key performance indicators, which were published in a parliamentary answer to me this week. Those figures demonstrate that the service has failed on five of the 11 targets. The areas where the Prison Service failed to meet the set targets were assaults, time out of cells, purposeful activity, completion of the sex offender treatment programme and cost per prisoner. Those are key areas. If we want to cut reoffending, good work now—in the provision of effective treatment for sex offenders and of constructive activity, and in cutting violence and bullying in prisons—is essential to help to protect the public in future.

Time does not allow for a detailed analysis of key performance indicators, although the chief inspector demonstrates that many of them are either false or misleading. He suggests that they would be more meaningful if, for example, they measured such things as the number of prisoners who have learned to read by the time that they are released.

Following the comprehensive spending review, the Government have allocated more money to the Prison Service, which is undoubtedly needed to sustain present demand. The figures that the Government use perhaps exaggerate the amount of extra money that the service will receive in real terms. Although the Home Office report refers to £49 million extra this year, £55 million next year and £56 million the following year, in real-term 1997–98 prices, we are talking about £3 million, £8 million and £7 million extra respectively. Having said that, the money is welcome in the Prison Service, and I see indications already of where it has been committed to valuable improvements.

Overcrowding in recent years has led to significant cuts. The objectives of the Prison Service—rightly—are twofold: to protect the public by holding safely those whom the courts have committed, and to reduce crime by providing constructive regimes which promote law-abiding behaviour both in custody and on release.

The second objective has particularly suffered from overcrowding and tight resources. Between April 1995 and the end of this new Government's first year, there was a fall in the amount of education undertaken in 72 per cent. of prison establishments. In 63 per cent. of them, there was a decline in the amount of work undertaken, and in 49 per cent. a decrease in both education and work. That trend is in exactly the wrong direction.

Mr. Lindsay Hoyle (Chorley): Does the right hon. Gentleman agree that there is a problem not only with

[Mr. Lindsay Hoyle]

overstretch but because the Prison Officers Association is not allowed to operate in private prisons? Different rules and standards of employment are leading to difficulties. I do not know whether he is aware that people in charge of escorts do not recognise the POA. Market testing of training is another problem. I have two prisons in my constituency, and those are the issues that are raised with me. I do not know whether the right hon. Gentleman hears the same problems. The staff are of a good calibre, but morale needs to be lifted. The only way to do that is to stop overstretch and more prisoners entering prisons.

Mr. Beith: As I have two prisons in my constituency and a responsibility in the House that leads me to visit many others, I echo the fact that there are just such problems. I have a great deal of sympathy for prison officers, who are at the sharp end of all the problems and must deal with cuts. Such officers are very often not available in sufficient numbers to enable the provision of education. Why are evening educational activities frequently cancelled? It is not because there is no education officer; it is because there are no prison officers to accompany prisoners on such activity.

The chief inspector has expressed quite strongly the need for a change in the culture of the Prison Service, involving both management and the Prison Officers Association. Such a change, away from the confrontation of the past toward a much more co-operative approach, began some time ago. Because private prisons began operation without some of that history, they have enjoyed some advantages. However, the POA would quickly point out that such staff are at some disadvantage in that they lack the association's strong support in some of the difficulties in which they may find themselves. We are in an era of significant change in how people who work in prisons work together with a common purpose.

When 53 per cent. of released offenders, including 75 per cent. of young offenders and 89 per cent. of juveniles, reoffend within two years of release, it is disastrous that we should be losing work and educational activities. There is a real chance that the Government's new money will simply plug the gaps that have grown over the past four years rather than achieve a net improvement. The key performance indicators that were published this week show that the level of purposeful activity has fallen for four years in a row. The Minister should be embarrassed that the figures are as bad as that, and should recognise the need for some urgent action.

The chief inspector points out that work and education are seen as the soft target for cuts. Without guidance to the contrary, one can understand why governors make such decisions; there is very little else that they can cut in the short term. That approach must be reformed. In the section on training prisons, the chief inspector makes a significant remark:

> "When Governors suggest to me that their prison is the cheapest in the system, I ask them what they are not doing in order to achieve that 'distinction'. Invariably the answer is in regime activities, which means that they have idle and unemployed prisoners, the antithesis of a training prison."

We must end the absurdity under which cuts in the very programmes that have been shown to help to reduce reoffending are regarded as efficiency gains. It is nonsense to regard taking out the very thing that can make prison do its jobs properly as an improvement in efficiency.

Prisons are there to protect the public by safeguarding those whom the courts have committed, and by ensuring that, when such people return to society, they are less likely to commit further crimes. To achieve that, the Prison Service must be resourced to meet the demands that are placed on it. However, it must also be managed in a way that delivers outcomes as effectively as possible. I do not think that there could have been more compelling testimony that that is not so than that provided by the chief inspector. I hope that the Government are taking it very seriously indeed.

9.56 am

Mr. Richard Allan (Sheffield, Hallam): I am pleased that my right hon. Friend the Member for Berwick-upon-Tweed (Mr. Beith) has been able to secure this debate. I shall raise three issues: the self-harm of prisoners, work and active prison regimes and the relationship between prisons and the probation service.

The incidence of self-harm in prison is worrying. We know that suicide in prisons is a major problem. Between 1990 and March 1997, 516 people took their lives in British prisons, which must be a major cause of concern. In addition to those who go so far as to take their own lives, a significant number carry out other acts of self-harm. In a written answer that I received yesterday, I was given some disturbing figures. Between September 1997 and October 1998—the last 12-month period for which complete statistics are available—the number of reported incidents of self-harm among male prisoners was 5,963, and among female prisoners, 1,052.

The figure for female prisoners is particularly worrying. For men, the 6,000-odd incidents can be set against 60,000 prisoners, giving a ratio of approximately one incident per 10 prisoners a year. But for the 3,000 women prisoners, there is approximately one incident per three prisoners a year. That must be a major source of concern in the management of care of female prisoners.

Although self-harm, by definition, is not wholly under the control of prison management, the regime must be a material factor in deciding self-harm rates. We believe that overcrowding, in particular, causes problems because it increases tension in prisons and reduces opportunities for supervision, especially of those who are vulnerable and liable to self-harm.

In that respect, the dramatic increase in the number of women prisoners who harm themselves must be noted: from 1,353 at the end of 1992 to 3,189 by the end of July 1998. That is a 136 per cent. increase, compared with a 64 per cent. increase over the same period for male prisoners. Concern about that is reflected in the chief inspector's description of the situation in Holloway as "appalling". Although women prisoners who harm themselves are of particular concern, the problem extends to prisoners in general.

On issues of work and active regimes, on which my right hon. Friend touched, we on the Liberal Democrat Benches believe that prison works best when prisoners work. The figures for weekly hours spent on purposeful activity are deeply worrying. As my right hon. Friend said, there has been a reduction in hours of purposeful activity in most prisons. The figures seem to show a trend of hours falling year on year.

In the year 1994–95, the average number of hours spent weekly on purposeful activities was 26.2; in 1995–96, it was 25.2; in 1996–97, it was 23.8; in 1997–98, it was 23.2; and in 1998–99, it was 22.8. That last figure was set against a declared target of 24 hours. There is an incontrovertible trend in the wrong direction, which we would wish to be dramatically reversed as a key way of reducing reoffending, which must be one of the primary goals of the Prison Service.

Prisoners need a purposeful regime if they are to be prepared for release. That must be a particular concern in respect of young offenders, who we hope have a useful future before them and will not return to the prison system or the criminal justice system.

The chief inspector's report on the young offenders institution and remand centre at Feltham causes particular concern in this respect. After visiting Feltham on an unannounced inspection, the chief inspector said that he had to disclose to the public not only that the conditions and treatment of the 922 children and young prisoners confined in HMYOI and RC Feltham were

"in many instances, totally unacceptable",

but that they were some of the worst things that he had seen in the prison regime and in many ways worse than when he reported on them two years previously.

There was particular cause for concern in the figures that he reported on opportunities for employment at Feltham. When the children and young offenders who were held there were asked whether they had done any work that would help them to get a job on release, only 8 per cent. thought that it would help them. Twenty-five per cent. were uncertain. Six per cent. thought that it was too far in the future to say. Nine per cent. did not comment. Very worryingly, 52 per cent. thought that the work

"would not be helpful to them on release".

That is set against the background of the chief inspector's deep concern about Feltham in general. Those youngsters have their whole life ahead of them, and we must hope that they will find their way into purposeful employment as a major way of preventing them from having any further contact with the criminal justice system.

Mr. Lawrence Cunliffe (Leigh): There are in my constituency a remand prison and a senior prison—Strangeways and Hindley. I remember discussing with a prison governor, who ultimately moved very high in the prison ranks, the question of what we considered to be purposeful training in the true sense. I am glad to say that half the young remand prisoners were doing purposeful training on such things as brick making, concrete work and car maintenance. They were a bit reluctant about car maintenance. There was always a problem attached—there was some temptation there.

The first thing that the governor said to me was, "If I could, I would ensure that all my prison staff got involved in this type of thing, but I have to make cuts according to the scale of tenders that are coming in for particular jobs." To cut a long story short, I believe that work is the answer to 80 per cent. of our crime problems. No one commits a crime believing that they will be caught. Fully employing people in useful occupations is the best form of therapy that one can give prison detainees.

Mr. Allan: The hon. Gentleman makes a significant and important point. It is useful to hear that those running another institution feel that the cuts that they have been expected to make are causing problems. Liberal Democrats believe that investment in confronting offending behaviour and dealing with some of the social and educational issues that have led people into crime is a very good investment for the taxpayer, and produces a far better return than making a short-term cut in an annual prison budget. If the money is used in the former way, we shall save significantly in the long term because people will not re-enter the criminal justice system.

The other side of the work coin must be education. It is well acknowledged that many of those who end up in the prison system have had bad educational experiences. Frequently, they are people who find work very difficult because they have not reached the first rung of the ladder—people with literacy problems, for example.

Seventy-one per cent. of the people who arrived at Feltham had been assessed for their educational needs, but, when asked about opportunities for education in the prison, a majority of them said that they were not good. Only a small number felt that the opportunities that they had had were sufficient for their needs, and 81 per cent. of those who responded said that they would like there to be far more educational classes.

There we have a group of youngsters who probably have deficient educational experiences, who have committed offences for which they are rightly being punished, but 81 per cent. of whom wish to enter some form of education and obviously desire to move forward. They wanted things such as NVQs in mechanics, engineering, catering and food hygiene, which would help them to find employment on leaving the institution. The desire is there, but there must be major concerns about whether those courses are being delivered in sufficient numbers.

I hope that the Minister will talk about the relationship between prisons and probation services. I know that that is a key policy area for the Government. In his 1996–97 report, the chief inspector of prisons reported on the probation services in worrying terms:

"Probation services have been cut, both in the number of seconded staff working in prisons, and staff to supervise prisoners on release."

I trust that the Minister will say whether she believes that the cuts in probation staff who are seconded to prisons and those working at the area of release are being reversed.

The cuts have been especially difficult for probation services at a time when many of them are reporting that they are fully stretched in trying to implement national standards. They are doing their best to meet national standards, but some of the other work in relation to their own targets sometimes falls off the priority list. Some of that interface between the Prison Service and the probation service, where the Prison Service has one set of targets and the probation service has another, can suffer as a result. I hope that the Government will consider that.

Local probation services have reported to me that they naturally find it very difficult to work with local offenders, who will be coming home, and who are held in distant prisons. They simply do not have the resources to send probation officers to the other end of the country to work with the prisoner before release, and they often fail to do so simply on resource grounds. I wonder whether more could be done within the management of the Prison Service to ensure that prisoners have more

[Mr. Allan]

contact with their home probation service before they are released, so that when they are released there is already a firm foundation for the probation work that will follow.

Finally, there has been a small reduction in the number of people held in prison as a result of the home detention curfew scheme. Will the Minister say something on how well she considers the Prison Service to be managing the release of people into home detention curfew? How will the scheme be assessed and reported on? It is a novel scheme and it would be useful to see how it has panned out, especially in respect of the crucial interface between Prison Service and probation service, where we are effectively transferring a responsibility; the probation services are obliged to pick up new responsibilities and set up new systems for managing the tagging schemes.

I hope that the Minister can use her response to say that the Government share many of my concerns and those of my right hon. Friend the Member for Berwick-upon-Tweed. I hope that she can give us some prospect of a reversal in the worrying trends of reduction in purposeful activity and of failure to deliver the types of education, confronting offending schemes and work experience that we believe would make prison as effective as it could possibly be in reducing reoffending.

10.9 am

Mr. James Clappison (Hertsmere): This has been a useful debate on an important subject. I sometimes think that we do not debate prisons sufficiently in the House, and I welcome any opportunity to debate prisons and prison management.

I listened with great interest to the detailed speech by the right hon. Member for Berwick-upon-Tweed (Mr. Beith), who made some important points. At the outset, he said that his party had a principled objection to privatised prisons. That is fair enough. However, the right hon. Gentleman was good enough to concede that many advances have been made in the Prison Service through the introduction of private prisons, and that many lessons can be learned from the way in which they have been managed.

When privatised prisons were introduced under the previous Government, we heard similar objections of principle from the then Opposition. There was a long campaign of attacks on private prisons and privately managed custody services. There was a time when every escape from privatised custody services and court transfers was reported with great glee from the then Opposition Benches, but we do not hear so much about that now. There seems to have been a conversion, which we welcome.

There are ever increasing examples of the extension of private management. In another part of the House we are debating a Bill that applies privatisation to immigration detention centres. Nevertheless, the right hon. Member for Berwick–upon–Tweed raised important issues of detail, which must be answered.

I listened with interest to the hon. Member for Sheffield, Hallam (Mr. Allan), who rightly mentioned the case of Feltham. I visited Feltham fairly recently. The institution has a long and difficult history. We need to pay attention to the views of the chief inspector of prisons on Feltham and the rate of progress, or lack of progress, there.

One of the problems is the physical structure of Feltham and the way in which the units are divided up. Another problem is the mixing of prisoners across age groups and categories—15 and 16-year-olds sometimes mix with older youths, 17 and 18-year-olds, and remanded prisoners mix with sentenced prisoners. It is better to keep the categories separate and Feltham does try to do that, but when I visited the prison it was apparent that that was not always being achieved, because of the pressures under which the system operated. I make no criticism of the prison staff, as I know that there are many caring prison staff at Feltham and at other prisons.

The hon. Member for Hallam spoke about education and training opportunities for young people in prison. That is an important subject. The best management of education and training for young people that I have seen in my visits to prisons was at an institution that has, sadly, been closed by the Government. That was the military correctional facility at Colchester—the so-called boot camp.

The term "boot camp" may have put an unfortunate complexion on that institution. In my experience, it had the most caring staff of all and more was being achieved with the young people at that institution, which was set up by the previous Government, than at any other institution that I have seen. Its training produced extremely good results, measured by certificates and recognition of achievement, in fields such as those mentioned during the debate—motor mechanics, brick laying and painting. The young people who went there received good instruction from trained instructors, under the watchful eye of the non-commissioned officers of the military correctional facility.

There was a good record of achievement. We look forward to the results of the independent research that has been carried out by the Cambridge Institute of Criminology into the performance of the military correctional facility, particularly its record of reconvictions. If young people who have been in trouble and spent time in custody receive good training and education and later have a lower rate of reconviction, we will study the results from the military correctional facility with great interest. It is a shame that when those results become available and the good practice there comes to light, the facility will no longer be open. Its premature closure is a matter of regret to us.

Prison management is a large subject. The aspect that I shall briefly explore is the management of prisons so as to ensure that the prisoners who present the greatest security risks are held in the most secure conditions and the public are given the greatest possible protection from them, and that other prisoners who do not present such a great risk to the public are not wrongly held in secure conditions.

With regard to the most serious offenders—those who are serving life sentences for the gravest offences—I am worried by a written answer received yesterday by my hon. Friend the Member for West Derbyshire (Mr. McLoughlin) about a case in his constituency, which throws light on the management of prisons, particularly the temporary release of life-sentenced prisoners. I understand from the written answer that there has been a recent history of life-sentenced prisoners absconding from Sudbury prison in my hon. Friend's constituency, and that in the past two months two life-sentenced prisoners failed

to return to Sudbury from temporary release. One is still unlawfully at large. The other surrendered to the police in north Wales and has been charged with murder.

It may be difficult for the Minister to respond on individual cases, but I look to her for some reassurance about the policy of holding life-sentenced prisoners in relaxed conditions, and particularly temporary release for such prisoners. In the light of the information concerning Sudbury prison, and of the understandable concern of my hon. Friend the Member for West Derbyshire, we are owed an assurance from the Minister.

Mr. Beith: I agree that the cases quoted by the hon. Gentleman give rise to questions about why particular prisoners are allocated to particular prisons, especially when one hears the police say that someone who is dangerous and whom the public should not approach has absconded from an open prison. However, I hope that the hon. Gentleman will recognise that to refer to life sentences in general implies that all life-sentenced prisoners need to held securely. That is manifestly not the case, as a life sentence is often a mandatory sentence and is sometimes applied to people with a very low likelihood of absconding or reoffending.

Mr. Clappison: That is right, but we must recognise that life-sentenced prisoners will include those who are the most dangerous to the public and who must be managed with the greatest care. That is the point on which I am pressing the Minister.

Moving down a notch on the scale of seriousness, the issue of prisoners released on home detention curfew was touched on by the hon. Member for Hallam. The Minister knows our view on the use of tagging—home detention curfew—for the early release of prisoners. We have no problem with the use of home detention curfew as such or as a sentence in its own right. It was pioneered by the previous Government, again in the face of opposition from the present Government. Every technical problem was highlighted, and at one time as a point of principle the then Opposition disagreed with the use of tagging in any circumstances—but I shall draw a veil over that.

The Minister knows our principles with regard to honesty in sentencing. The early release of these prisoners makes a mockery of the sentences handed down by the courts, at least as far as public and victims are concerned. A sentence of six months' imprisonment may mean only six weeks spent in custody.

On the management of prisoners who are to be released subject to home detention curfew, I was concerned by written answers that I recently received from the Department showing the extent to which prisoners with convictions for violence have been released on home detention curfew since the new system began on 28 January. Between that date and 19 April, 617 offenders who were serving sentences for offences of violence were released on home detention curfew.

Many members of the public would find that a striking figure. They and the courts have long recognised that violent offenders present the greatest danger to the public. Statutes going back to the Criminal Justice Act 1991 have recognised the need for violent offenders to receive longer sentences of imprisonment. It is thus surprising that so many of them are being released on home detention curfew.

When home detention curfew was introduced, we were assured that it would be managed in such a way that there would not be quota for such prisoner releases. I do not know how that is working out in practice, but we question whether it is right that so many prisoners with convictions for violence should be released.

If the Government have taken such a course in respect of early release through home detention curfew—we have made our views known on that—and instead of releasing so many violent offenders, can the system be managed in such a way that non-violent prisoners, who pose less threat to the public, are released? Many members of the public—not to mention victims who are concerned about early releases—will find it striking that violent offenders should be released in this way.

I turn from those who require secure conditions and who should serve out their sentences in prison to those who may not necessarily need to be in prison at all. I listened with interest to what the hon. Member for Hallam said about women prisoners. He is right that there has been a noticeable increase in their numbers in recent times; indeed, there has been a 20 per cent. increase since the Government came to office.

Sad to say, women sometimes need to go to prison—they commit serious offences, alongside men—but we wonder what lies behind such a disproportionate growth in the women's prison population, which is growing faster than the men's. We will be holding more and more women in prison, which I do not find a particularly inspiring prospect, and if there is a way of avoiding that I should like to explore it.

Members of the public will recently have seen the interesting television series featuring life inside New Hall prison. People would be concerned if we had to have more and more institutions such as New Hall to hold women prisoners, so I wonder whether imprisoning more women is justified.

Mr. Allan: Does the hon. Gentleman agree that one area that we need to explore is better community sentences for women offenders so that we have non-custodial alternatives? Some probation services have reported that community sentences, and community service in particular, are often designed for men; it is a hard-labour situation. A lot of advances could be made so that courts have a genuine alternative to custody.

Mr. Clappison: It would be a shame if a court imposed a custodial sentence on a woman convicted of a serious offence because there was no appropriate non-custodial sentence, even though she was a borderline case. Many members of the public would rather she received a non-custodial sentence, especially if she had a family—she would be able to keep in contact with them.

I listened to the comments on Holloway made by the hon. Member for Hallam. I had not visited that prison until fairly recently, and one of the most striking experiences of an interesting visit was meeting a 16-year-old girl who was there. I asked to see the youngest prisoner, but I never expected to meet a 16-year-old girl. That meeting made me think about the public policy involved in a fresh-faced 16-year-old girl ending up in Holloway to serve a short sentence.

It is sometimes said that holding younger people in local adult prisons is justified because that enables them to be nearer their families—there are more prisons than

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specialised institutions—but I have to report that the girl in question came from Southampton and the distance between Southampton and Holloway made it difficult for her family to visit. She told me that the thing that she looked forward to most in life was visits from her mum, and she had not been having enough of them. I could not think of any adequate justification for that and I wonder whether there might be a better alternative.

The Government have recently made announcements on young people in prison; I am prepared to give them credit for that, but I have some more critical comments to make on the question of boys in men's prisons. On the management of prisons holding girls, the Government have announced in a written answer that they intend to make use of the detention and training order

"by placing sentenced 15 and 16-year-old girls in available non-Prison Service accommodation, when the detention and training order is in force. The first priority will be to place the youngest and most vulnerable young women outside the Prison Service. In the short term, arrangements within the Prison Service for holding 17-year-old women, and other young women for whom other accommodation is not available, will be improved by establishing discrete units for young women under the age of 21, with enhanced regimes within these."

That is one of those written answers that needs reading carefully, so I read it carefully to see whether there is what we might term a seamless safety net to prevent young girls from ending up in women's prisons. The more I read the answer, the more I was worried by some of the terminology, particularly the words

"other young women for whom other accommodation is not available".—[*Official Report*, 8 March 1999; Vol. 327, c. 29.]

Does that mean that young girls will still be held in prison accommodation when other accommodation is not available?

Would not it be better if we simply stopped holding 15 and 16-year-old girls in women's prisons in such circumstances? I would be prepared to give the Government a plaudit if they made such an announcement, but I would be cautious about a policy that appeared to be moving towards ending the holding of sentenced 15 and 16-year-old girls in women's prisons, but did not achieve that. We have had experience of that nature with the Government's proposals for the remand of 15 and 16-year-old boys, and I now move on to that unhappy subject.

As the Minister will know, Labour Members made a great song and dance in opposition about the holding of 15 and 16-year-old boys in adult prisons. It is surprising that such boys are held in adult prisons up and down the country, sometimes in the oldest prisons. They are often held in the oldest parts of those prisons and, although they are separated from the older offenders, the context and setting are very much those of an adult prison.

The previous Government set an objective of ending altogether the remanding of 15 and 16-year-old boys to adult prisons. I should make it clear that such boys have been charged with an offence, but not convicted, although it is the view of a magistrates court that they need to be held in secure conditions. I am not disputing that they may need to be held securely, but the question is which secure conditions they should be held in.

The previous Government set in place a plan for providing local authority secure accommodation as an alternative to holding 15 and 16-year-old boys in adult prisons. Many people agreed that local authority secure accommodation would be a much better way of holding such boys than putting them in adult prisons, and they could certainly be given much more appropriate care and education. The hon. Member for Hallam spoke about the difficulty of providing education for young people in custody, and that is all the more difficult when they are being held in adult prisons.

Small numbers of such boys—one 15-year-old and a handful of 16-year-olds, for example—may be held in adult prisons scattered across the country. It is the responsibility of the prison authorities to deliver the national curriculum to under-16s, which would be difficult if there was only one person in that category in an adult prison. It would be much easier if that person was held in local authority secure accommodation with other young people. That is one reason, and there are many others, why local authority secure accommodation is so much more appropriate for such young people—certainly more appropriate than adult prisons and, I would venture, than young offender or remand institutions.

Local authority secure accommodation is the best option for those young people. The previous Government set in place a programme for creating 170 places in such accommodation, to remove the need for these boys to be held in adult prisons. The last time I asked the Government about this problem, I was told that they had provided six places in local authority secure accommodation. I should be interested to know from the Minister whether there has been any advance on six since then. How many places have been created in local authority secure accommodation since 1 May 1997?

This subject is of interest to me, and it was of great interest to the Labour party before the last general election. It campaigned strongly on this issue, as did the then shadow Home Secretary, the present Prime Minister, during the passage of the Criminal Justice and Public Order Bill in 1994. He highlighted the problem on the Floor of the House, and said that more local authority secure accommodation should be provided without delay. He said that 170 places were not enough, and that places were not being provided quickly enough. We should like to know how many places the Government have provided.

Given that commitment by the then shadow Home Secretary to create more local authority secure accommodation, and to put into it the 15 and 16-year-olds who are being held on remand in adult prisons, I am concerned about the announcement on the direction of Government policy in this regard. The Crime and Disorder Act 1998 allowed for the continued remand of 15 and 16-year-olds in adult prisons subject to a screening for vulnerability. We were told on 8 March 1999:

"The Prison Service is finalising its plans for a distinct estate within its accommodation for 15 to 17-year-old boys remanded or sentenced to custody, with improved levels of care and regimes delivered within it."—[*Official Report*, 8 March 1999; Vol. 327, c. 29.]

Are we to take it from that that the Government's policy is to hold those 15 and 16-year-old boys in other parts of the prison estate? Is the intention to move them from adult prisons into other young offender institutions or parts of the prison estate as opposed to local authority secure accommodation?

If that is now the direction of Government policy, they are short-changing us on the commitments that were given by the former shadow Home Secretary, now the

Prime Minister. The Government are short-changing us on their commitment to put 15 and 16-year-old boys remanded in custody into local authority secure accommodation. We are concerned about the management of the Prison Service in this respect. I look to the Minister for an answer on that issue.

Young people in trouble and in custody are of great concern to us. We should take care to ensure that the Prison Service is managed so as to provide appropriate alternatives to custody whenever possible, including local authority secure accommodation. If young people have been sentenced to custody and are held in young offender institutions or in detention under section 53 of the Children and Young Persons Act 1933, they should receive appropriate training and care.

We should devote our attention to the care of young people in those circumstances. This debate on the management of the Prison Service has afforded us an opportunity to discuss some of its aspects, and it is a subject in which we shall continue to have a strong interest. We expect the commitments that have been given to be fully honoured, and we do not want to be short-changed in the way I have described.

10.34 am

The Parliamentary Under-Secretary of State for the Home Department (Kate Hoey): I am grateful to the right hon. Member for Berwick-upon-Tweed (Mr. Beith) for securing this debate on the management of the Prison Service in England and Wales. I am pleased that even though there were only a few contributions, they showed that hon. Members take a close interest in this issue. It must be reassuring for people in prison to know that what is happening to them is discussed in Parliament.

Attention has been drawn to the fact that there is scope to improve our prisons and their management. I shall try to respond to as many of the points raised as possible. The 1997-98 annual report of the chief inspector of prisons, Sir David Ramsbotham, has been used as a reference point. It is an important and extremely useful report. As the Home Secretary said in his speech to the Prison Reform Trust last year, which is quoted in the introduction to the report:

"The inspection of prisons should continue to be both independent and rigorous".

It is important that we consider carefully what the chief inspector has said. In an Adjournment debate, the more negative aspects tend to be highlighted, although the right hon. Member for Berwick-upon-Tweed made some positive points. In the report, the chief inspector says that when he took up the job he was advised that progress would be made only following disasters, and he quoted the various reports that had led to changes being made. What he goes on to say is interesting, however:

"That may or may not be so, but my optimism, and gut feeling that the Prison Service has been presented with another window of opportunity, is, this time, not based on a particular disaster, but on a situation that has been created by the very deliberate programme embarked upon by the Government in general and the Home Secretary in particular, which I hope that I have interpreted correctly."

I am pleased that the chief inspector recognises that the Government are trying to approach the management of prisons in a different way.

The two key themes of the report are that our prison system needs improved direction, leadership and management; and that standards set should be met better and more consistently—that word comes through in everything that has been said this morning—across the system. I should like to address those issues before I deal with particular points.

The Government are committed to ensuring proper ministerial responsibility for the Prison Service. That was an important element of the recent quinquennial review of the Prison Service and its status as an agency. My right hon. Friend the Home Secretary announced on 1 February his conclusion that the Prison Service should remain an agency of the Home Office. That followed two reports which, together with the writing of a new framework document, comprised the quinquennial review of the agency.

A report on evaluation of performance had concluded that the Prison Service, in the context of a rising prison population, had achieved a remarkable turnaround in performance over the first five years of agency status. That was partly because of a clear focus on outputs and service delivery as measured in key performance indicators. A prior options report studied the organisational options for the Prison Service and concluded that agency status should be reaffirmed. It is interesting that that was virtually the unanimous view of a wide range of internal and external prison interests.

The Prison Service can, in some respects, be regarded as under new management. It now has a new director general, Martin Narey, a new deputy director general, Phil Wheatley, several new directors, a new board structure with my noble Friend Lord Williams at its apex, and a more streamlined approach with a clearer focus on performance management. Much of that is tied together by a new framework document, announced by the Home Secretary and issued at the end of March, which sets out the up-to-date relationship between the Prison Service, Ministers and the core Home Office.

The new framework document proposes significant changes to meet the Government's commitment to ministerial control. It integrates the aims of the Prison Service within new planning arrangements for the wider criminal justice system. That is important, because for too long the prisons have been separate and isolated. We intend to ensure that everything that goes on in prisons is directly related to what is going on in the rest of the criminal justice system. The document focuses on management, responsibility and accountability issues with greater clarity for the roles of principal players, and in particular it provides for a new Prison Service strategy board and a Prison Service management board.

The Prison Service is also streamlining its structure and its approach to managing the service's performance. The 12 area managers are now managed directly by a new full-time deputy director general. There is a strong focus on performance management with 15 service delivery agreements between headquarters and establishments in place or planned from April 2000. Three-year improvement plans for particular establishments where appropriate will be rigorously managed. These arrangements build on a strong internal auditing structure through the standards audit unit, whereby operating and security standards are audited in every establishment at least once every two years.

The right hon. Gentleman asked about the Prison Service management board and the Prison Service strategy board. He felt that there might be some confusion

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about what each would do, and asked for clarification. I assure him that this has been carefully thought out. The newly formed management board deals with immediate issues and meets regularly, addressing a wide range of day-to-day matters such as monitoring plans, deciding on priorities and expenditure, authorising projects and initiatives, approving internal communications—that is very important—and deciding what the strategy board should discuss.

The membership of the management board has been broadened to reflect our wish for a more outward-looking Prison Service. It includes a new director for corporate affairs, who will be a focal point for the service's modernisation programme. Those attending the board will include a racial equality adviser, who is yet to be appointed.

The Prison Service strategy board provides a forum for discussion of the strategic direction of the service. The board, chaired by my right hon. and noble Friend Lord Williams, the Minister responsible for prisons and probation, will concentrate on long-term strategy and high-level monitoring of the service's performance. Generally, the board will discuss major strategic policy matters such as personnel and industrial relations, and the extent to which the service is looking outwards and contributing to the more co-ordinated criminal justice system that the Government are trying to facilitate. The board's membership includes a Home Office director responsible for sentencing and correctional policy, and, among its non-executive directors, a current chief constable. The director general will still have delegated authority over day-to-day management of the service, and will be directly accountable to the Home Secretary for its performance. He is the Home Secretary's principal adviser on matters relating to its activity.

It is always interesting to hear the hon. Member for Hertsmere (Mr. Clappison) reminding us of what we did or did not say when we were in opposition. I would like to remind the hon. Gentleman of plenty of things that the Conservatives said when they were in government—things that they said they would do, and then did not do—but I feel that, when we are debating prisons, we should be looking forward and asking how we can improve things generally. *[Interruption.]* That means that I am not prepared to engage in a debate about what was and was not said, even by former shadow Home Secretaries.

The right hon. Member for Berwick-upon-Tweed asked why governors were allowed to cut regimes, thus making it less likely that we would cut reoffending. We are shifting the focus on to what works, and trying to develop measures of effectiveness rather than concentrating on the amount of time that is spent outside the cell. What happens when prisoners are out of their cells is extremely important, and, as the hon. Member for Sheffield, Hallam (Mr. Allan) pointed out, it is essential for the Prison Service to work closely with the probation service in that context.

We are appointing a joint independent panel of experts to accredit prisons' probation programmes, developing a joint assessment tool and improving joint planning and training. As the hon. Gentleman said, a close working relationship between the Prison Service and the probation service is vital to the securing of a regime that will help to prevent prisoners from reoffending.

The hon. Gentleman also asked whether the cuts in probation services would be reversed. It is true that in some prisons probation involvement has declined in recent years; we are committed to reversing that by refocusing on constructive regimes to reduce the amount of reoffending. The ambitious programme of joint work by the Prison Service and the probation service is set out in the Government's 1998 consultation paper on the future management of probation. All the Prison Service's work on resettlement and reducing reoffending must be linked with the work of the statutory and voluntary agencies. We know that improvements can be made, and we are committed to making them.

The right hon. Member for Berwick-upon-Tweed asked whether we were focusing adequately on the need to reduce reoffending, given that we had failed to meet the year's key performance indicator for the treatment of sex offenders. The extra money from the comprehensive spending review is being carefully targeted to reduce reoffending. Over three years, it will allow us to double the number of offending behaviour programmes. It will help us to improve prisoners' basic skills: we have set a target of 15 per cent., exactly the target set by the chief inspector. It will also allow us to implement a comprehensive drugs strategy, and to transform the care of juveniles to meet the expectations of the new youth justice board.

The hon. Member for Hallam spoke of the importance of work. People coming out of prison need to be prepared to get work, which will require the basic qualifications that many currently do not possess. We are working hard to improve that.

The right hon. Member for Berwick-upon-Tweed asked whether we were considering functional management for women and juveniles. That important matter is currently being discussed. The new director general is—I think the word is "actively"—considering whether it would be right to move to functional management for women and those under 18. Obviously, any decision will have to be made after careful consultation both inside and outside the service, and I am sure that the director general will note what the right hon. Gentleman has said today; but significant improvements are already being made as new investment comes on stream.

The hon. Member for Hallam asked whether we were committed to reversing the decline in the number of hours spent on purposeful activity. That decline is not acceptable, and we are committed to reversing it, but, as I have said, we are also determined that time should be used more effectively. That is not straightforward: not everything works, which is why we must focus on basic skills, employment and accommodation needs, the problem of drug misuse and running offending behaviour programmes that work. The money for the new regime, and the new director of regimes, will enable us to make progress.

The right hon. Member for Berwick-upon-Tweed said that there was not as much new money, in real terms, as had been suggested. The additional £226 million over three years is a real increase in terms of 1998–99 prices. The programme for access to drugs testing and treatment is to receive £76 million; £79 million is being provided for additional regimes for engagement in constructive activity; and £51 million is being provided for the juvenile estate and regimes. All those amounts are tied to specific

improvement targets: the new money will be specifically geared to the raising of standards and the reduction of reoffending.

The right hon. Gentleman asked what we meant by efficiency. Of course, no sensible person would define efficiency as the meeting of targets through the reducing of regimes. The service has been set challenging targets: as the right hon. Gentleman said, it aims to save £18 million, then £36 million and then £55 million over the next three years. We have a programme that we believe can deliver those savings through, for instance, energy efficiency, new procurement procedures and contract escorts. There will be no impact on regimes.

We all know from our visits to prisons that improvements could be made. Prison officers and governors need to develop methods of management that do not affect services that are vital to prisoners. On overcrowding, clearly, prisons must take all the prisoners that are sent to them by the courts. Average capacity will be increased by 2,400 places between this year and 2001. As hon. Members will know, four new prisons are to open. Overcrowding is not expected to rise over that period. We will introduce a new KPI for this year to measure doubling, so that it will not exceed 18 per cent. The figure for 1998-99 was 18.4 per cent., a slight reduction. Nevertheless, we aim to improve on it.

Self-harm is a serious question for every institution. It is dealt with by the suicide awareness team. It is often inflicted by prisoners with psychiatric illness. Often, it is evidence of frustration and replicates behaviour before the person went into prison. It is especially worrying among women. We are aware of the problem.

A priority for the Prison Service is to reduce self-harm by better diagnosis and identification of risk, focusing attention on counselling, treatment and advice. It needs to be constantly monitored. There has to be a balance between allowing reasonable freedom and access to things that can cause self-harm—materials, pens, cutlery and clothing—and preserving decency and dignity. That is the sort of difficult day-to-day decision that has to be taken by those working in our prisons. As hon. Members have said, we know the difficult job that prison officers have.

The hon. Member for Hertsmere was worried about lifers in open prisons and those who might be being allowed out under home detention curfews. Management of lifers is undertaken with great care. The overwhelming majority of lifers will be released in due course. Releasing them safely requires us to test them out in lower-security conditions. Once lifers have shown they can be trusted, temporary release may be appropriate for some.

Of course, where there is a failure, it is a matter of great concern, but the chief inspector himself acknowledged that the service's record on the safe release of lifers is very impressive.

There were a number of questions on home detention curfews. It is still early days, but, as of 28 April, 2,035 offenders were subject to the HDC scheme. Since the beginning of the scheme, 4,274 offenders have been placed on HDC and only 184—4 per cent.—have had their licences revoked. The number placed so far in curfew demonstrates that the scheme has been handled sensitively and cautiously—the approach adopted by the governors, which we have encouraged.

Clearly, disparity of sentencing throughout the country is something about which we are all concerned. The right hon. Member for Berwick-upon-Tweed will know that the sentencing advisory board has been set up, which will look at why sentences are different in different parts of the country, and how we can ensure that we get a sensible balance and that the public feel that people are being sentenced appropriately. We will keep a careful watch on that. There will be regular reports on the numbers involved. What we do not want is sentencing becoming an issue only when something goes wrong. It is important that we regularly look at what is happening.

Several hon. Members mentioned Feltham, about which I feel strongly myself. We accept that there are fundamental problems at Feltham. I found the report that was published on 26 March pretty horrifying. It is particularly horrifying that so many things seem not to have happened following the previous recommendations after the full inspection in 1996. Clearly, that is not acceptable, but there are some good things happening at Feltham.

The Prison Service obviously shares many of the chief inspector's concerns about Feltham. Again, the opportunity exists to tackle some of the underlying problems there so that managers and staff can work together to create a prison of which they and the service can be proud. A task force has been set up to remedy the shortcomings; it is led by a senior governor. It has chartered a plan for improvement, which will be implemented over the next six months. There are serious issues to be tackled—some 39 issues for immediate action. The remainder are being taken forward by headquarters.

In addition, 10 new officers started training in April. The problems have been due mainly to population pressures. We are aware of the problem. I would hate the hon. Member for Hallam to come back in a year's time with conditions still the same at Feltham. That would be a real indictment of our attempt to change what is happening there.

I am aware that I have perhaps not raised a number of other points. Hon. Members will be written to if anything has not been raised.

Mr. Clappison: I am grateful for what the hon. Lady said earlier. On the question that I raised about Sudbury, will she write to my hon. Friend the Member for West Derbyshire (Mr. McLoughlin) about that matter, saying as much as possible, because I know that my hon. Friend is worried about what has taken place there?

Kate Hoey: Of course we will. We will write to the hon. Gentleman and give him a full report of what is happening.

We have spent a useful hour and a half this morning during which we have aired a number of concerns and issues. I do not wish to underestimate their importance, or skate over failures, but the recent security record of the service has been good. There has been a 74 per cent. reduction in the rate of escapes and a 23.5 per cent. reduction in assaults.

The service came out well from the recent review. Ministers have taken responsibility for the service within a framework that allows the director general the necessary scope and freedoms to run what is a large and unique organisation. We are investing around £226 million of additional money to help to develop constructive regimes that help prisoners to avoid returning to crime following

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their release. Together, those changes should help to address the concerns that have been raised by Sir David Ramsbotham.

Vivien Stern, former head of the National Association for the Care and Resettlement of Offenders, recently praised the Prison Service of England and Wales for its culture of knowing the difference between right and wrong, for its willingness to admit its mistakes and to strive to put things right, and for the courage and independence of prison governors in fighting for improvements in conditions. No one denies that there are difficulties and challenges to overcome, but the Government believe that the Prison Service and the arrangements for its higher management are broadly in good health as the millennium approaches.

We know that hon. Members will continue to voice their views and to press for those improvements. We will continue to respond.

Myalgic Encephalomyelitis

10.58 am

Mr. Anthony D. Wright (Great Yarmouth): I am pleased to have secured the debate. I look forward to Members' contributions and to the Minister's response on a complex and often controversial subject.

I know from my many conversations with Members on both sides of the House that many in the Chamber today have had first-hand experience of myalgic encephalomyelitis—or ME as it is more commonly known—either as sufferers or through the suffering of relatives or close friends. I am especially pleased that the debate is taking place today as it is national ME awareness day.

Many Members will know that I have been active in reforming the all-party group on ME. I was pleased to be elected as its chair. One of the crucial tasks of those who campaign on the issue is to raise awareness of ME and its effects among the general public. One of the stated aims of all-party group is to raise awareness of the issues at Westminster. I am pleased that, to date, it has a membership of 134, as well as a number from another place.

My main focus since entering the House has been on the needs of my constituents, so Members will not surprised to hear that it was through meeting an extraordinary young woman in Great Yarmouth that I became involved in the ME campaign. My first experience of the hardship caused by ME came some years ago, when I met Tanya Harrison, who lives in Great Yarmouth. She is 23, and has had ME for at least the past 13 years. She experienced a gradual and continual deterioration in her health until she became so severely ill that she was referred, and subsequently admitted, to Great Yarmouth's James Paget hospital.

After months of intensive treatment, varying diagnoses and consultations with specialists, Tanya was eventually diagnosed as suffering from severe and chronic ME. For the subsequent seven years, she has been bedridden for most of the time and has continued to experience additional symptoms. At the beginning of last year, at the age of 22, she developed osteoporosis of the hips and osteopaenia of the spine—yet another consequence of living with severe and chronic ME.

Despite all the setbacks in her life, Tanya's determination has shone through and she grasps with admirable zeal every opportunity to highlight the plight of fellow ME sufferers. To that end, she launched the blue ribbon for awareness of ME campaign in April 1995. Her efforts culminated in the meeting in the Grand Committee Room on 14 May 1998, at which an international line-up of experts on ME addressed an audience of sufferers, along with many Members of Parliament. I am pleased to see that some hon. Members—including the Minister—are wearing the blue ribbon today.

What exactly is the disease? The literal definition of myalgic encephalomyelitis is inflammation of the brain and spinal cord, but that definition does not have the universal support of the medical establishment, because it almost implies brain pathology, which has not yet been clearly established for the condition. Post-viral fatigue syndrome, or post-infectious fatigue syndrome are other terms used when ME-like symptoms appear after viral infection.

From those terms, the hybrid definition of chronic fatigue syndrome, or CFS, has appeared. The term encompasses all the previously mentioned syndromes and has been used increasingly over recent years because of its neutrality: it does not imply a specific cause and accepts that there may be a variety of causes, some physiological, some psychiatric and some involving an amalgam of factors.

The difficulty that the medical profession has with a common definition is an appropriate microcosm of the whole ME debate. That is all very disconcerting for the sufferer, whose main concerns are, "What is wrong with me?" and "What can I, or my doctor, do to make me better?" The confusion and fragmentation of approach are well summed up by the title of a book written in 1991 by David Bell: "The Disease of a Thousand Names".

Perhaps more alarming still is the significant weight of evidence to suggest that inappropriate treatments have been prescribed, as exemplified in a letter that appeared in the *British Medical Journal* of October 1997, from Dr. Alan Franklin, medical adviser on ME to several of the country's leading ME organisations. The letter, which seems to sum up the feelings of many sufferers, says:

"Unfortunately, some doctors have trivialised this illness; ridiculed patients and their supporters and subjected a few of them, including children, to oppressive, perhaps even abusive forms of treatment."

Indeed, in the 1980s, ME attracted the most derogatory of labels, "yuppie flu", even though there is no evidence to suggest that it is more prevalent in one social class or grouping than another. We hope that such thinking can be consigned to history. I am optimistic that our debate today will make a contribution, however small, to a more considered approach to the disease, which is estimated to affect between 5,000 and 10,000 sufferers per 500,000 people in the United Kingdom, according to controversial figures produced by the royal colleges of medicine.

Unfortunately, it is difficult to escape the impression that the disease has split the medical and scientific communities into two major factions: those who believe that the root cause is psychological and those who support an organic causation. Medicine and science do not always provide clear-cut answers, and that was reflected in the observations in the report of the national task force on CFS/ME, which was produced in 1994.

On causation, the report says:

"The distinction between physical illness and psychological illness is becoming progressively more blurred. For instance, many psychiatric diseases, including depression, have been shown to have demonstrable physiological and neuro-chemical disturbances. In addition we are gaining an understanding of the influence of psychosocial factors on the development and cause of physical diseases."

The report goes on:

"However we live in a society which is used to thinking of illnesses as physical or psychological and which harbours differing attitudes towards these. For example, a number of patients with CFS are denied financial benefits on the grounds that these illnesses have been perceived as psychological."

Mr. Tom Clarke (Coatbridge and Chryston): I have apologised to my hon. Friend for the fact that I will be unable to attend the whole of this debate.

I was very sceptical about ME until 1992, when I suddenly discovered that I had it. I was told by the doctor in the House and by my consultant in general medicine at Monklands hospital, Dr. Harrower, that in my case, as with about 80 or 90 per cent. of ME sufferers, the condition would probably go after about two years, and indeed it went after 20 months. I am very grateful for the remarkable sensitivity that John Smith showed at the time, when I was in the shadow Cabinet. I am sure that my hon. Friend will agree that not all employers are so enlightened.

My hon. Friend has done us a great service by bringing the issue to the House. It has an impact on the Department of Health, the Department for Education and Employment and the Department of Social Security. By bringing the issue into the public domain, he has done a great service to a cause that calls for much more research, much more understanding and a more positive approach from people who, like me, were once sceptical.

Mr. Wright: I thank my right hon. Friend very much indeed. I am sure that he deems himself fortunate to have recovered from ME; many are not so fortunate.

The report continues:

"Since our understanding and management of diseases must take place within such a society, the debate about whether CFS is physical or psychological cannot be totally ignored. This debate has been based on three erroneous premises:

1. 'Because a physical illness exists therefore no psychological illness exists, or vice versa.' This either/or approach is wrong. Both types of illness may co-exist within the same person.

2. 'Because there is no evidence available to confirm a physical cause for an illness therefore the illness must have a psychological cause.' It may be psychological. Alternatively, it may be physical, and the absence of evidence to confirm this may be the result of limitations of current medical knowledge. For example, consumption was believed to be a psychological disorder before the discovery of the tubercle bacillus.

3. 'Because an illness has a psychological origin it is not disabling or not real.' This is not true."

The national task force report goes on to say:

"Whatever the origin of the disease, or the views of their doctors, people with chronic fatigue syndromes are disabled. They need and deserve help and support".

On most aspects, the task force report is open minded, objective and balanced, and it appears to provide a good basis for advancing the cause in an all-embracing fashion. It certainly does not rule out an organic root to the problem of ME and it is honest in admitting the limits of current medical knowledge.

Anyone reading the document would be surprised to learn that the medical research establishment in the UK is not acting on one important element of the findings: the need for research into the organic causation of ME. The report is unambiguous about the need for a balanced and all-inclusive research programme, including both psychiatric and non-psychiatric disciplines.

Unfortunately, the report from the Royal Colleges of Physicians, Psychiatrists and General Practitioners, on which so much emphasis has been placed, does not seem to give much, if any, support to research into organic causation. It recommends research into the neurobiological aspects of CFS; randomised controlled trials of treatment, especially in primary care; and management of CFS in children.

The report, which came out in October 1996, was commissioned by the previous Government's chief medical officer and compiled by a panel of 16 experts that

[Mr. Wright]

was top-heavy with psychiatrists or physicians believed by many to be biased towards a psychiatric diagnosis of ME.

Unsurprisingly, great emphasis is given to several studies indicating psychiatric disorder in CFS patients and the report concludes that about half the patients fulfilled the criteria for affective disorder and a further quarter had other psychiatric illnesses, primarily anxiety and sleep disorders. How many of us in the Chamber today can say we have not suffered from anxiety and sleep disorders at some time in our lives, especially during elections? Does that mean that we are suffering from a psychiatric disorder? I shall not ask you, Mr. Deputy Speaker, to rule on that question. The expert committee rejects, for lack of evidence, any major role for a viral cause of CFS or for structural or functional abnormalities in muscle or the brain.

Many of the report's findings have been criticised by ME charities and associations, leading medical experts and medical journals. In a statement to *The Lancet*, Dr. Charles Shepherd, medical director of the ME Association, said:

"the committee was rigged, with dissenting voices excluded".

That view was echoed by the lead author of a major physiological study, Durval Costa of University college, London, who told *The Lancet*:

"The committee was too quick to reject his work because members had 'technical difficulty' with understanding whole-volume, single-photon emission tomography, the technique he used in his research."

Furthermore, in its editorial appraisal, entitled "Frustrating survey of chronic fatigue", *The Lancet* concluded:

"We believe that the report was haphazardly set-up, biased, inconclusive, and is of little help to patients or their physicians."

There are numerous problems arising from the adoption of the findings of the royal colleges' report, but for the sake of brevity I shall concentrate on a few areas of particular concern, including the consequences for research into the disorder. Since the release of the report in October 1996, the Department of Health and the Medical Research Council have not financed any research into the physical causes of ME. That has dismayed many doctors and scientists who believe that more research is required in the areas of virology, muscle dysfunction, energy production, and abnormalities in the immune system and several other neurological aspects.

Perhaps of even greater concern is the potential physical and psychological damage to patients, especially children, who are receiving the wrong treatment. In her appraisal of the royal colleges' report, Dr Terry Hedrick, who is an internationally respected expert in the evaluation of research and methodology, said:

"Several clinicians I spoke with expressed concern about the child with CFS who unsuccessfully participates in a poorly developed program of cognitive behavioural therapy, or CBT, and/or graduated exercise and feels like a failure because he or she is not able to resume normal activities within a few weeks or months. We need to remember that unproven treatments, whether pharmacological or psychological, are capable of having negative side-effects".

Dr Hedrick is not alone in believing that psychiatrists are not always the best people to be treating ME patients and there is little doubt that her views have the backing of most of the support groups and many thousands of patients who believe that they are receiving inappropriate treatment. However, busy GPs can hardly be blamed for recommending a particular course of treatment, if they are doing so on what they believe to be sound advice from a prestigious body of experts.

Although there are certain cardinal features for doctors to look for, diagnosis of ME can be difficult, as it is what some practitioners call a hidden illness. Indeed, there are a number of cases of erroneous diagnosis, which on occasions have been quite serious. Recent examples of incorrect diagnosis, which have appeared in medical journals, show that ME has been confused with cancers in some patients. Unfortunately, a significant minority of GPs still refuse to accept that ME exists as a clinical entity, and consequently treats those patients in an unsympathetic or, in some cases, hostile manner.

Furthermore, insurance companies could use the report as evidence for placing time limits on financial support, which could lead sufferers into severe financial difficulties at a time when they are at their most vulnerable. Government policy on welfare benefits could also be influenced by such reports. What impact did the report have on the perception of the illness by people at the Benefits Agency making decisions on sufferers' welfare payments? Sadly, employers do not always look favourably on employees who are diagnosed as suffering from psychological disorders and are very often likely to view physical illness with greater sympathy.

Mr. John McDonnell (Hayes and Harlington): There are numerous cases of people being hounded out of work by unsympathetic employers. I wish to cite the example in my constituency of Andrea Morgan. She was hounded out of work, and eventually won compensation at an industrial tribunal against the London borough of Hillingdon. She also suffered two years of hounding by benefits officers and having to undergo numerous medical tests to demonstrate that she was suffering from the disease. There is not only a lack of sympathy, but an active programme of employers hounding people out of work if they have the illness.

Mr. Wright: I thank my hon. Friend—and I am sure that most hon. Members could probably tell similar stories from their constituencies. The stress that people experience when they fear that they will lose their jobs or may be forced to fight for their rights to benefit adds to the debilitating effect of ME.

There is little room for doubt that in a patient in whom the primary cause for ME is a psychiatric condition, benefit can be derived from the various courses of treatment recommended by the royal colleges. However, that has to be set against the negative consequences that I outlined earlier in my speech. If the balance is heavily tilted in favour of psychiatric causation, the objectivity of any diagnosis, and hence the exact definition of a patient's disorder, becomes more questionable. Not only does that have consequences for the patient: it makes accurate epidemiological studies much less valid, as such studies are likely to be based on bogus information.

The progress made in AIDS treatment should act as an example of what can be achieved by robust, correctly targeted and well-funded medical research. Although the miracle cure is not yet on the market, drugs have been

developed that are already available and producing encouraging results. Indeed, the American Food and Drug Administration has recently approved final-phase clinical trials for the world's first AIDS vaccine. However, Members with long memories will recall the early problems that the medical profession had with diagnosis, and that it was only through concerted medical research that a method of detecting the HIV virus in the blood was developed. While I accept that the two diseases may be different in the way they are transmitted and in various other respects, some useful lessons could be learned in comparing the approach of the medical research establishments to the two syndromes.

The pro-psychology bias of the UK's research effort has already been brought to the attention of the House in an early-day motion, submitted during ME awareness week last year, which stated:

"That between 1996 and 1998 no resources were allocated by the Department of Health or the Medical Research Council to investigate the physical cause of ME."

In an answer to a parliamentary question asked on 27 April 1998, the Department of Health's funding of four research projects was revealed: two on the management of ME, one on cognitive behavioural therapy and a fourth on the neuropsychological pathogenesis of CFS. Those projects represent a total Government spending of £285,467 but not a penny of that money was allocated to finding a physical explanation for ME. I am sure many hon. Members feel, as I do, that there is a need for the balance of our research effort to be adjusted, and I hope that the Minister will respond to that imbalance. I should like to see the Government encouraging a number of other initiatives that would take the issue forward and enhance the knowledge base of the medical establishment.

First, there is an obvious need for an exhaustive and extensive epidemiological study of ME to discover just how widespread the disease has become and unlock more of the vital information that medics require if they are to diagnose and treat the disease successfully.

Mr. Ivan Henderson (Harwich): One of my constituents, Mrs. Baxter, who is a member of the Tendring ME support group, has written to me about a young man in Clacton who has to travel some 80 miles to London for treatment from a specialist consultant. Does my hon. Friend agree that that is an unreasonable distance to have to travel? The other point that has emerged from my support group in Tendring is that some of the research is into managing the illness, instead of treatment or a cure for the illness. Does my hon. Friend agree?

Mr. Wright: My hon. Friend makes a good point. Probably one of the greatest problems for ME sufferers depends on where they live. If they live in an area where doctors understand the problems of ME sufferers, they are fortunate indeed. Having to travel to London, as my hon. Friend's constituent does, adds to the stress. I also agree that insufficient funding has been made available for research into ME.

Such a study would need to address the duration of the illness, identify vulnerable age groups and examine the life styles of sufferers. It would also have to consider the variability of the disease according to gender, assess environmental factors, and gather a great deal of other invaluable data. A number of epidemiological studies and surveys have already been undertaken, but they have been on a small scale.

Perhaps the most cited study is the "Case History Research on ME", or the Chrome survey, set up in July 1995. Its purpose is to identify as many severely disabled ME sufferers as possible and to monitor and update, on an annual basis, the course of their illness over a 10-year period. That survey might provide a useful starting point for the broad-based study for which many medics, researchers and ME sufferers have called.

Secondly, great benefit could be gained from co-ordinating the data from all the information that has been gathered and creating a national database. For researchers and doctors to gain the maximum benefit from epidemiological data, a well-funded and expertly run information unit or centre would be an invaluable asset. An information centre would act not just as a data gatherer, but could also give advice on best practice.

In addition, it could support GPs in a number of different ways, such as by providing detailed information to aid accurate diagnosis. The close monitoring of treatments could also provide a useful function for the unit, as at present exercise regimes are often too harsh, or in some cases totally inappropriate. Using the information collated, it should be possible to produce a management manual for all those involved in the treatment of ME patients.

Perhaps such an initiative could be funded by a partnership of private and public funds. That would seem a logical step, as both the private sector and public services are victims of a disease that leads to the loss of millions of working days every year. Indeed, with so many children and young people such as Tanya growing up with the disease, and possibly never able to work, the work force of the future will be denied many talented people. That, in turn, will undoubtedly have implications for the economy.

Thirdly, I believe that there is some resonance between this debate and last year's debate on cancer, instigated by my hon. Friend the Member for Norwich, North (Dr. Gibson). That debate called for the creation of a national cancer institute to act as an umbrella organisation for clinicians, researchers, carers, voluntary organisations and other interested parties sharing the common cause of treating and curing cancer. The disease ME could lend itself to that approach equally well.

There is always room for healthy competition in any sphere of life, but it is important that we pool our knowledge for the overall good. Nowhere can that be more important than in the pursuit of cures and treatments to the major diseases that threaten the quality of our lives—and life itself.

As with AIDS and cancer, there is unlikely to be one single research project that produces a miracle cure to ME. Answers will emerge through the slow and painstaking research of many thousands of people working on the numerous different facets of the disease. There is a definite need for a fresh look at the way in which the medical profession approaches ME, and I hope that my hon. Friend the Minister will leave the debate with that point in her thoughts.

With that in mind, I very much welcome the remarks made last year by the Government's chief medical officer, Sir Kenneth Calman, when he said that the disorder

"is a real entity, distressing, debilitating",

and affecting many people.

[Mr. Wright]

That statement, together with the news that the Government have set up a working group to look at the disease, represents the best news for ME sufferers in many years and has been broadly welcomed. My only concern is that the working group should contain a broad cross-section of thinking and have an open mind on all aspects of the disease. If it does, we may have reached the turning point in the ME debate that Tanya, and the thousands like her, have been seeking for so many years.

11.23 am

Mr. Paul Burstow (Sutton and Cheam): I congratulate the hon. Member for Great Yarmouth (Mr. Wright) on his initiative in seeking this debate, especially as today is the ME awareness day. I am a member of the all-party group that the hon. Gentleman has done so much to bring back to life. He is to be congratulated also on his efforts to raise awareness in the House about ME, and I hope that today's debate will go some way towards raising that awareness further.

My interest in ME began not all that long ago. At the Sutton carers centre in my constituency, I was invited to meet a group of parents whose children suffer from ME. It proved a very useful lesson. I was asked a series of questions about the way in which various public services cut the parents out when it came to dealing with their children. To be honest, I had no adequate answers to the questions that were put to me. I started to make inquires about ME and about how Governments—Labour and Conservative—had dealt with it over a period of years. I tabled a series of parliamentary questions last year, culminating in the early-day motion to which the hon. Member for Great Yarmouth referred.

Moreover, as part of that awareness-raising exercise, I attended the meeting organised last year by the hon. Member for Great Yarmouth. I had the good fortune then to meet Mr. Graham Baker, the co-ordinator of the local support group in my constituency. Last Saturday, I was pleased to attend an event in my constituency that was part of the launch of the awareness week now taking place across the country. Despite the weather, that event succeeded in getting the message across to more people. There is no doubt that ME is the subject of too much misinformation, prejudice and ignorance. Anything that can be done to change that will go a long way towards helping sufferers.

The hon. Member for Great Yarmouth ended his speech with a quotation from Sir Kenneth Calman, the chief medical officer. He said:

"ME is a reality. It affects large numbers of people and poses a significant challenge to the medical profession."

I want to deal with three matters in this speech, which stem from my correspondence and the reading that I have done. They are the definition of ME, the overwhelming need for research, and the way in which different public services have different approaches and agendas when dealing with ME sufferers and their carers.

First, there is the question of definition. The material that I read made it clear that the sensitivities involved with ME are a minefield. For example, is the disease to be called ME, or chronic fatigue syndrome? Different terms can cause great offence to sufferers. There is no doubt that the use of words can provoke strong feelings.

In 1992, the World Health Organisation listed ME as a neurological brain disorder, but many people have expressed concern—outrage, even—at the 1996 report from the Royal College of Physicians. That attempted to define ME out of existence by lumping it in with a more generic term, chronic fatigue syndrome. As the hon. Member for Great Yarmouth rightly noted, *The Lancet* was critical of the report, on the ground that it was too ready to dismiss viral causes of CFS in favour of structural and functional abnormalities in muscle or brain. In its editorial, *The Lancet* concluded that the report from the Royal College of Physicians was biased and inconclusive.

That report has fuelled the debate and, in some ways, caused further misconception. As a consequence, severe ME sufferers especially have been offered inappropriate treatments. They include cognitive behaviour therapy, which may be suitable for other categories of chronic fatigue syndrome, and graded exercise. The latter, again, may be appropriate in some cases, but, in others, can give rise to serious concern.

As I studied the question of definition, I began to realise how difficult the problem is. Even so, the national task force on CFS/ME concluded last year that, perhaps as a result of some the misconceptions and misunderstandings in the medical profession and of the pursuit of psychological rather than neurological explanations, the overall cost to the United Kingdom of the mismanagement of ME patients came to about £1 billion a year.

The same task force also identified an urgent need for training and the raising of awareness in the medical profession. It would be useful to know what role the working group is playing in that. The fact that the group was set up by the chief medical officer last year is welcome, but there is understandable cynicism among some of those who suffer ME and some carers about what the group will achieve. Can the Minister tell us something about the timetable and progress of the group, and when it might produce some tangible results for Members and for ME sufferers?

The group must lay the ground for new research into ME so that we may better understand its causes, prevalence and treatment. It is disappointing that neither the Department of Health nor the Medical Research Council has spent anything on identifying the physical or organic causes of ME. We must look to Australia or the United States of America to see any lead being given by Governments. A couple of years ago, the United States Government voted $11.8 million for ME research, and classed it as a priority one illness for research.

Several Members, including me, have tabled written questions on ME, and the Government have been reluctant to commit themselves to such research. I have some sympathy with the reason for their reluctance—the problem of definition and the lack of agreement among medical professionals. What role will the working group have in breaking that definitional logjam? In particular, what role will it play in commissioning future research? There would be some sense of purpose and direction if we could hear what progress is being made, if not on securing consensus, at least on deciding what definition will apply for an epidemiological survey.

On the matter of public services and benefits, I have received a vast number of e-mails over the past few days from people who suffer ME. They are concerned about

how the benefits system discriminates against them, and how advice to medical officers and adjudication officers is out of date, ill-informed and inadequate. All too often, poorly informed adjudication officers take appalling decisions which disadvantage many of our constituents, leading them to the trauma of the appeal process before they can receive the living allowance, incapacity benefit and other benefits to which they are entitled and which go some way towards meeting their needs. The hon. Member for Hayes and Harlington (Mr. McDonnell) spoke persuasively on the way in which the system works.

All too often, people find themselves being labelled by the benefits system as malingerers. I did not choose that word: it was used in letters to me by sufferers of ME. That attitude is hardly surprising, given the advice offered in the "Handbook for Medical Service Doctors". It states:

"There is no firm evidence to suggest that CFS is a physical disease. If you do not complete a mental health assessment, you must explain your reasons for not doing so."

The handbook continues in similar vein, giving adjudication officers almost no guidance and containing nothing that would allow them to help people suffering from impairment. As a consequence, our benefits system is disabling those people still further.

That problem goes further than the benefits system, reaching into education, social services and other areas. We need to know the roles of the working group, the Minister and the Department of Health in co-ordinating an approach that will ensure that the Government are consistent in their attitude towards ME. Consistency is needed in advice to education authorities, social services departments and so on.

As the hon. Member for Great Yarmouth rightly said, the national task force, which reported in 1994 and 1998, provided a good basis for progress. It would be useful to hear from the Minister what will be done to deal swiftly with the recommendations of the 1998 report. Clarity is required in definitions of ME. Research is needed to determine the organic or physical causes, and we need more sympathetic and co-ordinated approaches across health, social care, education and all parts of the public service.

11.35 am

Dr. Ian Gibson (Norwich, North): I congratulate my hon. Friend the Member for Great Yarmouth (Mr. Wright). It is still my family's delight to go to Great Yarmouth to sample fish and chip suppers in the market. They are much to be preferred to Delia Smith's boiled eggs and stuffed canaries.

Myalgic encephalomyelitis first came to my attention in the 1980s, when the phrase "yuppie flu" came attached. Coming from Norfolk and Norwich, I had no idea what yuppies were, and it is only since I came to London to work that I have seen yuppies going home on the No. 11 bus from Sloane square down the Kings road, Chelsea. I do not see much flu among them, but they certainly have other habits.

There has been much scepticism about whether ME exists. It is claimed that it is non-specific in its symptoms. It has no specific physical signs, and no consistent blood, pathological or radiological abnormalities are associated with it. It seems to be confined to some populations and not others, although that point is disputed. Published evidence from randomised trials suggests that intervention with cognitive therapy and similar psychiatric intervention significantly affect its outcome.

There has been a tendency in the medical profession, which is still persistent, to dismiss ME. With their usual delicacy, members of the profession tend to tell patients to pull themselves together. They associate ME with patients whom they often see as being not quite the ticket. Their delicacy manifests itself similarly in other aspects of medical assessment such as the all-work test for welfare benefits. Again, people are told to pull themselves together, and a job will come easily to them.

On the other hand, a large and growing lobby believes strongly in the physical existence of the disease, and that lobby is supported by research. Various treatments have been espoused by sufferers. The existence of the condition is recognised by the *British Medical Journal*, and the Royal College of Physicians has given the disease cautious recognition, despite dubbing it chronic fatigue syndrome and alluding to its obscure cause and nature.

Despite the often polarised arguments about the subject, I have no doubt that the many of my constituents who suffer are desperately ill and feel let down by modern medicine. The name ME has been dubbed inappropriate by some, as the disease is sometimes not myalgic and there is often little evidence of encephalitis or myelitis. Argument still rages over whether it is physiological or psychological, with a psychiatric component.

I have conducted a web search country by country on ME, and there are many more hits from the United States than from anywhere else. However, the number for the USA is only double that from the United Kingdom, and the figures need to be adjusted for web use and population. Britain has far more hits than Australia and Canada, and there is little evidence of ME in continental Europe, including France, Italy and Germany. There is nothing from Africa, Asia or south America. This provides an illustration of how seriously the problem is taken across the world.

A recent survey of senior house officers in my local hospital, the Norfolk and Norwich, asked whether they had come across ME in their experiences around the world. A Malaysian said that it did not exist as far as he knew, and a Romanian said the same. The German SHO was certain that it did not exist in Germany. We shall publish that survey soon in the *British Medical Journal*.

Those SHOs may be right to say that ME does not exist, but it is very real to the sufferers whom I meet in my surgeries and in clinics. ME is a prime case for the evidence-based medical approach of which we have heard so much in the House over the past couple of years. Evidence-based medicine is a conscientious, explicit and judicious use of current best evidence in making decisions about the care of individual patients. That approach would lead to evidence-based health care and to clinical practice based on the best available evidence, using strategies derived from clinical epidemiology and medical information. ME requires exactly such a thorough approach.

There is no diagnostic test for ME and no known cause. There may be several causes, which is not unknown in medicine. There may even be one cause that manifests itself as several symptoms. There are interesting overlapping symptoms with Gulf war syndrome and glandular fever, which makes it difficult for general

[Dr. Ian Gibson]

practitioners to diagnose. Much more research is needed on such stress-related illnesses. As the human genome project comes on stream in the next few years, a diagnostic procedure at DNA level may unravel some of the conflicting syndromes and stress-related illnesses. There may be a common factor through which we can categorise them together.

The patients are definitely suffering and, sadly, there is no coherent approach to understanding the causes—be they viruses, hormones, chemicals or whatever—or developing a better diagnosis. The contrast with cancer research is amazing.

Mr. Andy King (Rugby and Kenilworth): Does my hon. Friend agree that the greatest battle for ME sufferers is getting people to believe that they truly suffer from the symptoms and the disabilities that they feel that they have? The medical profession is unsympathetic. I have come across ME since the 1980s in my work in social services and as chair of social services. The debate about psychological against physiological causes means that it is little wonder that people with ME suffer stress and depression, because they make no headway in getting recognition of their situation. Does my hon. Friend agree that more sympathy and understanding are required from the medical profession?

Dr. Gibson: I agree, but the hardest thing for GPs or medically trained people is to admit that they do not know. It is a comedown that they cannot handle. It is a training problem, which is why the Government are right to consider training medical people in a way that is more socially active, more interactive with the patient and less dismissive. It is a major problem.

It is difficult to estimate the prevalence of ME. The best studies have been done in the United States in four large cities where it is estimated that about eight in 100,000 people aged 18 or more have ME and are under medical care. A more recent study in Seattle, where they do these things in a big way, shows a figure of 265 people per 100,000. The figures vary dramatically where the problem is taken seriously. It is estimated that 500,000 or more people in the United States suffer from the condition. It affects all racial and ethnic groups and both genders, although there is some evidence that it is more prevalent among young women.

There is a paucity of study with adolescents. All my constituents who have seen me on this are adolescents, mostly women. It is important that the unique problems of chronically ill adolescents, such as family problems, social and health interactions, education and social interaction with peers, should be considered part of their care. That is too radical for the medical fraternity to handle. The dissemination of information to parents, families and school authorities is essential. The National Institutes of Health in Washington, DC has started to consider the issue, but it is the only place that I know that takes that approach, and the problem of ME, seriously.

The question whether ME is contagious is often raised. Original studies in Nevada and Florida suggested that there were ME clusters, but subsequent results have not substantiated that. That does not mean that we can rule out the possibility of an infectious agent associated with the condition that reflects the development of the illness. Important questions remain to be answered on the possible reactivation of latent viruses, such as herpes viruses, in people's bodies and the possible role of infectious agents in some cases. That cannot be ruled out yet.

If we are to develop political and medical approaches to ME, we need to understand its clinical course. That would help to facilitate communication between physicians, doctors and patients, to evaluate new treatments and to address insurance and disability issues. The clinical course varies between patients. Recovery rates are unknown. There can be wholesale recovery, whatever that means—for instance, does it mean going back to work? Most often, people suffer periodic lapses. The disease is usually cyclical. Some people grow worse and never completely recover. There is a spectrum of problems.

We must do more to treat ME seriously, and to ensure that the medical profession does. We must eliminate the scepticism associated with the illness. There is an unmet need for ME treatment and a dearth of resources for patients and research. Suspicion of its authenticity remains. I hope that the Minister will confirm that the Government accept the validity of the disease and ensure that sufferers will not be prejudiced in welfare benefit reforms.

11.46 am

Mr. Bill O'Brien (Normanton): I congratulate my hon. Friend the Member for Great Yarmouth (Mr. Wright) on introducing the debate. I am glad to speak because I am aware of the experience of constituents suffering from ME who have approached me. I first raised the issue in the House about eight years ago, since when more and more men and women have approached me about the serious problems that they encounter. They are such that we must bring them to the attention of the House.

People have problems in following employment. Some have left employment through sickness, but they are denied their pension rights because the illness has not been established. Superannuation funds, particularly public ones, will not accept that they had to cease work because of ill health. I have a case involving a young woman who worked for a national bank. The stress of her employment led her to develop ME, as has been certified by her medical practitioner and a specialist. She went before the all-work test panel and was successful in that it has been accepted that she suffers from ME, but the superannuation fund will not pay her the sickness pension to which she is entitled. I hope that this debate will mean that some of the people who are responsible for denying benefit to many of our constituents will realise that any benefit of the doubt should be given to ME sufferers.

The payment of social benefits is a further problem. People have explained to me that on some days they feel good, but they then go downhill. Adjudication officers and others from the Benefits Agency cannot accept that such people have days where they feel good and then days when they feel that they cannot put one foot in front of the other. The Minister must take note of our concerns.

I listened carefully to my hon. Friend the Member for Great Yarmouth because of his knowledge and technical expertise. Voluminous information has been presented today that should help to create a situation whereby

people certified as suffering from ME will have no problem in having the illness identified or in getting benefits paid. I urge my right hon. Friend the Minister to take serious note of what we are saying in the Chamber today. I ask that other Departments, such as the Department of Social Security and the Department for Education and Employment, should also take note of what we are saying on behalf of the many people whom we represent. Many forms of hardship are created for many ME sufferers: they are unable to continue their employment; they are unable to receive the appropriate benefits; and they feel that they are socially excluded from their communities, because other people do not understand that they suffer from the stress of employment.

The constituent who visited me recently made it clear that she would have preferred to continue her employment. When her ME was certified, she was advised, like my right hon. Friend the Member for Coatbridge and Chryston (Mr. Clarke), that it could clear up within two years. She hoped, therefore, that she would be able to return to work. Sadly, that did not happen. However, because she could not return to work within two years, she has been informed that the superannuation fund cannot consider her claim as she should have made it earlier. That person was doing her level best to return to work, but, because her condition deteriorated, she was unable to do so. Her condition is still not recognised by those people who decide whether pensions or benefits payments should be made to her.

Mr. Ivan Henderson: One of my constituents, Mrs. Baxter, who is involved with a support group, has written to me about a similar case. She was a teacher. She has not been able to teach for the past 11 years, but she really tries to work because she loves her job. Her case offers a prime example. Some weeks, she can work for one hour, or possibly two, but she then has no further energy to cope with more work. Such people want to work, but are unable to because of this disease.

Mr. O'Brien: I am sure that the cases mentioned by my hon. Friend and me can be mirrored a hundred times in each of our constituencies. We all know of people who do not want to remain on benefit; they want to return to work, but find it impossible because of their physical and mental condition.

I realise that other Members want to take part in the debate. I wanted only to make those points on behalf of my constituents. We need to record such serious matters in the House and my right hon. Friend the Minister should take them seriously. I put it to her that the time has now come for us to give serious consideration to identifying and accepting ME. More research must be carried out so that we can prevent the disease, but, in the meantime, ME sufferers should not be denied recognition of their illness, or the benefits to which they are entitled. We talk about reducing social exclusion; this is one way in which we could start to do so. I appeal to my right hon. Friend the Minister to go back to her colleagues and consider the serious issues that have been presented to the House today, and to ensure that the people whom we represent receive the fairness and justice to which they are entitled.

11.54 am

Mr. Jimmy Hood (Clydesdale): I congratulate my hon. Friend the Member for Great Yarmouth (Mr. Wright) on initiating the debate and on affording us the opportunity to discuss this important subject. I also congratulate him and his colleagues on the all-party group on the tremendously good work that they are doing.

I have a slight feeling of deja vu, because, as my hon. Friend the Member for Great Yarmouth will be aware, I was the founder chairman of the all-party group on ME. I started it when I was a newly elected Member of Parliament in 1987. I want to share with the House the experiences that were brought to my attention. Myalgic encephalomyelitis is not an easy word to say, but at that time I had never heard of myalgic encephalomyelitis at all. I heard some insulting expressions, such as "yuppie flu", but was not too sure what that meant; it seemed to be a rude description that people used for something that they knew nothing about.

In late 1987, there was a message on the answering machine in my constituency office from a constituent who was obviously distressed. I realised that that lady was ill and needed my help, but the tape on the machine ran out during her call and she did not leave her name or her telephone number. I could only hope that she would call back. Ten days later, I received a letter from her; that was when I was introduced to myalgic encephalomyelitis. It is a horror.

I do not want to go over the ground that has been gone over so excellently this morning, but will make some points based on my experience. My constituent was involved with the charity organisation, the ME action campaign—that is how I got to know Clare Francis, who was herself a sufferer from the disease. My hon. Friend the Member for Normanton (Mr. O'Brien) will remember that Brynmor John—formerly the Member of Parliament for Pontypridd—suffered from ME. He helped me to prepare one of the two private Member's Bills on ME, which I presented during the early part of my parliamentary career. That is where my feeling of deja vu comes in, because that took place 11 years ago. My ten-minute Bill asked for research into diagnostic tests, because the disease could not be diagnosed and still cannot be diagnosed. It proposed that there should be an epidemiological study—epidemiological is another difficult word which I learned to pronounce.

I shall never forget that, while I was preparing some press releases before the presentation of my Bill—on 23 February 1988—the BBC in Northern Ireland asked me to do a live telephone interview for their morning programme. I was telephoned at my flat, and I explained the purpose of my Bill. The press releases went out and I presented my Bill to the House. A few days later, I received a phone call at the House from a woman in Northern Ireland who had heard my radio interview. She had been in the process of committing suicide because although she knew that she was ill, no one would listen her. She was trying to commit suicide when she heard an interview with a Member of Parliament—someone she had never heard of—who was talking about myalgic encephalomyelitis and what we were trying to do about it. She told me that hearing that interview had given her some hope and had stopped her from committing suicide on that morning.

A tragic aspect that we have not discussed is the high incidence of suicide among ME sufferers. The woman did not leave her name or telephone number, but that experience has stayed with me because, although I was

[Mr. Jimmy Hood]

delighted that she rescued herself that time, little has been done to help ME sufferers since 1988 and I do not know what has happened to her since.

An estimated 150,000 people suffer from ME, and I suspect that the true incidence is significantly greater. My hon. Friend the Member for Norwich, North (Dr. Gibson) was right to mention stress in relation to ME, but the impact of stress more commonly arises from misdiagnosis or from people denying that someone is ill—saying there is nothing wrong. Clare Francis was told, "There is something wrong with your sex life—give yourself a shake, woman, there's nothing wrong with you." Such remarks come from snobbery or ignorance on the part of the medical profession. As has been said, doctors do not like to say that they do not know and, sooner than say that, they will say that there is nothing wrong or that something they do know about is wrong.

Most of the GPs working in the national health service are excellent providers of health care, but there are a few who, if they cannot tell a patient to stop smoking, stop drinking or go on a diet, will send that person to a psychiatrist. That is part of the problem: if doctors cannot understand the illness, they say that it is psychosomatic, with the result that 16 per cent. of the NHS budget is spent on psychosomatic illnesses. That is a fantastic sum of money, and I have to ask how much of that expenditure arises from misdiagnosis or from people being referred to psychiatrists or psychologists because doctors do not understand or do not want to understand their condition.

Having said that, I do not want to be unfair to the medical profession, for, thanks to certain doctors, an increasing number of GPs now recognise ME as an illness. There is a light at the end of the tunnel for ME sufferers, but only we in Parliament can bring that light closer. I ask the Minister to tell her advisers, some of whom will be sympathetic and others less so, to press on and to commission proper research and epidemiological studies so as to help ME sufferers. She should invite Treasury Ministers' support by directing their attention to ME and the financial costs relating to misdiagnosis, because they might be able to save money. Let us get proper diagnostic tests and research to help the many sufferers from ME.

Because we lack hard information, there are many opinions as to what causes ME and what its nature is. My lay experience suggests that ME is an environmental illness, and that stress is not a cause but a result of the illness. Those of us who have met people who suffer badly from ME and are disabled by it will know that they often have multiple allergies, but that aspect has not yet been properly explored. I always ask ME sufferers who write to me or come to my surgeries whether they have had any allergy tests; invariably, the answer is no. Some of the doctors who understand the illness direct patients to get allergy tests, but the link should be explored in greater depth.

Some years ago, I heard the immune system and the impact of stress on it described as the pail under the dripping tap. People who are healthy and fit can cope with a little stress in their life, but the impact of stress on someone who is ill can take that person over the edge—the pail overflows. ME sufferers' pails are brimming with their illness and related experiences, but often the thing that pushes them over the top is for them to go to a doctor and ask for help, only to be told that there is nothing wrong with them.

We show deference to our doctors—when we send for a doctor in the middle of the night because we are ill, the first thing that we do when he arrives is apologise for being ill and for disturbing him. When a doctor says that there is nothing wrong, but the person concerned knows that there is something wrong, it can cause great problems. If the doctor tells a family that the illness suffered by their son, daughter, wife or husband is all in his or her own mind, however much the family loves that person, they will trust the doctor—the professional—in the belief that he must know what he is talking about. However, the truth is that, all too often, the doctor does not know, and such misdiagnoses cause stresses within the family that add to the burden on the patient of the stress caused by ME.

I ask the Minister to keep an open mind and to listen to what we have said today. This Government, more than any other, have to offer the helping hand to ME sufferers. Let us have proper research, let us go out and look for a proper diagnostic test, let us commission that epidemiological study, and let us give the tens of thousands of sufferers of ME the help that they need.

12.8 pm

Liz Blackman (Erewash): I, too, congratulate my hon. Friend the Member for Great Yarmouth (Mr. Wright) on having secured this important debate. I shall focus on the group of ME sufferers whom the hon. Member for Sutton and Cheam (Mr. Burstow) cites as the reason for his becoming interested in the subject—children, who are isolated from support systems. I should also like to amplify the remarks made by my hon. Friend the Member for Norwich, North (Dr. Gibson) about the paucity of research into young people who suffer from ME.

A study conducted in 1997 estimated that as many as 25,000 children suffer from ME. There is no identifiable cause of the condition, but, according to the 1994 national task force report on ME, one of the most common triggers appears to be viral infection. If so, it is hardly surprising that so many children suffer from ME, as I should imagine that their immune systems are less robust than those of adults. The same study described children's symptoms as severe shaking, difficulty in swallowing and mental confusion. That would be frightening to anyone, but doubly so to children.

It is obvious that the schooling of children with such symptoms will be affected. Therefore, it is not surprising that the 1997 study to which I referred identified ME as the most common cause of long-term absence from school. That is enormously worrying. The Government place great emphasis on, and have targeted significant resources at, children's learning. We recognise that the acquisition of good skills equips children for life.

The education system has always been quite good at supporting off-site learning for children with medical problems so long as those problems have a clear label and are specifically identified. Resources are triggered by medical diagnosis. If that diagnosis cannot be made, children are denied vital teaching, learning and medical support, and untold damage is done to them now and in the future. Early intervention and diagnosis triggers those resources and leads to a much speedier recovery.

I refer the House to dyslexia and its history. At one time, dyslexia was not recognised by many sceptical professionals. Diagnosis did not occur and support was poor and haphazard—or, in many cases, non-existent. That is no longer the case: diagnosis is now speedy, resources are available and our children are far better served as a result. We can apply to ME the lessons we have learned from the dyslexia experience. I am delighted that the Department of Health chief medical officer has described ME as a "real entity". However, there is still a lack of research into ME, a lack of understanding about its causes, a lack of skill in diagnosis, a disparity of services, patient mismanagement, a lack of appropriate medical training and a degree of prejudice—although that is diminishing.

I am interested to hear how the Minister will respond to the issues that we have flagged today. How are the Government addressing them and what are their plans for the future?

12.12 pm

Mr. Alan Duncan (Rutland and Melton): I shall not detain the House for long as we want to hear the Minister's response to the debate. All hon. Members are forced to admit that this is pretty mysterious territory, and we join in condemning those who are tempted to mock ME because it cannot be readily diagnosed or explained. I infer from the excellent contributions this morning that the medical establishment is too often inclined to take the view that what it cannot explain, it will not recognise. That prejudice must be overcome.

Conservative Members fully support ME awareness day—although I must confess that it is slightly disorienting to see so many Labour Members sporting blue ribbons on their lapels. Perhaps there is a deeper message about new Labour—although it does not apply to the hon. Members for Norwich, North (Dr. Gibson) or for Clydesdale (Mr. Hood).

Several points have emerged upon which I shall dwell briefly. We clearly need uniform ME diagnosis criteria. It appears that those criteria will be difficult to establish, but we must try to achieve that goal. There is a shortage of medical expertise in diagnosing ME and a shortage of consultants who can accept referrals for the condition. In treating ME, the national health service must adapt and learn to accept that a multi-disciplinary approach is necessary. Carers can also play an important role. Perhaps the Minister can comment on that point, which is not addressed in the Government's carers strategy.

The main theme that has emerged from this morning's debate is the need for research. Everyone is struggling for information and both those who suffer from the illness and those who treat it are calling for more research. That would also appear to be Labour Members' main plea. I also sense that ME sufferers face an absolute minefield when claiming benefit. Will the Minister outline what criteria she thinks should apply to those who qualify for benefit so that there may be clear guidelines—if that is possible—and no argument about whether people are genuine sufferers?

Many hon. Members have pleaded this morning for more research into ME. Sympathy for ME sufferers binds hon. Members on both sides of the House. It is all very well our being terribly sympathetic and wearing blue ribbons, but we must ask whether the Government intend to do anything about it. Our concern will not add up to a row of beans if the Government do not act. As a significant number of Labour Members are calling for more research into ME, will the Minister announce today what the Government's policy in this area is and will be?

12.16 pm

The Minister for Public Health (Ms Tessa Jowell): I begin by expressing my gratitude to my hon. Friend the Member for Great Yarmouth (Mr. Wright) for introducing this important debate. I pay tribute to him both for his contribution today and for his tireless work on behalf of ME sufferers through the all-party group. I also pay tribute to my many hon. Friends and other hon. Members who have spoken in the debate to highlight, through the painful experiences of their constituents, the need for action and the need to do much more for ME sufferers. That task will not be easy, and I shall set out where we are in relation to Government action and where we need to go.

I recognise the important work of the ME Association, made possible by grant aid and the Department of Health's section 64 programme. This is a major area of health policy which is changing and progressing—although perhaps not as quickly as we should like. We are engaged in a process of discovery and will apply our conclusions to the provision of support for ME sufferers through the national health service.

I want to pick up the point about carers and ME sufferers. Many hon. Members have paid tribute to their constituents who suffer from ME and who have taught them about the seriousness of the condition. It is essential that we convey our willingness to learn about, and to act upon, the experience of ME sufferers. We know very little about the causes of ME and we are groping to establish a proper framework for treatment. Therefore, we owe a debt of gratitude to those ME sufferers who are prepared to share their experiences with us. In the absence of a clear understanding about causes, we can make at least some progress by learning more about the condition and by applying the painful lessons of what it is like to live with ME.

Uncertainty about causation means that, certainly departmentally, the condition is referred to by two names: chronic fatigue syndrome, or CFS; and myalgic encephalomyelitis, or ME.

As we have heard this morning, CFS/ME is a distressing, debilitating and disabling condition, possibly initiated by viral infection. It is complex and difficult, and poses a challenge to medicine and the NHS. I accept that medicine is not always sufficiently humble when presented with a challenge, the origins of which it does not fully understand. Despite a great deal of commitment from professionals and voluntary organisations, enormous gaps remain in our knowledge about the cause, diagnosis and treatment for some conditions, of which CFS/ME is a prime example.

That is why the previous chief medical officer, with strong ministerial support, set up a working group to take the first steps towards improving the quality of understanding, support and care for patients with this distressing and debilitating condition. Although we do not understand its causes, we know that the condition is real for those who suffer from it and for their families. I hope that we can make a fresh start in our work on CFS/ME.

[Ms Tessa Jowell]

Tanya Harrison, to whom my hon. Friend the Member for Great Yarmouth referred, is a member of the chief medical officer's working group.

I turn now to what we know about the incidence and prevalence of CFS/ME. It affects many people and their families in Britain and elsewhere. Information about actual numbers of people with the condition is hard to establish because of the problems in producing a precise definition of the illness. It is thought that as many as one or two people in every thousand may have the illness, with numbers peaking in the 20 to 40 age group.

We know that the condition is more prevalent among women and that, as my hon. Friend the Member for Erewash (Liz Blackman) made clear, it can, distressingly, affect children as young as five. More recently, we have become aware that CFS/ME is becoming increasingly common among school-age children. For that reason, we have established, as part of the CMO's working group, a sub-group that will specifically examine children's needs. Representatives of the Department for Education and Employment and social services will sit on that sub-group.

Differences in age and sex distribution, social conditions and, possibly, genetic composition probably also affect the frequency of CFS/ME. There is probably under-reporting of the illness in some social groups. Defining the condition is fraught with difficulties. A definition of CFS/ME has been the subject of much debate, inside and outside the medical profession. It is more often defined by what it is not than by what it is. Those difficulties are compounded by the way in which the condition has been given different names.

Terminology is important, but we need to move beyond the rather doctrinaire debate about names to tackle the yawning gap in our understanding about causation, provide better care and support and concentrate on treatment and rehabilitation. If the exact cause of the condition were known, as well as the method of acquiring it and its pathophysiology, I am sure that there would be less focus on what the illness is called.

There is a great deal of debate about the causes of CFS/ME. As hon. Members have said this morning, some doctors believe that the cause is primarily psychological, but others are equally vociferous in saying that there is an entirely organic basis to the illness. No one has yet been able to provide conclusive evidence to support either view, although research is now increasingly concentrated on the organic aspects of the illness. As one of my hon. Friends said, there is a great deal of research in the United States on the organic origins of CFS/ME and the physiological changes that it creates. We hope to learn from research in this country, but fortunately such learning knows no international boundaries.

Mr. Duncan: I apologise for intervening because I do not want to take up the Minister's time, but, in the remaining minutes of the debate, will she announce positive action that the Government will take in response to the requests of her hon. Friends?

Ms Jowell: The hon. Gentleman should contain his impatience because I shall certainly set out what action the Government will take.

The Department of Health funds research through different sources, and has recently funded research on CFS/ME at the university of Manchester on "The role of noradrenaline in the neuropsychological pathogenesis of the chronic fatigue syndrome." We look forward to the results of that research being made available.

I underline the fact that the Medical Research Council is always willing to consider new ideas for research and will judge applications on their scientific merits. Everything that we have heard this morning demonstrates that there is a need to prod scientists with an interest and competence in the condition to consider submitting proposals so that we can close some of the gaps in our knowledge.

Important research is being carried out in related areas, including the study of molecules and cells, and genetics and infections and immunity, which will inform our understanding of the causes of CFS/ME.

The Department of Health has been funding, through its own research and development programme, a research project called "Should GPs manage chronic fatigue syndrome? A controlled trial", which has recently reported. Unfortunately, its results were inconclusive. In addition, the NHS standing group on health technology has recently identified the latest series of priority areas for which it anticipates commissioning primary research or systematic reviews. One of the topics identified is management strategies for chronic fatigue syndrome.

In all cases, priorities for our research budgets reflect analysis of the burden of disease, potential benefits and broader Government priorities. I hope that the message will go out to those with an interest in pursuing research on CFS/ME.

The difficulties of defining a cause for CFS/ME mean that there is no single diagnostic test for the condition. Diagnosis hinges largely on the elimination of other possible conditions through a series of specific tests. Treatment to relieve the wide variety of symptoms that patients can experience is, therefore, a matter for individual doctors to decide in consultation with their patients. That causes problems of inconsistency and creates difficulties in developing the evidence-based protocol that we want increasingly to be applied in the NHS. Treatment is largely focused on the relief of symptoms rather than on curing the condition, which should clearly be the aim.

The working group is due to report in summer 2000. There is wide representation in the group so that we can look beyond the medical issues to consider management, care and support for carers. The group includes representatives of carers and voluntary groups. We shall, on the basis of the chief medical officer's report, issue practical advice to the NHS to improve support and, in turn, the quality of life of people who suffer from this awful and debilitating condition.

A63 (Melton Junction)

12.30 pm

Mr. David Davis (Haltemprice and Howden): Before I begin what I promise the Minister will be a very brief speech on this matter, I should like to put on record, and communicate through him, my gratitude to the Deputy Prime Minister, who, despite the pressure on his time, has afforded me a meeting and paid a great deal of attention to this essentially local issue. I hope that the Minister will pass on that compliment.

I shall first describe the nature and location of the road and the junction. The House will know that the ports of Liverpool and Hull are joined by the M62—part of the great motorway network covering the country. The last 25 miles, or thereabouts, of the road into Hull is not motorway but dual carriageway—the A63, which, apart from some long, sweeping curves, is a very fast road in every respect.

At the Melton junction on this fast road, there is a set of traffic lights which, due to the road's sweeping curves, are virtually invisible to on-coming traffic until a few hundred metres away. They are the only lights between Liverpool and Hull. Indeed, in terms of the motorway network, they are the only lights between London and Hull, Bristol and Hull or Birmingham and Hull, for that matter. Because the lights are almost invisible until traffic is nearly upon them, reacting to them is very difficult, particularly if, for any reason, there is a tailback.

Psychologically, the road is a motorway, but physically it is virtually a country road, with crossings, very complex five-phase traffic lights and, just a little further along from the junction, a right turning into a village road. That is not at all what one would expect of a road on which traffic travels at such speed.

As a result, there have been many accidents over the past five years. There were fatal vehicle accidents in 1994 and 1996, and a double fatality in March this year. A pedestrian was killed near the lights, and a further double fatality occurred at the Colby Park crossing, just a short distance from the junction. It is only by the grace of God that there was not yet another fatality when a small girl on a bicycle was narrowly missed by three cars and hit by a fourth. She was badly hurt, but, thank God, survived. In the past decade, there have been 40 accidents involving injury, in which almost 60 people have been hurt. Of course, many other accidents have not been reported because they involve only damage, not injury.

This is the worst traffic blackspot in the Humberside police area. Indeed, it is the worst within a 50-mile radius of the Deputy Prime Minister's constituency and, of course, mine, as we are near neighbours. Why?

Police statistics tell us a great deal. The problem is not weather-driven: 90 per cent. of accidents have occurred when there has been perfectly good visibility. Nor, despite what I said earlier, is the problem due to people not knowing the road. Some 70 per cent. of accidents occur on the westbound carriageway that leaves Hull. Almost by definition, therefore, drivers are local or have been through the junction before. In addition, in the majority of accidents where there has been some identifiable driver error—a blameworthy component, as it were—the blameworthy driver is local. It is therefore not just a case of people being surprised by road conditions.

The problem is the design of Melton junction and the associated Colby Park crossing further up the road. The crossing is appropriate to an earlier era. It is appropriate to a low-speed, low-intensity road, not—psychologically—a motorway that carries 40,000 vehicles a day. I shall be blunt: I do not think that my constituents should face the fatal consequences of 1950s road design as we enter a new century. Nor do my constituents think they should.

The matter is one of enormous local concern. A large campaign to solve the problem has attracted the support of many local individuals and businesses, all local parish councils, the local authority, the local police force and our much-respected local newspaper the *Hull Daily Mail*.

What can we do? Clearly, a new road junction is needed. We need a junction that is capable of dealing with traffic growth of at least 4 per cent. per annum, as well as with increases as a result of local development. I shall return to that. Meanwhile, it is immediately necessary somehow to tackle the cause of the accidents: the speed of the traffic going through the junction. Until we have a new junction, I want the speed limit on a one-mile stretch either side of the Melton junction to be cut to 50 mph. To enforce that, I want traffic cameras and active policing, and I want to ensure that everybody understands that exceeding the speed limit will lead to certain conviction. I want the Minister to tell me today that the Government intend to issue orders to achieve that end, and that they will ensure that resources are available.

Given the sort of problems thrown up by traffic cameras, a solution is not as simple as it looks. I shall listen with interest to the Minister's response. I stress that it is important that such action is taken virtually immediately.

More important in the longer term, there must be a new junction. There is a grade-separated junction in the road expenditure plans of the Department and the Highways Agency, which is rather inaccurately described as a private finance initiative project—the Minister may want to tell us about that—but the projections for it seem to assume, as do Highways Agency responses to local developers and the council, a completion date of 2006. In other words, the junction will be completed in seven years' time. How many lives that will cost I do not know. I know that it will be too many. One death is too many; if we do not act, there will be more.

The Minister knows that I have been a member of the Cabinet and have served in Departments. I do not therefore subscribe to the Whitehall economics of death, if I may put it quite so starkly—the idea that one can value loss of life in economic terms. Every death is a tragedy and a mortal loss to the wives, husbands, children, mothers, fathers and loved ones of those who die. I do not want there to be one more death on the road. I want the new junction to be built as soon as is physically possible.

East Riding of Yorkshire unitary council and the local developer involved believe that, with reasonable good fortune, the project could be completed by 2002 or 2003 and that, even if there were a public inquiry, it should be achievable before 2004. Indeed, so confident is the council of that timetable that one of its officers told me that it is willing to act as the agency for completing the project. In order to achieve it, the necessary funding must be available, obviously. In addition, however, there must be the political will to give the project its proper priority and, if I may be blunt, the Highways Agency must get its finger out and get on with it.

[Mr. David Davis]

I am not interested in scoring political points. I know that the Deputy Prime Minister drives through the junction regularly, and he has made it clear to me that he understands the problem only too well and wants it to be solved—for which, as I have said, I am grateful. So this is not a political battle. If anything, it is a battle with bureaucracy.

We all know the problem: capable and well-meaning civil servants and Government agencies face competing demands from all over the country for money, time and scarce resources. The understandable human response is to deal with such demands in turn, carefully and at a steady pace. I am afraid that Whitehall has a tendency to gold-plate and to be over-cautious in its approach. That, in turn, slows things down even more. Such an approach is no doubt entirely rational, but, in the meantime, this stretch of road is killing people. It is doing so with inexorable regularity and, as traffic flows inevitably increase, the problem will inevitably get worse. The project therefore needs to be given high priority and needs to be approached with a sense of urgency and a determination to complete by 2002–03, not 2006. I ask the Minister to ensure that his colleagues devote every effort to achieving that target.

I shall conclude my speech so that the Minister may have his say and respond positively. In summary, in the immediate term, I want a new 50 mph speed limit. I want it to be strictly policed, with speed cameras and full enforcement. I want a new junction, to be as fast as possible within the law. That is what I ask of the Government, and that is what I ask the Minister to comment on today.

I know that that involves numerous agencies, national and local, government and quasi-independent, public and private; and I know from ministerial experience that that often involves knocking heads together to get people to agree. If it would advance my constituents' cause, I should be happy to convene a meeting of all the relevant parties to hammer out a solution to the problem once and for all, and I should be delighted to invite the Deputy Prime Minister to chair it. I can think of no one better on the Labour Benches to knock heads together—he has a reputation for it. Whatever it takes, I will support.

In the first years of the new millennium, the people of Yorkshire deserve better than a dangerous 1950s road on a major route. I hope and trust that the Government will do all in their power to help me get them a better road and a safer future.

12.41 pm

The Parliamentary Under-Secretary of State for the Environment, Transport and the Regions (Mr. Nick Raynsford): I congratulate the right hon. Member for Haltemprice and Howden (Mr. Davis) on securing the debate. I well understand his arguments and the strength of feeling in the locality about the junction. Although I am not familiar with the junction, I do, as the right hon. Gentleman well knows, work very closely with a colleague who is extremely familiar with it.

The right hon. Gentleman mentioned his meeting with my right hon. Friend the Deputy Prime Minister and Lord Whitty, the Minister for Roads and Road Safety, yesterday evening to discuss the issue. I thank him on their behalf for the very constructive approach that he took in the meeting and the important and significant suggestions that he made, some of which he has mentioned today. I shall pass on his kind comments of appreciation for the interest that the Deputy Prime Minister has taken in the subject.

I can assure the right hon. Gentleman that we take road safety issues very seriously indeed. That concern is not an add-on to our transport policy but an integral part of everything that we do.

It may be appropriate to put the matter into the national context before I discuss the specific subject to which the right hon. Gentleman has drawn my attention.

We are fortunate in having one of the best all-round road safety records in the world. Much of that is due to the high standard of road engineering and to significant advances in vehicle design and standards. Although major road improvement schemes contribute to our safety record, our attention to detail also contributes to it. Some of the most cost-effective measures for reducing casualties are fairly modest road improvements.

In the past two years alone, more than £100 million has been allocated—as part of the annual, long-term local capital expenditure round—to small-scale engineering measures specifically designed to reduce accidents and casualties. But however good our roads are, and however safe our vehicles, we must recognise that human error is one of the major contributory factors. In fact, it is a key factor in about 95 per cent. of road accidents. This is at least as much a question of attitude as of lack of driving skill.

The Department of the Environment, Transport and the Regions is working on a long-term road safety strategy, with targets for reducing casualties by 2010. It is taking a little longer than we had expected because we are also carrying out the speed policy review promised in last year's White Paper "A New Deal for Transport: Better for Everyone".

It will obviously be sensible to synchronise the new road safety strategy and the speed review. The right hon. Gentleman's comments about the junction amply show the relevance of linking the two issues. Excessive or inappropriate speed is a factor in a third of road casualties, and persuading drivers to keep to a safe speed is likely to be our biggest challenge in the next decade.

Our current aim is to publish the strategy in the autumn. It will cover a range of road safety issues, including driver training; child safety; pedestrians and cyclists; impairment through drink, drugs or fatigue; vehicle standards; enforcement of penalties; and, of course, speed.

The strategy will set a target for reducing the number of people killed or seriously injured. As previously announced, the target will be no less demanding than the 1987 target of a one-third reduction in all casualties by 2000. We are also considering a target to prevent any increase in casualties, including relatively minor injuries.

We also recognise the need to ensure that safety is at the heart of our developing integrated transport policy. We have agreed exactly that approach with the Highways Agency, which looks after the motorways and trunk roads for which Ministers are directly responsible. The agency's business plan for 1999–2000 contains proposals to invest £78 million in improving road safety on the trunk road network.

The guidance that we have issued to local authorities for putting together their local transport plans says that we expect them to consider road safety issues in all relevant policies, including social policies and measures to encourage walking and cycling. We shall be looking to local authorities to establish a strategic approach to their road safety problems, and to work in partnership with others to develop local solutions to local problems.

For example, it can take many years to deliver expensive engineering work. In the meantime, there is scope for local authorities, the Highways Agency and other partners—such as the police—to introduce short-term measures to minimise accidents until the long-term answer can be delivered. These new arrangements for local transport plans offer the flexibility to tackle problems with imagination and to develop alternative solutions.

We run highly successful advertising campaigns and road safety initiatives such as the drink drive campaign, the campaign to persuade everyone to wear seat belts in the back of the car as well as in the front, and the campaign to rehabilitate drink drivers and to get reoffending rates down. All those national initiatives will help road safety generally, not excluding on the A63 at Melton, but I recognise that the accident record there is a cause for special concern, as the right hon. Gentleman highlighted in his speech.

For the three years prior to 1997, the accident record near the traffic-signal-controlled junction at Melton increased from nine personal injury accidents in 1994 to 15 in 1996. There was an encouraging drop in accidents in 1997, after some low-cost improvements had been undertaken—mainly to the road surface—but that trend was reversed in 1998.

Although we do not have full details of the accident record in 1999 to date, I am fully aware of the fatal accident in March that the right hon. Gentleman mentioned, and I know about the two damage-only accidents in the area on 30 April, which would not feature in the statistics usually kept by the Department.

The need for a significant improvement at Melton has long been recognised. A scheme for a two-level junction was introduced into the roads programme in 1987. That scheme has had a chequered history, with significant local debate about its layout and its impact in the intervening period. A preferred route was announced as long ago as September 1991. Progress was then stalled as a result of decisions in 1994 to seek a lower-cost solution. Alternatives at that stage again attracted local opposition. Those were overcome by 1995, and a different preferred solution was published. Further progress was suspended on that scheme following the review of the roads programme in 1995.

On coming to office, the Labour Government had to undertake a full and comprehensive review of the roads programme that we inherited, to assess its affordability and its contribution to the integrated transport policies that we intend to develop. That detailed and comprehensive assessment was undertaken during 1997 and the early part of 1998. The right hon. Gentleman will be aware that the integrated transport White Paper, "A New Deal for Transport: Better for Everyone", was published in July 1998 and was immediately followed by our report on our review of the roads programme, "A New Deal for Trunk Roads in England".

I am very pleased that, in that reassessment, we were able to recognise the importance of the scheme at Melton. However, because of the lack of progress with the scheme prior to 1997, it was not sufficiently developed to be available to be included in our targeted programme of improvements for schemes for which we had secured funding. However, recognising its importance, we included it in a very restricted list of only seven exceptionally important schemes in the whole of England. All those schemes must have road-based solutions, and we intend to make progress with them as swiftly as possible. I shall return to timing issues in a moment. Schemes will be progressed through their preparatory stages so that if, after full appraisal and statutory procedure, they are endorsed, they can be taken forward without delay.

On 10 December last year, Lord Whitty announced the timing of the schemes included in our programme. It was announced that the next step for the Melton interchange is the publication of draft orders in 2000-01. Those orders will cover matters such as the positions of slip roads, alterations to side roads and, possibly, the compulsory acquisition of land. People will have the right to comment or object, and, as the right hon. Gentleman knows, a public inquiry may be necessary.

I have already said that we will take the scheme forward as quickly as possible, subject to the views of the regional planning conference at the appropriate time. I hope that it will be possible to complete the project, assuming that it receives the necessary approvals, well before the 2006 date mentioned by the right hon. Gentleman. Were a public inquiry to be necessary following public objections, that would impact on the time scale, so he will understand why I cannot give a more precise indication. However, I can assure him that we intend to proceed urgently with the project, even though we cannot deliver it immediately, for the reasons that I have outlined.

In the meantime, we shall not ignore the serious problems at the site. The Highways Agency and the police will continue to work to identify small-scale measures that can be introduced quickly to improve safety at the junction. I have already mentioned that work undertaken in 1997 had an immediate effect on the safety record, albeit only for a short time. That work improved the skid resistance of the approaches to the junction, and other measures were introduced to raise driver awareness. It is extremely disappointing that the effectiveness of those measures seems to have been so short-lived.

The Highways Agency has taken immediate steps to address the deterioration since then and the consequences of the recent fatal accident in March, which highlighted the continuing problem. The agency has increased the length of time at which all signals at the junction show a red light, giving more time for traffic to clear the junction before other streams of traffic receive a green light. This measure could increase the length of queues at the junction, but, in similar situations elsewhere, it has improved safety and reduced the type of accidents that occur at Melton.

The right hon. Gentleman commented that traffic accidents were not related to climatic conditions. That is also my understanding, which is why the wider measures are necessary. He highlighted the problem of speed. I am pleased to confirm that we agree with him that a 50 mph speed limit would improve the situation on the main road

[Mr. Nick Raynsford]

approaches to the junction. The Highways Agency will take the necessary steps to introduce this measure. The local police have already undertaken to enforce the limit through the use of speed cameras. I hope the right hon. Gentleman agrees that that could make a significant difference in the short term, although it is accepted that a longer-term solution is necessary.

Mr. Davis: I take the opportunity to thank the Minister for those two announcements. I know that, for reasons that he touched on, he cannot be as explicit as I would like on the timetable for the longer-term measures. However, his announcements today may well save my constituents' lives, and for that I express my gratitude to him and his Department.

Mr. Raynsford: I am extremely grateful for the right hon. Gentleman's comments. We are all deeply concerned about the situation at the junction. The Deputy Prime Minister made his concerns known yesterday evening, and we are determined to do all that we can in the short term. The measure that we propose could make a real difference.

Moreover, some small extensions of the right-turning lanes in the central reserve will be provided to give additional room for waiting traffic, as problems can be caused if traffic backs up while waiting to turn right off the main road. Further signing measures will be introduced to emphasise the presence of the signal-controlled junction and the likelihood of stationary traffic, to give advance warning to approaching vehicles.

The Highways Agency will continue to review the traffic conditions at the junction with the police and the local authority, and will introduce further measures if those will be of benefit in the period pending the provision of the grade-separated junction.

The right hon. Gentleman spoke about the importance of cutting through red tape and knocking heads together. He paid a great tribute to the Deputy Prime Minister, saying that he could not think of anyone in Government more capable of doing that. I am happy to confirm that my right hon. Friend proposes to meet the right hon. Gentleman and other interested parties to consider the various issues on site at Melton as soon as that can be arranged.

In summary, we acknowledge the safety concerns there and recognise the importance of taking forward a scheme to provide the long-term solution as swiftly as possible. In the meantime, we will do all that we can to improve the safety record at the site and to prevent a repetition of the tragic accidents that have occurred in recent years, which occasioned the right hon. Gentleman's speech and this debate.

Body Piercing

12.55 pm

Dr. David Clark (South Shields): I am pleased to have the opportunity to raise in the House the subject of body piercing. Many of us recognise that body piercing is a fashion and perhaps makes a generational point. There may be those who consider it a trivial matter, but I hope to make it clear that the repercussions of body piercing can be serious.

My attention was first drawn to the matter by my local newspaper, the South Shields *Gazette*, which is proud to be the oldest provincial daily newspaper in the country. It celebrates its 150th year of publication this year. It is a campaigning newspaper, and body piercing has been the subject of one of its campaigns.

My original concern related to the body piercing of minors. I was aware that under the Tattooing of Minors Act 1969 it was illegal to tattoo young people, but that apparently does not apply to body piercing. The matter was drawn to my attention by the case of a constituent whose daughter, aged 13, had returned home with her nipples pierced. To put it mildly, my constituent was not pleased when he found out.

I started to pursue the matter and found that apart, perhaps, from recourse to the common law and to assault, there was probably little that could be done in that case. I originally thought that the problem of body piercing could be overcome by extending the provisions of the Tattooing of Minors Act 1969, but that would not solve the problem. The matter is not so simple. One immediately thinks of the practice of ear piercing, which has gone on for centuries in this country. It would be draconian for legislation to ban ear piercing for people under 18.

I generally take the view that the fewer restrictions and regulations we impose, the better, so I am not keen to overregulate society. However, there is a case for us to examine the need for the regulation of body piercing. The more I have investigated the problem, the clearer it has become that it does not affect only young people.

What people decide to do with their body is entirely a matter for them, but the House has a responsibility to protect minors. We also have some responsibility to guarantee to our citizens that if they decide to have their bodies pierced, they can do so in safe and hygienic conditions. That is certainly not the case at present.

The *Sunday People* picked up on a series of parliamentary questions that I tabled on 20 April. It held random tests in various parts of the country, sending young people to body piercing establishments to see whether the practitioners would carry through a body piercing. I am sad to report that body piercing is widely available in Bristol, the west midlands and Merseyside—and on Tyneside as well—to young people aged 13 or 14.

Mr. Alan Duncan (Rutland and Melton): Or younger.

Dr. Clark: Or younger, as the hon. Gentleman says, but in this case the young people were 13 or 14-year-olds.

The general problem is not as acute in London because, under the London Local Authorities Act 1991, the local authorities in London can act in a more stringent manner than local authorities outwith the capital. The *Sunday*

People discovered that none of the young people it sent out in London—minors who were under 16—were able to have their bodies pierced. Perhaps there is a lesson in that.

Outside London there is a major problem, as certain environmental health officers, medical practitioners and health authorities have recognised. Foremost among those, I must pay tribute to the Bury and Rochdale environmental health departments, which got together and wondered what they could do to address this problem. They also had meetings with the respective health authorities. At the end of last year, they decided to survey the general practitioners in their areas to discover the extent of the problem, and the results are revealing.

Over three weeks, the departments surveyed 209 GPs in the Bury and Rochdale areas and 113 replied, saying that they had had to treat patients as a result of inadequate and unsuccessful body piercing. Treatment varied according to the type of piercing and cases involving the navel were the most difficult to treat. The GPs reported 191 cases involving infection of the navel and, although I suspect that there will have been many more, 167 cases involving ear piercing. There were 57 cases involving nose piercing, 23 involving nipple piercing and 17 involving tongue piercing.

Although I emphasise and admit that only one survey has been carried out, I have no reason to think that the situation in other parts of the country would be substantially different from that pertaining in Rochdale and in Bury. The figures for the two authorities were almost identical; there was some variation, but not much.

We have evidence that a problem exists—not only a problem with minors, but a problem with the way in which body piercing is undertaken. There is a lack of action, and local authorities lack the powers to try to ensure that they can provide some protection to their citizens who decide, quite legitimately and quite understandably, to have their bodies pierced.

To support the need for action, I cite the excellent work of Professor Norman Noah, one of the foremost experts in the world on the issues affecting body piercing. He works in the communicable disease surveillance centre of the Public Health Laboratory Service, which is based at Colindale avenue in London. Over the years, he has done a great deal of work on tattooing and on body piercing. He has drawn up the guidelines for a number of professional tattooing and body piercing organisations and believes that, if those guidelines could be extended and were adhered to, we could probably overcome some of the more routine problems.

I have mentioned the effect of piercing on parts of people's bodies, but it has been put to me that we cannot ignore viral infections such as AIDS—acquired immune deficiency syndrome—which could be spread by body piercing. It does not take a great deal of imagination to realise that a needle could be used, perhaps innocently, on someone who is HIV positive and then on someone else, transmitting the disease.

There are major problems and Professor Noah identifies five. The first is body piercing of minors. Although I am open to listening to other opinions, I take the view that body piercing other than ear piercing—although it should perhaps not be illegal for under-16s—should not be undertaken without parental consent. Other Members of the House may want to pursue that debate at some other time. It would be tidiest if we transferred the regulations on tattooing across to body piercing, but my instinct is that that would probably be too draconian.

Secondly, Professor Noah raises the valid issue of the use of local anaesthetic by non-medical personnel. Clearly one can imagine that that could cause all sorts of difficulties. The third problem, which was highlighted by the survey in Rochdale and in Bury, is the incidence and the effect of local infections and other complications arising from body piercing.

The fourth problem, which is a more complicated socio-medical issue, is the incidence of side effects of body piercing, such as scar tissue resulting from nipple piercing and the effect that that could have subsequently on breast feeding. Body piercers have said that such piercing has no effect whatever, but I suspect that we do not know sufficient to be so categoric about that.

The final issue is the training of body piercers themselves. There are professional associations—professional may not be the right term, but I concede that point—connected with body piercing. They have all told me that they would welcome guidance and some regulation. They are concerned that there are cowboys out there who are quite prepared to charge £20, £30 or £40 to pierce the body of any person without any regard for the outcome. The training and the qualifications of body piercers must be examined to find a way forward.

I concede that we are perhaps at an early stage of the debate. I tabled a number of parliamentary questions to the Home Office Minister responsible for overall regulation on 20 April and he conceded that the previous Government had been concerned about body piercing and had established a working party, conducted a survey and concluded that there was a need for legislation. I know that this Government take a similar view, but, equally, I know that a great deal of other legislation is vying for time in the House.

We may have to wait some time before we can expect legislation to be discussed on the Floor of the House or elsewhere, so we must take some action. I suggest that the work conducted in Rochdale and in Bury should be extended to other parts of the country to discover whether the problem is as serious as the survey suggested. If the problems are as acute and serious as that, we should consider taking action even outside the realms of formal regulations.

I know that the Department of Health is aware of Professor Noah's research. Could it study his work to find ways of extending, on a voluntary basis to begin with, the code of practice that he devised? That could be done with the agreement of the Department of Health, and after consultation with local authorities and the professional associations of body piercers. It would be a positive way forward while we are waiting for legislation. There is a great willingness to do that. We could also consult the local environmental health authorities on the extent of the problem and on ways of making progress on this matter.

This issue is of concern to Labour Members, and I know that Opposition Members have some sympathy with my arguments. The Minister is aware of the problem, and I know that she and Ministers at the Home Office want to make some progress. I hope that this short debate is only the first step, because if we make some real progress, we can allow our citizens to follow the fashion of body piercing and at the same time guarantee that if young

[Dr. Clark]

people—it is mainly young people who have this done—go to a body piercing establishment they can expect the highest standards of hygiene, and that the body piercing will be performed as safely as possible.

1.12 pm

The Minister for Public Health (Ms Tessa Jowell): I congratulate my right hon. Friend the Member for South Shields (Dr. Clark) on his success in securing the debate, and on the energy that he has expended in recent weeks to raise the profile of concern about the possible risks of body piercing. I am grateful to have the opportunity to set out the Government's position on the regulation of body piercing, which, as my right hon. Friend has rightly explained, spans the Department of Health and the Home Office, as the Home Secretary has important enforcement and legislative responsibilities.

The key issue is the need to address the possible health risks of body piercing, and to assess the effectiveness and adequacy of the measures in place to minimise those risks. We shall examine the points made by my right hon. Friend about the consent for and the safety of the body piercing of children. These issues must be considered against the background of the increasing fashion for body piercing in recent years. We show our age when we say that we can barely understand the appeal of body piercing. Parents are concerned, and I am anxious that body piercing should be performed in a safe and hygienic manner, so that young people, who are most at risk if it goes wrong, get the protection to which they are entitled.

I shall begin by considering the possible health risks and the measures in place to minimise them. If carried out incorrectly and unhygienically, cosmetic body piercing can cause a variety of problems. They are usually local and trivial, and arise from wound infections. However, body piercing can also result in the transmission of serious blood-borne viral infections, such as hepatitis B. There may also be other non-infectious complications directly resulting from the procedure, such as swelling around the piercing and allergic reactions to jewellery metal and antiseptics. It is essential, therefore, that we have the right measures in place to ensure public protection from such risks.

It may be helpful if I explain briefly the legislative framework that is already in place to regulate these businesses, and how that facilitates the promotion of safe and hygienic practice with the express aim of minimising the health risks. Local authorities have powers under specific and general legislation to regulate cosmetic body piercing businesses. In London, local authorities may regulate these businesses by licensing and inspection, or by registration, byelaws and inspection, depending on which legislation they have adopted. The majority of London local authorities use licensing powers.

Under the licensing provisions, local authorities in London may set conditions under which a licence is granted to body piercing businesses. The freedom to set conditions is an important leverage. The licence conditions may cover matters such as the cleanliness and hygiene of the premises and equipment, and the safety of equipment. Local authorities may refuse to grant, renew or transfer a licence, or they may revoke a licence, if they are not satisfied that the business will provide a safe and hygienic service.

Local authorities outside London do not have specific powers to regulate cosmetic body piercing businesses. That is because when the legislation governing skin piercing businesses outside London was introduced in 1982, cosmetic body piercing was not included as it was not widely known about or practised. I suspect that some people could hardly believe that such practices took place. However, many, perhaps most, cosmetic body piercing businesses also carry out tattooing or ear piercing, which local authorities outside London have powers to regulate by registration and byelaws. Local authorities will, therefore, have the opportunity to work with businesses offering cosmetic body piercing to promote safe and hygienic practices, which will be to the benefit of all customers, including those who go for body piercing.

In addition, local authorities are able to use general enforcement powers under health and safety at work legislation. That allows them to use improvement and prohibition notices, and ultimately to prosecute cosmetic body piercing businesses, if they judge that there is a risk to customers' health and safety.

Following a consultation exercise under the previous Government in 1996, we concluded that primary legislation should be introduced to give local authorities outside London specific powers to regulate cosmetic body piercing businesses, when parliamentary time allows—a point made by my right hon. Friend.

We are aware that there is support from local authorities and businesses themselves for legislation to control cosmetic body piercing outside London, and our decision on the consultation results is a clear indication of our continuing commitment to protect the public from potential risks. There is heavy pressure on parliamentary time from a wide range of Government priorities. It is not possible, at this point, to be more precise about when such legislation might be introduced.

However, as I have already explained, that does not mean that we have left cosmetic body piercing businesses outside London completely unregulated. Local authorities outside London are able to inspect, advise and, if necessary, use enforcement powers for cosmetic body piercing businesses through a combination of existing specific legislation and health and safety at work legislation.

The legislative framework enables local authorities to play a key role in ensuring quality and driving up standards. Local authorities can also be effective in promoting good practice by building constructive partnerships with body piercing businesses and organisations.

I am aware that local authorities and body piercing organisations are seeking to promote safe and hygienic practices through good-practice guidelines, training courses and conferences. For example, local authorities in Oxford, Brighton, Norwich, Tameside and south Somerset have produced, or are producing, guidelines for body piercers, or the public, on cosmetic body piercing. Moreover, last September Doncaster metropolitan borough council held a conference on body piercing for local authorities, body piercers and the medical profession.

The European Professional Piercers Association and the Association of Professional Piercers produce guidelines on safe and hygienic body-piercing techniques. Government can also play a role. The Public Health Laboratory Service has issued guidelines on skin piercing, which give detailed advice on matters such as infection control, surface anaesthesia and after-care, and the Medical Devices Agency has issued guidelines on sterilising equipment. All those measures should help to drive up standards, and, most important, to protect the public.

I know that my right hon. Friend is particularly concerned about the body piercing of young children without parental consent, both in regard to whether it is appropriate and because of the possible health risks. As he will know, Government policy on the age of consent is the responsibility of my right hon. Friend the Home Secretary; but let me explain the position as it relates to skin piercing.

Only the tattooing of minors is controlled by specific legislation—the Tattooing of Minors Act 1969. Currently, there are no plans to introduce legislation to make the body piercing of minors a criminal offence, but, without a valid consent, the piercing of one person's body by another person could be held to be an assault. In English law, the age of majority is 18, but, in the case of most forms of skin piercing other than tattooing, the question of what is a valid consent is governed by common law, which means that whether an offence has been committed depends on the circumstances of each case. The degree of competence that can be exercised by children will depend in each case on the relative maturity of the child concerned, as well as on his or her age. If a person under 18 is capable of understanding the nature of the act that is performed, he or she is capable of giving a valid consent to it unless statute provides otherwise.

Some types of body piercing, however, are not necessarily subject to those provisions. For example, children under 16 may not consent to what would be an indecent assault. Whether an indecent assault had taken place would depend on the facts of the individual case. Neither the Government nor the Crown Prosecution Service know of any prosecutions arising from body-piercing incidents.

As for the issue of the age of consent, I hope that I can give my right hon. Friend some reassurance by telling him that I understand it to be recommended good practice in the industry for body piercing not to be carried out on children without parental consent. The European Professional Piercers Association says that it should not be carried out on anyone under 16 without parental consent, and the Association of Professional Piercers suggests a minimum age of 18 without such consent. I have also heard of individual businesses taking a similar line on the cosmetic body piercing of children. One body piercing business that responded to the 1996 consultation exercise said that it turned down business amounting to between £120 and £150 each week in refusing to pierce the bodies of children who did not have parental consent.

As far as I can tell, and given the advice that is available, the industry appears generally to treat the piercing of children's bodies in a responsible way, and—as it should—to err on the side of caution. Nevertheless, parents feel concerned when their children have body piercing done without their consent, and they are right to feel concern. I have therefore asked officials to monitor reports of problems arising from the piercing of children, and the extent of public concern. If there is evidence of widespread concern and a widespread failure to adhere to the good practice set out in the recommendations for self-regulation, we will not hesitate to consider the need for further controls.

Dr. Clark: I am grateful for the information that my right hon. Friend has just given, which constitutes a considerable step forward; but would it be possible for her to extend the good work that has already been done—the voluntary work, and the establishment of a code of practice—to ensure that the professional associations have an interchange with local authorities outside London, and best practice can be observed?

My hon. Friend will have noted the evidence from Bury and Rochdale health authority. Could she use her good offices to ensure that other health authorities conduct similar surveys to measure the extent of the problems?

Ms Jowell: I should be happy to implement my right hon. Friend's proposals for the strengthening of public protection through the mechanism of self-regulation. I shall explore the options that he has suggested, as well as investigating the case for further dissemination of Professor Noah's guidelines, which, as my right hon. Friend pointed out, provide a standard for good practice.

The Government's primary concern is for cosmetic body piercing to be done in a safe and hygienic manner, so that the public are protected from possible risks to their health. I have described the legislative controls that currently exist and those that are planned, as well as measures taken by local authorities and the industry to protect those who choose to have their bodies pierced. Our strong preference is for good practice to be spread by means of self-regulation, and we intend to work with the industry to secure that objective. Let me also signal our intention to take further steps if there is evidence of abuse or negligence that puts the health of the public at risk.

Kidderminster Hospital

1.28 pm

Mr. Christopher Gill (Ludlow): Opening the rural health forum conference on 26 October last year, the Secretary of State for Health said that the Government had looked at the special needs of each area, including the particular features of rural areas, and that the major factor in addition to low density of population and correspondingly fewer services was the distance to travel. There is now less public transport in rural areas, and there has been a tendency for care and treatment delivered by both health and social services departments to be concentrated on particular centres. That has made the position much worse. Moreover, those who are least likely to have their own transport are likely to be those with the greatest health needs: the less well off, the elderly, women and children.

That makes the case for retaining the full range of services at Kidderminster very eloquently. The Secretary of State's words could scarcely be improved on: they reflect the sentiments of my constituents, and people living in other parts of the country—particularly those in Worcestershire—who are served by this fine hospital.

In the same opening address to the conference, the Secretary of State pointed out some of the effects of the changes and developments in the national health service and in medicine generally:

"There are still major pressures for concentration of services and the needs of local communities must be represented to the Royal Colleges involved in these proposals. Short-term considerations now should not leave us with having to rebuild small hospitals in a few years time when the new technology takes effect."

Again, he got it absolutely right, but unfortunately his words have not been translated into deeds.

Members do not have to take my word for that. I draw the House's attention to the headlines that appeared in the *Shropshire Star* last Friday:

"Poll backing for NHS fight.

Hospital campaigners get vote of confidence with elections triumph."

People living in the area that is served by Kidderminster district general hospital are so incensed about what the Government are doing with the hospital that 15 people stood for election at last Thursday's district council elections on a "Save Kidderminster hospital" ticket. Of those 15, 11 were elected, six of them knocking out Labour councillors on Wyre Forest district council.

What is interesting is that, after those results were announced, the Secretary of State was interviewed on television. I did not see him myself, but I am reliably informed that he said that the council elections would make no difference. What arrogance to say that the expression through the ballot box of an enormous number of people's concern for the future of the hospital that serves their area will make no difference, notwithstanding the fact that six Labour councillors were voted out in Wyre Forest district. One can perhaps look forward to the next general election. It looks likely that the strength of feeling on the issue will mean that there will be a change of Member of Parliament as well.

I see the hon. Member for Wyre Forest (Mr. Lock) in the Chamber. I gave him notice of the debate, so that, if I say anything about him, he will not be unprepared. I remind him of what he was telling the electorate of Wyre Forest before the general election. He was saying that it was a question simply of money and that the future of Kidderminster district general hospital could be assured if money were forthcoming.

Mr. David Lock (Wyre Forest): Will the hon. Gentleman give way?

Mr. Gill: No, I will not give way to the hon. Gentleman. He knows that, when I wanted to intervene on him on the question of Kidderminster district general hospital in a similar debate in June, he would not give way, so I will not give way to him. If he wants to intervene on the Minister, I am sure that the Minister will be more understanding.

Under the Conservative Government, in the 10 years from 1987 to 1997, £25 million of capital was spent on Kidderminster district general hospital: £20 million on a building programme; £5 million on equipment. Those of my colleagues who know the area—I am pleased to see my hon. Friend the Member for Bromsgrove (Miss Kirkbride) in the Chamber—will know that Kidderminster is a fine hospital. It enjoys a fine reputation. It is successful on every count. It is popular. It has conducted its affairs within its budget. In 1997, it attracted a charter mark for excellence, yet the Government want to downgrade it and to remove its accident and emergency facilities.

I remind the Minister that hospital admissions via the accident and emergency department at Kidderminster have increased every year for the past five years. If he looks at the statistics relating to 1998, he will find that the number of admissions via Kidderminster's A and E department increased in each quarter of that year.

I was speaking about money. I was explaining that the Conservative Government had spent an enormous amount on Kidderminster district general hospital. In a speech in the House on 15 March, the Secretary of State was bragging at column 708 about the fact that, under the new Labour Government, £1 million had been spent on the accident and emergency department at Portsmouth. He clearly thinks that £1 million is a lot of money. By anyone's standards, it is, but the point is that the Conservative Government spent £25 million on Kidderminster hospital and now the Labour Government are prepared to see it downgraded, the accident and emergency department closed and many of the services removed to Worcester.

I remind the House of what else the new Labour Government have said in terms of finance. On 16 February, the Prime Minister announced that £30 million from the NHS modernisation fund would be spent on improving England's accident and emergency services. Not to be outdone, the following month the Secretary of State for Health announced an additional £100 million, again to modernise A and E departments. What is going on? How can it possibly be right that the Government are prepared to close a modern A and E department, on which £25 million has recently been spent, at the same time as they boast about modernising 50 A and E departments in other hospitals in other parts of the country?

While I am talking about the hypocrisy of what the Government are proposing, let me remind the House that, today, in the Worcester and Kidderminster hospitals

combined, there are more than 800 beds. In three years' time, when the Government's plan is fully implemented, there will be fewer than 600 beds; but the House does not need me to remind it that, for the whole of the current Administration and indeed in the run-up to the last general election, the Labour party was saying that the health service would be improved, and that there would be better facilities and better services for all our constituents.

I am sorry, but the Government would have a job to sell that idea now in south Shropshire and Wyre Forest. We have a saying in the country: "If you want to meet a fool in the country, you have to take him with you." The people will not be fooled by all the words of the Secretary of State and Government generally when they see for themselves that the hospital that they love, the hospital that has served their area so well for so long—incidentally, the hospital to which so many of my constituents have contributed through their generosity to the league of friends, which has provided so much additional equipment—is being downgraded, with many of its services transferred to other hospitals. How can they possibly believe all the words and fine sentiments that the Government keep propounding?

Miss Julie Kirkbride (Bromsgrove): My hon. Friend makes a relevant point: what is wrong with the people of Worcestershire; why have the Government broken their promises to them? When discussing the electoral consequences of those broken promises, will he bear in mind the fantastic results that we achieved in the local elections in Bromsgrove, which were the result partly of the closure of Kidderminster hospital, which serves a third of my constituency, and partly of the closure of the accident and emergency department at the Alexandra hospital in Redditch, which is also to be downgraded to a local emergency centre? The people of Worcestershire, and of Bromsgrove in particular, are most concerned about that.

Mr. Gill: My hon. Friend is a doughty fighter for her constituents and has been a staunch ally in the fight to preserve Kidderminster hospital. That must be an object lesson to the hon. Member for Wyre Forest, who should have fought harder for his constituents; his party might then have done much better in the local elections.

Mr. Lock: Will the hon. Gentleman give way?

Mr. Gill: No. The hon. Gentleman has heard what I have to say on the subject. Had he been generous in giving way to me in earlier debates, of course I would have given way, because I like debate; I like to be able to answer his arguments, but he has had time enough in previous debates.

The pressure to keep Kidderminster hospital going on the present basis comes not only from me and my constituents or my hon. Friend the Member for Bromsgrove and her constituents but from right inside the constituency of the hon. Member for Wyre Forest. The Kidderminster and district community health council continues to be totally opposed to the plans, but it is getting nowhere with the Government, who appear impervious to local opinion.

It might interest the Minister to know that a formidable action group fighting for the retention of Kidderminster district general hospital is to go to the High Court at the end of this month to seek permission for judicial review. That is how strongly my constituents and others feel about the issue. One does not seek judicial review lightly. That is the action of an enormous number of people in desperation at the Government's insouciance in the face of their representations.

I invite the Minister to comment on the fact that, whereas Worcestershire health authority says that the downgrading of Kidderminster hospital will save £4 million a year, the finance director of Kidderminster hospital trust, who should know something about it because he is employed at the hospital, says that the savings will be at best only £300,000 a year.

Which of the figures is correct? My constituents want to know, because one of the figures must, obviously, be wrong. Major decisions are being made on the strength of the figures provided, and it behoves the Minister to tell the House exactly what figures are being used in the considerations.

Worcestershire health authority has a preponderance of representatives from the south and east of Worcestershire, who have clearly voted against the minority of representatives from the north-west of the county, where the Kidderminster hospital is. My constituents feel very sore about the fact that the future of our area is being decided by people from an entirely different part of the country, who have a vested interest in the new hospital that is proposed for Worcester.

We have seen the arrogance of a Secretary of State who is totally dismissive of public opinion and the hypocrisy of the new Labour Government, who say one thing and do something entirely different. He says that he has considered the special needs of every area; that he recognises the problems of low population density; and that the distance to travel is an important factor—but he does absolutely nothing about it. My constituents look to the Government to review the decision and allow the district general hospital at Kidderminster to continue with a full range of services.

1.45 pm

The Parliamentary Under-Secretary of State for Health (Mr. John Hutton): I congratulate the hon. Member for Ludlow (Mr. Gill) on securing time to debate a subject that I know is important both to him and some of his constituents and to the people of Kidderminster and all who value the services provided by Kidderminster district general hospital. It is customary on these occasions to congratulate both Opposition and Government Members on their thoughtful and positive remarks; sadly, on this occasion I will not be able to do that.

I would like to state clearly from the outset that the Government see a very clear and positive future for Kidderminster hospital in the context of our decision on Worcestershire health authority's strategic review of services. That view has been echoed by the health authority.

In the months since the ministerial decision last December, we have made strenuous efforts, with the assistance of my hon. Friend the Member for Wyre Forest (Mr. Lock), to explain that the solution that we have arrived at for Kidderminster is not a closure but a positive change reflecting the needs of a modern health service. I am sad to say that both the hon. Members who have

[Mr. John Hutton]

spoken in this debate have given the false impression that we are closing the hospital. The hon. Member for Bromsgrove (Miss Kirkbride) made that allegation, which is untrue. Such misleading statements do nothing whatever—*[Interruption.]*

Mr. Deputy Speaker (Mr. Michael Lord): Order. I would like to think that we could continue this debate without sedentary interventions from any part of the House.

Mr. Hutton: Thank you very much, Mr. Deputy Speaker.

Both hon. Members have misled their constituents about the Government's intentions. We have no plans whatever to close Kidderminster hospital.

Mr. Lock: I am very grateful to my hon. Friend for giving way, in stark contrast to the behaviour of the hon. Member for Ludlow (Mr. Gill). I welcome the cast iron, on the record assurance that Kidderminster hospital will not close. May I also have an assurance that 24-hour emergency services, led by a consultant, will remain at Kidderminster, and that the driving force behind the changes, as recognised by the "Save Kidderminster Hospital" campaign's own experts, is strictly medical, and not party political? Will my hon. Friend come to Kidderminster to repeat those assurances and to discuss issues surrounding the implementation of these difficult decisions?

Mr. Hutton: I can give my hon. Friend all the assurances that he seeks, and I will be happy to go to Kidderminster to explain the situation to his constituents.

The change is not a ruling from on high, but is based on expert clinical advice, sound financial judgment and a spirit of compromise and listening to local views. Let me explain briefly the background to the strategic review in Worcestershire and what it set out to achieve. The Government's White Paper on the future of the national health service emphasised the need for health services to be able to respond effectively to change. The NHS is moving towards modernisation of services provided by hospitals that may serve relatively small local populations.

Current and future medical developments require a complex, modern and comprehensive model of health care. The health service is responding to demands from doctors and other health professionals for the skills and experience that come from greater specialisation. This approach, known as centres of excellence, is aimed at providing patients with the very best that medical science and technology can offer, delivered in well-equipped hospitals with appropriate staffing levels. That was very much the backdrop for Worcestershire's strategic review—the need to secure clinical services that are safe for patients, of high quality, and sustainable in the long term.

Some have suggested, wrongly, that the review was driven by the need for financial cuts in the face of increasing deficits. It is the responsibility of every public organisation to balance its books, and Worcestershire health authority is no exception. On its formation in April 1996, under the previous Administration, the health authority inherited from North Worcestershire health authority an accumulated deficit of £3.8 million. The health authority has worked hard to contain that position, but overspends by GP fundholders and local costs pressures, especially at Kidderminster health care trust, have worsened the situation. The duplication of services at each of the acute trusts in Worcester has made the delivery of efficiency savings a difficult task in the county, and one certainly cannot sustain a pattern of services that will bankrupt a health authority. However, money was merely one factor in the decision, not a driver.

In reaching the decision, our primary consideration has always been the need to ensure access to clinically safe and viable services for the whole county of Worcestershire and its catchment area beyond the county, including the 12,000 south Shropshire people in the constituency of the hon. Member for Ludlow, who are currently served by Kidderminster general hospital. I am conscious of his concerns about increased travel times and I will, therefore, ask Worcestershire health authority to investigate the possibility of providing regular services to take visitors from Kidderminster to the Worcester royal infirmary during visiting hours.

The decision on Worcestershire was based on a very complex process of option evaluation and consultation. Locally, the health authority has been discussing the future of its health services with stakeholders since 1995. That culminated in early 1998 in the consultation document "Investing In Excellence", which evaluated seven options for change. During the extended consultation exercise, the health authority held 13 public meetings and received more than 1,500 written responses. Those were carefully evaluated by the health authority, and, following the formal objection of the local community health council, were fully and properly reviewed by Ministers.

In arriving at our decision, Ministers took the advice of clinical professionals, both nationally and locally, and we took seriously the issue of local access to services, which I know is very important in rural areas such as north Worcestershire. In short, everything was done to consult properly and fully with the public and local health professionals. We were satisfied that it was not possible to sustain three centres for emergency medicine and surgery in Worcestershire and that the accident and emergency service should be countywide. Some saw that, erroneously, as the end of all A and E services at Kidderminster. Nothing could be further from the truth.

Even now, the health authority is actively involving the local community in implementing the decision. Through the newly formed primary care groups, it has established local reference groups—including users and carers, patient groups and local authorities—to act as a proper sounding board as implementation proceeds. The fact is that, after three years of uncertainty, the service in Worcestershire can now move forward, with a critical, continuing and important role for Kidderminster.

So that we can be clear, let me remind the hon. Member for Ludlow of exactly what was decided by the Government last December. Kidderminster will continue to have a consultant-led emergency service. Major trauma cases will no longer go to Kidderminster and the emphasis there will be on care provided by nurses, backed up by an effective telemedicine link to the countywide A and E service. However, the designated consultant, the post that my hon. Friend the Member for Wyre Forest did so much

to secure, will be responsible for training and clinical standards at the new emergency centre at Kidderminster, and will spend a substantial proportion of his or her time at the hospital.

Our current best estimate is that nearly half the patients who currently use Kidderminster's A and E department will continue to use Kidderminster's emergency centre, but that figure does not take into account the expected advances in telemedicine before the changes at Kidderminster are implemented. Furthermore, all out-patient appointments will continue to be provided at Kidderminster hospital. That represents a much improved out-patient service because specialties currently only available at Worcester royal infirmary will now be available in Kidderminster.

We expect Kidderminster hospital to be a leading light nationally in the development of telemedicine. We have doubled investment in equipment to reflect that desire, enabling local clinicians working at the hospital to treat as many patients there as possible. Further announcements about additional investment will be made in the near future.

There are already some exciting local models of closer working between acute hospitals and primary care, for example, in east Worcestershire and south Shropshire, which includes the constituency of the hon. Member for Ludlow. With the continuing development of primary care groups, I expect the number of those initiatives to increase. I hope that the extra 35 GP-designated beds at Kidderminster hospital—another improvement that my hon. Friend the Member for Wyre Forest did much to secure—will be taken up by local GPs.

We also expect around 70 per cent. of elective cases to continue to be treated at Kidderminster hospital, along with most out-patient services. Furthermore, we expect Kidderminster to keep its one-stop clinics, specialist follow-up clinics, diagnostic testing and out-patient based treatments. Its rehabilitation facilities and cancer resource centre will continue to be developed and improved over the next few years. Indeed, the rehabilitation facilities will be used by patients returning from major surgery in Worcester. In all those areas, services will continue to be provided at Kidderminster hospital.

I pay a special tribute to my hon. Friend the Member for Wyre Forest. As a direct result of his strong and effective representations, the health authority's plans for Kidderminster hospital were amended to ensure the provision of safe local services, including, for example, a consultant-led emergency centre at the hospital; the doubling of the amount being spent on refurbishing and improving the hospital, including an extra £750,000 which the hon. Member for Ludlow conveniently forgot to mention; and making provision for 35 GP-designated beds at the hospital. Unlike the hon. Member for Ludlow, my hon. Friend the Member for Wyre Forest has done an excellent job on behalf of local people.

That is the framework that we have laid down for the health authority. Although the changes will by no means be introduced overnight, it has already begun work on the detailed implementation. Since the announcement on Worcestershire, the Government have signed up to the brand new £116 million private finance initiative hospital at Worcester, which was promised by the previous Administration but not delivered. If the hon. Member for Ludlow believes that his party's record of expenditure on the NHS was so magnificent, he might wish to offer an explanation of why the Conservatives suffered their worst ever election defeat in 1997. The truth is that people do not trust the Conservatives on the NHS.

My right hon. Friend the Secretary of State began the commissioning work for the new hospital on 19 March. The new facilities at Worcester have been planned to take account of the changes at Kidderminster hospital. There will be sufficient capacity in 2002, when the hospital is opened, to accommodate the anticipated number of emergency and elective patients. The new hospital will enable services to be configured in a way that is clinically and financially acceptable. In the interim, there will be moves towards implementation of some of the service changes agreed on—for example, the development of the ambulatory care centre in Kidderminster.

As part of the consultation, the issue of trust reconfiguration was raised and those consultations are proceeding. I assure the hon. Member for Ludlow that Ministers will be vigilant in ensuring that the health authority is mindful of its responsibilities to consider the implications of its proposals for out-of-county patients and will work with neighbouring health authorities, including Shropshire, to ensure continuity and equity of access to services.

There are often strong feelings expressed when local institutions of any sort need to undergo change. I understand those concerns, but we have to make a balanced and soundly based clinical judgment about how best we can provide a safe and sustainable local health service in the long term. The Government believe strongly that we have made the right decisions about the future of Kidderminster hospital, on behalf of the population that it serves.

I hope now that we can begin to look forward to the opportunities to develop the service at Kidderminster and to discussing the changes in a realistic and sensible manner. Sadly, the hon. Member for Ludlow has not contributed today to that serious debate.

Miss Kirkbride: Shame!

Mr. Hutton: It is interesting that the Opposition like to dish it out, but they cannot take it back. That says something about the modern Conservative party.

The health authority has a difficult task ahead of it, but a task to which it is fully committed within the boundaries the Government has laid down. Kidderminster hospital has a secure future and it can be a pioneer for modern health services. That is particularly true of telemedicine. The decisions that we have taken are the right ones for the future development of the NHS in Worcestershire.

It being Two o'clock, the motion for the Adjournment of the House lapsed, without Question put.

Sitting suspended, pursuant to Standing Order No. 10 (Wednesday sittings), till half-past Two o'clock.

Oral Answers to Questions

INTERNATIONAL DEVELOPMENT

The Secretary of State was asked—

EU Banana Regime

1. **Mr. Robert Walter** (North Dorset): What assessment she has made of the likely impact on Caribbean economies of United States demands for changes to the EU banana regime. [82947]

The Secretary of State for International Development (Clare Short): May I explain that my hon. Friend the Under-Secretary of State is at the annual meeting of the Caribbean development bank, so I am here on my own today. [HON. MEMBERS: "Ah."] I hope that I can manage.

The World Trade Organisation arbitration panel has concluded that the European Union's new banana regime is not compatible with World Trade Organisation rules. Its report made some suggestions as to how the Caribbean banana trade can be supported within the rules. We are undertaking detailed work on the best possible banana regime for the Caribbean that is compatible with World Trade Organisation rules.

Mr. Walter: One third of the Windward islands work force—about 70,000 people—is involved in the banana trade, and the United States enjoys a very favourable trade balance in other food products with similar economies. Will the Secretary of State say what discussions she has had with her counterparts in Washington about how the United States plans to aid such economies if their trade negotiators are successful?

Clare Short: I have not discussed these matters with representatives of the United States Government, but my right hon. Friend the Prime Minister has. The President of the United States has said that his Government would be anxious to provide some help to the Caribbean. This morning, I met high commissioners and ambassadors from the Caribbean.

What we have to do, despite the bruised feelings, is find a good regime that is World Trade Organisation compatible, so that we can drive on with assisting the Caribbean and especially the Windward islands which, as the hon. Gentleman said, are highly dependent. They need reform to be more effective, and people's livelihoods will be at risk if we do not succeed in finding a suitable regime. What would be dangerous to us all would be a rise in drug smuggling in the Caribbean.

Dr. Norman A. Godman (Greenock and Inverclyde): Many Labour Members believe that the United States has behaved disgracefully over the legitimate concern raised by the hon. Member for North Dorset (Mr. Walter). The head of the Chiquita Banana Company has made huge contributions to President Clinton and others. Do not the Americans, in their attitude to the interests of the people of the Windward islands, come out of this very badly?

Clare Short: My hon. Friend makes his own point. The World Trade Organisation is a rules-based organisation to which we have all signed up. Caribbean member states have decided to join it for their own benefit. The United States, for whatever reason, has invoked the rules and, disappointingly, the arbitration panel has said that the new EU regime has to be modified. So, despite all the bruised feelings, we have to find a way forward that is compatible with the World Trade Organisation. That is what we are working on now.

Pakistan

2. **Mr. Crispin Blunt** (Reigate): What assessment she has made of the effect of British development assistance on the promotion of good governance in Pakistan. [82948]

The Secretary of State for International Development (Clare Short): As the White Paper on international development makes clear, equitable and effective government is essential to the economic and social policies that are crucial for the reduction of poverty. We are currently reviewing the strategy that underpins our work in Pakistan. Governance must be improved—and corruption reduced—to achieve economic and social development and the reduction of poverty in Pakistan.

Mr. Blunt: I am grateful for that answer, but will the right hon. Lady bear in mind, as she reviews the policy towards Pakistan, the fact that Pakistan is involved, as reported in *Jane's Defence Weekly*, in procuring missile technology from North Korea? Not only that, but Pakistan is also believed to be passing nuclear technology to North Korea, and to be involved in the state sponsorship of terrorism in Kashmir. Moreover, as the right hon. Lady has mentioned, Pakistan has perhaps the most corrupt Government and administration in the world. For years, Britain has devoted substantial assistance to Pakistan, but it appears to have had no effect on the behaviour of its Government or on the quality of its administration. Will she therefore consider how our development assistance programme should be taken forward in the future?

Clare Short: We share the hon. Gentleman's concern about nuclear development in both India and Pakistan, which is a danger both to that region and to the whole world. It is also a tragedy that the two countries have both high defence spending and high levels of poverty. The hon. Gentleman would agree that although we must take action, it should not be the poor of Pakistan who pay the price. It was not they who were responsible for the decision to go nuclear. In all humility, I should add that the Government whom the hon. Gentleman supported worked for nearly 20 years on Pakistan without having much effect on corruption. I am reviewing our policy, and I hope to do better.

Mr. Robin Corbett (Birmingham, Erdington): Has my right hon. Friend made it clear to the Government of Pakistan and their neighbours that the generous British public will find it hard to understand why substantial aid should go to Pakistan when it can seemingly find all the money that it needs to develop nuclear weapons and the means of their delivery?

Clare Short: I have made it absolutely clear to the Governments of both India and Pakistan that everything that we do will be reviewed in the light of the

nuclear tests. None the less, it would be wrong to hurt the poor of those countries because the elites decided to engage in a nuclear programme. We have reviewed and scrutinised all that we do to make sure that the poor are protected but that there is no benefit to those responsible for the nuclear decisions.

Mr. David Heath (Somerton and Frome): The human and political rights of women are a key element of good governance. Given the stress placed on those rights in some neighbouring states in the region, will the Secretary of State pay particular attention to ensuring that Pakistan adheres to best practice on human rights for women?

Clare Short: The hon. Gentleman is absolutely right. Some 70 per cent. of the poor of the world are women, and the poorest children in the world tend to come from households headed by women. Without empowering women and educating girls, we will never make progress on poverty. The position in Pakistan is particularly worrying, and we are doing all in our power to improve matters for women there and to prevent the deterioration that could result from some proposals currently on the table.

Funds Disbursement

3. **Mr. Ben Chapman** (Wirral, South): What assessment she has made of the roles of *(a)* advisers and *(b)* deliverers in the disbursement of development assistance funds. [82949]

The Secretary of State for International Development (Clare Short): In its latest review of the United Kingdom development programme in November 1997, the development assistance committee of the Organisation for Economic Co-operation and Development praised the UK for its

"strong multidisciplinary skills and innovative aid management approaches".

It added that those make us

"one of the most professional and innovative aid agencies in either bilateral or multilateral sectors".

I have said before that I am very proud of my staff, but that is praise indeed. Our running costs are modest—currently about 2.5 per cent. of total programme expenditure—but we have committed ourselves publicly to reducing them further.

Mr. Chapman: Does my right hon. Friend agree that value for money and the reduction of overheads are important, particularly in the international development business? Notwithstanding the record of the Department for International Development, does she agree that there is room for improvement in other organisations, both multilateral and non-governmental? What will she do to encourage use of DFID's best practice measures among those organisations to strengthen the international development delivery system?

Clare Short: I agree with my hon. Friend in two ways. First, since aid began, there has been an obsession with input measures, such as how much is being spent, with absolutely no measurement of output and effectiveness. We are trying to have the international system turned around so that it is driven by output—by international poverty eradication targets, statistics that show progress in one country as opposed to another and effectiveness.

Secondly, the international system is full of agencies—the World bank, United Nations agencies, bilateral donors and regional development banks—and we need much more collaboration to prevent agencies from tripping over each other as they duplicate each other's work. Much more effectiveness could be achieved in the international system by rationalising provision, and we are working on it.

Mr. John Wilkinson (Ruislip-Northwood): Following endorsements of the highly effective United Kingdom aid programme, is it not the case that we need neither the advice of the Commission of the European Union nor its intervention to secure the best value for British taxpayers' money from the development of the poorest countries of the world? Will the right hon. Lady redress the imbalance that exists to ensure that our funds are better spent to alleviate poverty?

Clare Short: As I have explained to the hon. Gentleman before, the Government whom he sometimes supported committed a third of the development budget to be spent through the European Commission. Much of that spending and its management is very ineffective. The needs of the poorest are not prioritised. I am desperately trying to remedy the faults of that Government. We are working hard at it and have a published programme for improvement. The Select Committee on International Development, chaired by the hon. Member for Hertford and Stortford (Mr. Wells), has made an important contribution. The criticism is right, but, because the money is already committed, the answer is to make the institution effective, or the money will be wasted.

Sustainable Development

4. **Mr. Malcolm Savidge** (Aberdeen, North): If she will make a statement on the recent meeting of the Commission on Sustainable Development. [82950]

The Secretary of State for International Development (Clare Short): My hon. Friend the Under-Secretary, with my right hon. Friends the Deputy Prime Minister and the Minister for the Environment, attended the Commission on Sustainable Development in New York last month. The meeting discussed oceans and seas, tourism, sustainable consumption and production, and preparations for the United Nations General Assembly special session on small island developing states. The United Kingdom emphasised the need to drive forward environmental and developmental issues together and was re-elected to the commission.

Mr. Savidge: As one of the major themes of the meeting was tourism, can the Secretary of State inform the House about the discussions on it and say how it can both benefit communities and contribute to environmentally friendly sustainable development?

Clare Short: My hon. Friend raises an important point. Tourism is one of the biggest industries in the world and is growing faster than most other sectors. It is concentrated in some of the poorest countries, but tends to be organised in a way that brings investment from

outside and that means that food and produce are sourced from outside. Few local people are employed and the environment is often damaged. We are now attending to those questions to get tourism to source locally, to train local people and to be more environmentally sensitive. That can bring big benefits to poor countries.

Mr. John Bercow (Buckingham): As a senior member of a new Labour Government, will the Secretary of State confirm her belief that sustainable development must be set in the context of a free market economy?

Clare Short: Labour has always believed in a mixed economy. The communist bloc demonstrated that a completely statist economy was a disastrous model. The Government whom the hon. Gentleman supported demonstrated the error of believing only in markets, minimising the state and allowing inequality to flourish. We believe in a mixed economy that uses the strength of the state to provide for all and regulate properly, and the creativity of the market to produce economic benefit for all. That is the right way forward. We are trying to correct the mistakes of the hon. Gentleman's Government.

Kosovo

5. **Mr. Tam Dalyell** (Linlithgow): What assessment her Department has made of the aid which will be required *(a)* for Serbia following the cessation of military action and *(b)* for Hungary, Romania and Bulgaria. [82951]

The Secretary of State for International Development (Clare Short): We are working with the European Commission, member states, the International Monetary Fund, the World bank and regional banks to determine the development needs of the region after the conflict. It is too soon to assess the situation of Serbia and our likely involvement with that country. We continue to support the economic reform efforts in Romania and Bulgaria and take account of the effects of the Kosovo crisis. Hungary has not been significantly affected by the conflict.

Mr. Dalyell: Who is going to pay for cleaning up and clearing up the Danube?

Clare Short: The organisations that I listed. This morning, I met the Foreign Minister of Bulgaria, who said that this was a war about decent human standards. It is a tragedy, of course, but it gives the region a real chance to go forward without ethnic hatred and on the basis of decent human standards. We must ensure that good comes out of bad and that those values prevail after the conflict is over.

Mr. Bowen Wells (Hertford and Stortford): The Secretary of State relies on the United Nations High Commissioner for Refugees to provide the bulk of the organisation, management and co-ordination of efforts in Macedonia and Albania to assist refugees, as she presumably will in Serbia, Bulgaria and Hungary. When will she personally take on the UNHCR to make it an effective body, instead of leaving the refugees to the tender mercies of the winter weather and the likelihood of cholera and other diseases spreading in the camps, and to make the camps suitable for reasonable human existence?

Clare Short: It was not me who decided to rely on the UNHCR to be the lead agency dealing with the refugees; it was a matter for our international system. That is how the duties were allocated by the UN. We must all work through the UNHCR. As the hon. Gentleman is aware, there has been much criticism, but it is best to hold back such criticism until later on, and to do all that is in our power to make the arrangements more efficient. That is why we engaged NATO to build camps at an early stage and why non-governmental organisations have been helping the UNHCR to improve the running of the camps. Plans will also have to be made for the return of the refugees to Kosovo and we are trying to ensure that we strengthen the UNHCR's capacity to carry out that job. I understand the frustration behind the hon. Gentleman's point, but it is not useful to criticise the UNHCR at present. We must make up for the deficiencies and do a good job on behalf of the refugees.

Mr. Derek Wyatt (Sittingbourne and Sheppey): I understand that a plethora of European and world agencies are considering the future and how we should tackle it. Presumably, however, there will be a holding committee that will act as a decision maker. Will my right hon. Friend advise us whether that will be the case? Will such a committee include Albania and Macedonia in its considerations?

Clare Short: It would be impossible to handle the refugee crisis or to plan for the future without making Albania or Macedonia a key part of the process. There are 400,000 refugees in Albania and about 200,000 in Macedonia. At the meeting that took place at the margins of the World bank and the International Monetary Fund spring meetings, the international community agreed that the EU—assisted by the bank and the fund, which bring to bear a great deal of analytical capacity—will prepare for the economic reconstruction of the region. The refugee effort must be led by the UNHCR, supported by the rest of us. NATO has to plan militarily for the return of the refugees and we must all get behind a UN effort for the immediate return of refugees and for the protection of those who have been displaced internally. We must then bring in the bank and the fund in relation to the reconstruction of Kosovo. That work is going on.

Dr. Jenny Tonge (Richmond Park): Does the Secretary of State agree that, at this time, it is necessary to protect the budget of her Department, so that she can fulfil the aims of the White Paper and help the very poorest people of the world? Will she therefore confirm that any further financial aid to the Balkans in the short, medium or long term will come from Treasury contingency reserves and not the budgets of the Department for International Development?

Clare Short: The hon. Lady's point is well made. [HON. MEMBERS: "Aha."] Well, it would be profoundly wrong for the poorest people in the world to pay for the refugees of Kosovo. I agree with the hon. Lady on that point. As she is aware, the first £10 million that we found was money that we had allocated to the region and to humanitarian catastrophes; the second £10 million came from the contingency reserves; and the further £20 million, announced by my right hon. Friend the Prime Minister, came from the Treasury's contingency reserves—not my contingency reserves. Furthermore,

I shall be meeting my right hon. Friend the Chief Secretary this afternoon; I might draw the hon. Lady's words to his attention.

Mr. Gary Streeter (South-West Devon): As the Secretary of State well knows, in four months' time the severe Serbian winter will fall. Vulnerable people living in tents will die. Will she assure the House that plans are already in place to provide adequate shelter to get the Kosovar Albanians through the winter?

Clare Short: That is a strange point. As I said, I saw the Foreign Minister of Bulgaria this morning; she told me that the Bulgarians have a great deal of contact with people in Serbia, who know that it is inevitable that NATO will win—the question is how fast. Yet the hon. Gentleman says, "will die." We hope that we shall be returning refugees to Kosovo; that is likely to happen by winter time. Of course contingency plans are being made.

Mr. Streeter: I cannot say that I am wholly reassured by that reply. Of course, we want to win the conflict and of course we want the Kosovar Albanians to go home. However, the Secretary of State will understand that time is running out and that, whether the refugees are in Macedonia and Albania or return to their former homes in Kosovo, adequate shelter will be required. Will she assure the House that, although we were caught napping when air strikes began, we shall not be caught napping again and that adequate plans will be put in place and implemented?

Clare Short: The hon. Gentleman and others on the Opposition Front Bench claim to support the action but constantly try to undermine it—[HON. MEMBERS: "No."] I am sorry, but that is my view: I am shocked by the behaviour of the British Conservative party. I can assure the hon. Gentleman that plans for the winter are being made.

War Children

6. **Dr. Doug Naysmith** (Bristol, North-West): What measures her Department is taking to protect children's rights in areas affected by war. [82952]

The Secretary of State for International Development (Clare Short): We are working with the United Nations Secretary-General's special representative for children and armed conflict, key United Nations agencies and the International Committee of the Red Cross to protect the rights of children affected by armed conflict. The important task now is to get beyond general declarations of good intent and to take practical measures better to protect children affected by war, especially child soldiers and abducted children.

Dr. Naysmith: Does my right hon. Friend agree that international pressure should be brought to bear on Governments who employ child soldiers; and that that pressure may usefully come from other Governments, NGOs and Churches?

Clare Short: I agree very much. However, in the list of countries that have child soldiers, which includes Angola, Afghanistan and Sudan, we see some of the most intractable conflicts in the world, so we have to get more specific and unite in putting pressure on individual Governments. I invite my hon. Friend and the House to put pressure on the Government of Sudan over their disgraceful support for the Lord's Resistance Army, which captures and abducts children from northern Uganda: the girls are abused sexually and the boys are forced to kill members of their own families. The Government of Sudan should be denounced by every decent person in the world—they must stop supporting the Lord's Resistance Army and return every one of those children to their families.

Mrs. Cheryl Gillan (Chesham and Amersham): I do not know whether, in her busy day, the Secretary of State has had time to look at the UNHCR website, where it was reported this morning that children were arriving in Albania with gunshot wounds. There is increasing concern about the Albanian families—about 500,000 of them—who remain in Kosovo, but have been displaced from their homes and are desperate for supplies. In the United States, Julia Taft has announced that from about 27 May, the US is to start air drops, having overcome the Pentagon's objections. However, Bill Frelick of the US Committee for Refugees has said that

"Air drops indicate the level of desperation we're in".

He believes that the only reliable way of getting food where it is needed is through the use of ground troops. Does the Secretary of State agree with him?

Clare Short: I had not heard about children with gunshot wounds, but I shall make inquiries. We are extremely worried about displaced families in Kosovo, and we and others have been doing all in our power to get information about their condition: for example, we monitor carefully the state of refugees coming across the border, because that tells us something about levels of nutrition and so on. We have considered the use of air drops from the beginning, but they can be disastrous: for example, when they were tried in northern Iraq we learned that they sometimes kill people, feed aggressor forces or cause people to come out of hiding with the result that they are shot and killed. We do not judge that air drops should be used now, but we are monitoring the situation carefully. Refugees coming over the border are still in relatively good shape, but we are worried and we are watching very closely indeed. The real answer is to defeat Serb aggression, get the refugees home and get humanitarian help into Kosovo.

Refugees and Asylum Seekers

7. **Mr. Andrew George** (St. Ives): If she will make a statement on her Department's support for refugees and asylum seekers. [82954]

The Secretary of State for International Development (Clare Short): There are now some 22 million refugees in the world, which is the greatest number ever recorded. My Department provides support to the United Nations High Commissioner for Refugees and to non-governmental organisations to help refugees across the world. Of course, the Home Office is responsible for refugees and asylum seekers in the United Kingdom.

Mr. George: In the light of the recent atrocities in Kosovo, does the right hon. Lady agree that beside the inevitability of armchair generals having the benefit of hindsight, there is an opportunity to reap the benefit of foresight by recognising the problems created for her Department by the Immigration and Asylum Bill? Following her work with the UNHCR, which has been critical of that Bill, what representations has she made to her right hon. Friend the Home Secretary?

Clare Short: I gently suggest that the hon. Gentleman is asking that question of the wrong Department. The previous Government took an exemption—that is not the correct word, but the hon. Gentleman will know what I mean—on the convention on the rights of the child in relation to child refugees. The UNHCR has written to me about the matter, and I have written to the Home Secretary. The hon. Gentleman might wish to follow up the issue with him.

Fiona Mactaggart (Slough): The Secretary of State knows that the vast majority of the 22 million refugees to whom she referred are in the poorest countries of the world. What can the richer countries do to support those refugees and prevent the sorts of crises that create refugees?

Clare Short: My hon. Friend is absolutely correct. I visited Tanzania briefly last week. It is one of the poorest countries in the world and is hosting 330,000 refugees—which is more than in Macedonia—who are mostly from Burundi. Our task is twofold: first, we must help the poorest countries to develop; and, secondly and more important, we must prevent and resolve conflicts so that refugees may return home—which is the overwhelming wish of all refugees.

Mr. Andrew Rowe (Faversham and Mid-Kent): One of the most distressing features of our short visit to Albania and Macedonia was meeting refugees who had sponsors to take them to Germany, the United Kingdom or elsewhere, but were unable to take up those offers because they did not have sufficient identification. Is the Secretary of State prepared to throw her weight against the UNHCR's incompetence and ensure that, when refugees have no papers, they speedily receive sufficient identification so that those who wish to befriend them can take them home?

Clare Short: The hon. Gentleman makes a very important point. Apart from killing, raping and displacing people, the Serbian aggressors in Kosovo have destroyed passports and records of birth and death in an attempt to obliterate the record of a people and thus take away their identity. It is the duty of the UNHCR to record every refugee and to supply documentation. I am afraid that that process has been slow, but there is now a concerted international effort in that regard. A new computer program—let us hope it works—aims to give people the identity documents that they will need in order to exercise their right to travel to other countries and be reunited with family members.

Rev. Martin Smyth (Belfast, South): One recognises the Secretary of State's concern about refugees worldwide and one is also aware of the pressure to remove many refugees from northern Macedonia. Is it not possible to allow those refugees who have been in Albania for five weeks and have friends in the United Kingdom with refugee status to come to this country much sooner so that other refugees in Albania may move south?

Clare Short: There are more than 800,000 refugees in Albania and Macedonia, and large numbers are crossing the border into Albania every day. The Macedonian border has been closed. I appeal to the hon. Gentleman, to the House and to the community at large not to suggest that somehow bringing a small number of refugees to Britain will solve the problem. We must care for people in the region, although those with medical or other special needs, or with family members in other countries, may be cared for elsewhere. If we do not follow that course, we will be doing Milosevic's work for him: he would love to see the refugees dispersed across the world. It has taken time to gear up the number of flights into Britain, but they are now increasing and there will be more under the criteria that I have outlined.

Regional Development Banks

8. **Mrs. Christine Butler** (Castle Point): What actions she is taking to increase the focus on poverty of the work of regional development banks. [82955]

The Secretary of State for International Development (Clare Short): Since May 1997, we have been working to persuade all the regional development banks that poverty eradication must be their overarching objective. I am very pleased that the new president of the Asian development bank is refocusing the bank's attention on poverty eradication, and the African development bank has also given new emphasis to its poverty focus. My hon. Friend the Under-Secretary of State, who is currently attending the annual meeting of the Caribbean development bank, will emphasise the same message.

Mrs. Butler: What steps is the Department taking to encourage further collaboration between the regional agencies and the international financial institutions to reduce poverty?

Clare Short: As I said earlier, there are so many actors in the field of development—the United Nations agencies, bilateral donors, the regional development banks and the World bank—that there is a danger of reinventing the wheel and funding separate projects instead of working on a coherent proposal to strengthen government and economic management and achieve the kind of economic growth and social policy improvements that will lead to sustainable benefits in the lives of the poor. We are working very hard to achieve more international collaboration on international development targets, and the regional banks need to change to achieve that.

PRIME MINISTER

The Prime Minister was asked—

Iraq

Q1. [82977] **Mr. Tam Dalyell** (Linlithgow): What assessment he has made of the impact of the damage to *(a)* the water supply and *(b)* oil facilities in Iraq as a result of bombing since 23 March.

The Prime Minister (Mr. Tony Blair): Patrols of the no-fly zones remain a vital humanitarian task to protect the Kurds in the north and the Shias in the south of Iraq. Since 23 March, our aircraft have been shot at or threatened some 75 times. Iraqi facilities that pose a threat may be targeted in self-defence; there is, however, no question of our targeting oil facilities or water supplies. Iraq has claimed that one such strike on part of its air defence network temporarily disrupted oil supplies, although no oil pipeline was damaged. We are unaware of any disruption to water supplies.

Mr. Dalyell: What is the assessment of the effect of depleted uranium on the water supply and on the health of the civilian population?

The Prime Minister: We have no such assessment, but we take the utmost care in what we do to make sure that we do not attach ourselves to the water or oil supplies. Indeed, as I said, there is evidence that, as a result of the action, one oil pipeline was damaged, but there is no evidence of damage to water supplies.

I point out to my hon. Friend that we have the no-fly zones to protect the Iraqi people from the Iraqi leader; otherwise, he would be free to do as he did, for example, when he used chemical weapons to kill 5,000 Kurds in the north of Iraq. This is a mission of protection—protection of the Iraqi people.

Mr. Dalyell: On a point of order, Madam Speaker. In view of the unsatisfactory nature of the Prime Minister's reply, I give notice that I hope to raise this matter on a motion for the Adjournment.

Engagements

Q2. [82978] **Mr. Tom Brake** (Carshalton and Wallington): If he will list his official engagements for Wednesday 12 May.

The Prime Minister: This morning, I had meetings with ministerial colleagues and others and gave a speech in memory of John Smith, my predecessor as leader of the Labour party. In addition to my duties in the House, I shall have further meetings later today.

Mr. Brake: According to Chantrey Vellacott, which was recently described by a Minister as a leading UK accountancy firm, the Government's public-private partnership for the partial privatisation of London Underground will cost the taxpayer another £8 billion in extra financing costs. Can the Prime Minister and the Deputy Prime not think of better things on which to spend their money?

The Prime Minister: First, the figures are nonsense. Secondly, we are determined not to repeat the mistakes of privatisation that were made by the previous Government. Thirdly, I am surprised that the Liberal Democrats are not in favour of partnership between the public and private sectors, since we are most definitely in favour of it.

Mrs. Maria Fyfe (Glasgow, Maryhill): Will my right hon. Friend join me in congratulating Scottish Labour on achieving equal representation of men and women in the Scottish Parliament, which is now level with legislatures in Scandinavian countries in its representation of women?

The Prime Minister: We believe that devolution to Scotland and Wales—and, we hope, to Northern Ireland—gives us the best chance of a modern partnership in the UK for the 21st century.

Mr. William Hague (Richmond, Yorks): Today is the 50th day of NATO's air campaign in Yugoslavia. We support the Government in their aims of getting the Serbs out of—*[Interruption.]* We have always supported the Government in their aims of getting the Serbs out of Kosovo and getting the refugees home and, like the Prime Minister, we want the air strikes to succeed. Does he believe that the air campaign as currently conducted will achieve in full the five specific objectives that he set out in the House on 23 March and again at the NATO summit in April?

The Prime Minister: First, I thank the right hon. Gentleman for his support. Secondly, yes, I believe that it will succeed, but I have made it clear on a number of occasions that, as the Secretary-General of NATO said, we must plan for all contingencies.

In respect of the air campaign, I can give the right hon. Gentleman some of the news of the damage that has been done: 70 per cent. of Serbia's military oil has gone; over half its usable aircraft have been destroyed; more than a fifth of the armoured units inside Kosovo are down; yesterday was the most successful allied day yet in hits on targets and artillery in Kosovo; and 40 per cent. of surface-to-air missiles have gone. There has been massive damage to Milosevic's infrastructure, but we must carry on and, if necessary, intensify.

Mr. Hague: These statistics are testimony to the professionalism of our forces and those of our allies, but the Chief of the Defence Staff said yesterday that NATO's air assault had "not stopped" the killings—understandably, it has not been able to stop them—and added that that was

"extremely difficult to do with the air campaign we have".

Yet stopping the killings—we have heard the most horrific accounts of killings in recent days—is, of course, the most important of all the objectives. Despite all our hopes for the air strikes, might not NATO soon confront a difficult choice—either to accept a compromise, which the Prime Minister has already rightly said he would regard as failure, or to pursue a different military course which will achieve these objectives?

The Prime Minister: Yes, it is true that many thousands of people have died in Kosovo; it is true that

the humanitarian suffering of those people has been enormous. That makes me all the more determined to reverse this policy of ethnic cleansing, and to allow these refugees back home. As far as I am concerned, there will be no compromise in NATO's demands; there must be no compromise. It is not simply a question of defeating this policy of ethnic cleansing. It is not simply a question either of NATO's credibility. If we allow, right in the heart of Europe, a policy—effectively—of racial genocide to succeed, we will pay the price of it for many, many years to come.

Mr. Hague: Across this House we agree that failure is not an option; this must be seen through to success. The future of hundreds of thousands of people and the lives of tens of thousands depend on it. Will the Prime Minister assure the House that General Guthrie and his fellow officers in NATO have the men, equipment and freedom of action to pursue a strategy that they believe will succeed?

The Prime Minister: I certainly can assure the right hon. Gentleman that, throughout, we have worked extremely closely with our armed forces. I pay personal tribute to Sir Charles Guthrie, the Chief of the Defence Staff, for his magnificent work.

It is important always—perhaps especially at this time when, as the right hon. Gentleman rightly says, we are 50 days into this campaign—to go back to the fundamentals of why we are doing this. It is for the reasons that I have given: the appalling suffering, the thousands who have died and the hundreds of thousands who have been displaced. But let us remember something else. In Bosnia, where there was a strong case for saying that we acted too late—for understandable reasons, but we did—250,000 people died. Three and a quarter million refugees are still dispersed in various parts of the world, including 1.25 million in the European Union, as a result. That happened because we did not stop Milosevic then. We must stop him now.

Mr. Hague: There remains a major concern about timing. The Prime Minister will have seen the comments of Lieutenant-General Sir Mike Jackson, the commander of NATO troops in Macedonia. He said that winter in Kosovo is

"a severe several months. I see a very, very miserable and hard winter if we have refugees in tents over that period."

Given that assessment, does the Prime Minister agree that it is vital that NATO's objectives are not just achieved, but achieved before the first snows of the Balkan winter in October?

The Prime Minister: I can assure the right hon. Gentleman that it is our constant preoccupation that everything we do, including the planning that we undertake, bears in mind when winter in the Balkans comes. Our aims are perfectly clear and they will be met. The aims can be very simply summarised: Milosevic gets his troops out, we get our forces in, and the refugees go back home. That has been the bottom line from the beginning of this campaign, and it remains the case.

Mr. Hague: These are the objectives, but may I press the Prime Minister once more on the question of timing? The Opposition support the objectives of NATO and we applaud the efforts of our forces, but we are concerned—as are many people in this country—that the air campaign has not succeeded so far, that preparation has not always been adequate and that time may be running out. Is it not the case that, if we wish to assemble and deploy troops in order to allow the refugees to return home before the winter, NATO needs to take any decision on ground troops in the very near future?

The Prime Minister: I will not remind the right hon. Gentleman of what he said about ground forces some time ago. I will simply point out to the Opposition that these issues of planning are in our mind constantly. We understand exactly the point that is being made here.

I do not think that it is right to say that the air campaign is not succeeding. It is right to say that it has not yet succeeded in delivering our demands. However, we should look at what has happened to the military infrastructure in Serbia, and at what is happening on the ground in Kosovo, where, over the past two weeks, our efforts have intensified—and the weather in June is better than that in May, and that in July is better than that in June. I believe that it is important that we have a balanced picture.

I have already said that Milosevic does not have a veto on our options. He does not, and he never will. However, it is important that we carry on with the air campaign, and intensify it. The demands that we have set out have been very clearly held to. I am not the only one who is saying that there will be no compromise on those demands. I have a long list of quotations from every single Head of Government or Head of State of all the allied members, and they are all to exactly the same effect: there will be no compromise on our basic demands.

Mr. Marsha Singh (Bradford, West): I am sorry to change the sombre mood of the House, but other life does go on. Will the Prime Minister, given his interest in football, join me in congratulating Bradford City football club on achieving promotion to the premier league after being out of the top flight for 77 years? Does he share my pride, and the pride of the Bradford people, in that great achievement?

The Prime Minister: Yes. I congratulate my hon. Friend, and I look forward to Bradford playing Newcastle next season.

Mr. Paddy Ashdown (Yeovil): May I draw the Prime Minister back to the central question of timing? After 50 days of conflict, time is beginning to press hard on the Kosovo situation. The coming heat of the summer months will create a breeding ground for despair, if not disease, in the refugee camps and, if we are required to use troops to get the refugees back home before the winter, a decision on deployment must probably be made within a fortnight or so. President Milosevic may not be limiting our options, but does the Prime Minister realise that delay could close off our options for us?

The Prime Minister: As I said to the leader of the Conservative party a moment ago, I am acutely aware of the issue of time, the issue of the winter and the need to plan for all contingencies. As for the refugees, it is worth pointing out that something miraculous has been achieved, mainly—or at least to a very considerable

extent—as a result of the work of British troops in Macedonia and in Albania. We can be immensely proud of what they have done. As a result, we are able to cope with the refugees now.

However, when one of the refugees, who came to Oldham a few days ago, was asked whether the refugees were pleased to be in this country, that person said that they were very happy to be here, but they wanted to go back home. That is why the refugees are our main concern, and we must not let up for an instant until they are allowed back home.

Mr. Ashdown: It is precisely for that reason that I addressed that question. The Prime Minister is well aware that we have resolutely supported this operation, and he can count on our continuing support. He is aware, too, that although we hope that the bombing succeeds, we have always rather doubted that it would. Is it not the case that if, in the end, bombing proves insufficient, our will to deploy troops on the ground will determine whether the end of this is victory or compromise? I simply say to the Prime Minister: I think that we have two weeks to make that choice.

The Prime Minister: I cannot do much more than repeat what I have said. There is no veto by Milosevic on how we use ground forces. It has always been anticipated that we would use ground forces; the question is the circumstances in which we do so. We plan for all contingencies. It is important, however, that we recognise the success that the air campaign has had. We should continue it and intensify it; we should make sure that it is as effective as possible; and, as I said a moment or two ago, we should carry on planning for all contingencies.

Mr. Lindsay Hoyle (Chorley): After my right hon. Friend's huge success in delivering on his election promises, will he consider a new pledge to introduce a £5 television licence for all pensioners? Such a pledge would be welcomed by old-age pensioners in Chorley and all over the country, and we could look forward to it.

The Prime Minister: I am sure that that would make me immensely popular with our pensioners, but it would probably make me less popular with the Chancellor. In the end, such pledges must be paid for, and the cost would run into several hundred million pounds. I am well aware that many pensioners feel aggrieved that there are different television licence rates for two groups of pensioners—those who are in sheltered accommodation and those who are not. I remember raising the matter as a Back-Bench Member of Parliament in 1983. The problem has always been the cost, and I am afraid that it will remain so.

Devolution

Q3. [82979] **Mr. Peter Luff** (Mid-Worcestershire): If, following the election of the Scottish Parliament and the National Assembly of Wales, he will review the organisation of government as regards matters relating exclusively to England.

The Prime Minister: The interests of all parts of the United Kingdom continue to be properly covered by the present organisation of the United Kingdom Government.

Mr. Luff: After last week's elections to the Scottish Parliament and the Welsh Assembly, the single most important constitutional question facing the House is how to strengthen the Union, while making England's treatment within the Union fairer. Does the Prime Minister intend to give to the regional assemblies that he plans for England the power to pass primary legislation?

The Prime Minister: No, we have not said that. We have said that if there is a demand for regional assemblies, we will listen to it. I gather that, earlier today, the hon. Gentleman asked that we create a federal system inside the United Kingdom. I believe that the UK is best served by ensuring that we have a different way between separatism on the one hand and the status quo on the other. I point out to the hon. Gentleman that, in respect of all the money that goes to Scotland and to Wales, all Members of Parliament, including English Members, vote on it. As for the system of election in the United Kingdom, I am still pondering the consequences of my own generosity for his party. I believe that we will have strong, stable government in Scotland and Wales, but within the UK.

Engagements

Q4. [82980] **Mr. Fraser Kemp** (Houghton and Washington, East): Does my right hon. Friend agree that last Thursday's elections produced two amazing results for the Labour party? One was that we demonstrated beyond any shadow of a doubt that we were the most popular mid-term Government this century. The second amazing result to benefit the Labour party was that the Leader of the Opposition just managed to hang on to his job.

The Prime Minister: I am delighted if members of the Conservative party think that they did extremely well last Thursday. As for the Leader of the Opposition, I am sure that he has wide support in every part of the House.

Mr. Tom King (Bridgwater): May I confirm to the Prime Minister that I continue to believe that he is entitled to the widest support in the House in the tragically difficult undertaking on which the country has embarked with the other members of NATO? During the process, which is likely to be long, people in this country will ask tough and difficult questions about the conduct of affairs. I believe that the Prime Minister's approach today is the right way to respond to those questions—not the approach of someone who appears to be in his office, who suggests that, if questions are asked about the conduct of the campaign, that somehow calls into question the basic loyalty of the House. If that approach is adopted and criticism is delivered in that way, it will only undermine the cross-party support that I am sure the Prime Minister is seeking to maintain.

The Prime Minister: First, I entirely agree with what the right hon. Gentleman says. One of the strengths of our democracy is that people are able to ask questions about the conduct of the war. I ask only that, in giving us that support, people recognise that, from time to time, there are extremely difficult decisions to make and that, particularly in a situation such as this, there are no easy options. I believe that the vast majority of Members of the House recognise that.

Q5. [82981] **Mr. Harry Barnes** (North-East Derbyshire): The Prime Minister knows that I support the

bombing of military targets in Yugoslavia, for exactly the reasons that he has set out once more today, but could we not avoid undue civilian casualties by following the principle propounded by Mary Robinson, the United Nations High Commissioner for Human Rights, who asked us to err on the side of proportionality? In particular, cluster bombs should not be dropped in civilian areas, the Vinca nuclear research institute near Belgrade should not be attacked and we should contact the Americans to stop them using depleted uranium.

The Prime Minister: I thank my hon. Friend for his support for the air campaign. We, of course, try to make sure that we avoid civilian casualties as much as we possibly can. In respect of the Chinese embassy in Belgrade in particular, we have made it clear—and I make it clear again now—that we profoundly apologise, both to the Chinese people and to the Chinese Government, for what has happened. It was a tragic accident, but it should never have happened.

We do everything we can to avoid civilian casualties; I only ask people to bear it in mind that we are engaged in this air campaign because the dictator in Serbia is perfectly happy, as an act of deliberate policy, to butcher and murder ordinary civilian people. I know that those people who are planning this campaign and taking those decisions do so with the heaviest sense of responsibility. Indeed, the first thing that strikes anyone who has talked to British pilots engaged in action is their sense of responsibility. There is nothing gung-ho about them and nothing macho about the way in which they go about things. They recognise that they have this power for a purpose and they try to use it in a way that minimises civilian casualties.

Q6. [82982] **Mr. Eric Pickles** (Brentwood and Ongar): On 20 May last year, in column 952 of *Hansard*, the Prime Minister promised to review the way in which war widows pensions relate to housing benefit. A year has passed, and nothing has happened. This is not a very complicated matter and it surely does not take 12 months to review. The right hon. Gentleman has made a promise, but he has not delivered. Why not?

The Prime Minister: We have explained constantly that the problem is cost, but I point out to the hon. Gentleman that he supported a Government who were in power for 18 years and never did that. I appreciate that we now have the responsibility for those decisions. We have said that we will look at it, and we will do that, but the problem is simply one of cost.

Q7. [82983] **Mr. Huw Edwards** (Monmouth): Does my right hon. Friend agree—[HON. MEMBERS: "Tory gain."]—that we owe an enormous debt to our farming community for producing high-quality food and maintaining our countryside? Will he do all in his power to ensure that there is a future for small family farms and for young farmers who enter the industry, and support for agri-environmental schemes and conversion to organic farming, in which there is tremendous interest in my constituency?

The Prime Minister: I love the way that the Tories celebrate their Scottish and Welsh election results; it is a marvellous thing to behold. In relation to—*[Interruption.]* The more they think it is a good result, the better we are.

In relation to farming support, it is correct that we have announced an aid package of over £120 million. Obviously, we recognise the difficult circumstances that farmers have been in, but I want to pick up one particular point on organic farming. Since coming to power, we have increased by eight times the support that we give to organic farming. There is now five times as much land in production for organic farming as there was when we came to office. I hope that we are trying our best to support the farming industry, but are also trying to invest in environmentally friendly forms of modern farming.

Mr. Ken Maginnis (Fermanagh and South Tyrone): The Prime Minister will be aware that we are within one week of the first anniversary of the Belfast agreement. People voted by a large majority for a democratic way of government in Northern Ireland, and for guns and bombs to be a thing of the past. Will the Prime Minister unequivocally reassure the House and the people of Northern Ireland in particular that, at a time when the godfather of terrorist godfathers, Martin McGuinness, has been nominated as a potential member of the Executive of the Northern Ireland Assembly, he will stick to the promise that he and his Government made that illegal guns and bombs cannot be a part of a democratic process, and that there will be no question of forcing Sinn Fein into an Executive until it has met its obligations in that respect?

The Prime Minister: It is precisely for that reason that it is a term of taking office in the Executive that people forswear violence. Should they go back to violence, there are provisions to expel them from the Executive. I hope that the hon. Gentleman recognises that the Good Friday agreement—which, according to a recent poll, is still supported by the vast majority of people in Northern Ireland—offers the only right way forward. We are looking at how to ensure that both sides of the community—obviously, in the hon. Gentleman's case, it is the Unionist community—have the trust and the confidence that violence has been given up for good, allowing people to go into government together. I hope that that occurs, because easily the best thing that could happen to the politics of Northern Ireland is that devolution takes place on the basis of a universal commitment to peace and democracy. Northern Ireland politics should debate not the sectarian issues that it has debated for so many years, but the ordinary issues of schools, hospitals, ordinary crime in our streets, local government—the issues that are the bread and butter of everyday politics here.

Q8. [82984] **Mr. Paul Goggins** (Wythenshawe and Sale, East): My right hon. Friend will be aware that in three years' time—the Queen's golden jubilee year—Manchester will host the 17th Commonwealth games. They will be the biggest yet, and will provide a huge opportunity for the city, the country and the international sporting community. Now that the site for the stadium is being cleared for construction, will the Prime Minister continue to ensure the full support of the Government for the games, so that in 2002 we can all enjoy a celebration of Commonwealth friendship and sporting achievement?

The Prime Minister: The games in Manchester in 2002 will be the biggest multi-sporting event in Britain since the 1948 Olympic games. More than 5,000 athletes from some 70 countries will compete, and we have earmarked £112 million of lottery money for the building of the new facilities. I am sure that it will be a tremendous showcase not just for Manchester, but for the whole of Britain.

Mrs. Ann Winterton (Congleton): In opposition, the right hon. Gentleman often accused the Conservative Government of selling off the family silver. Will he now tell the House and the country why he and his Government are selling off the family gold?

The Prime Minister: First of all, it was actually Harold Macmillan who used the phrase "selling off the family silver". Secondly, I assume that the hon. Lady's remarks mean that the Conservative party is now against privatisation in addition to its commitment to public spending. Thirdly, as for gold, I have never come across so much nonsense as that talked by the Conservative party. It talks as if this was some stealthy plan to get us into the euro. Countries all around the world diversify so that some parts of their reserves are in currency and some in gold. That is entirely sensible. Only today's Conservative party could be ideologically opposed to it.

Q9. [82985] **Mr. Mark Todd** (South Derbyshire): May I draw my right hon. Friend's attention to the submission made by representatives of rural South Derbyshire at a packed meeting in Melbourne on the rural White Paper consultation? Many issues were raised at that vibrant meeting, and one of the suggestions made was that we should tackle the issue of how to encourage rural enterprise that is sustainable in a rural area, so that we move away from the dormitory culture of car-borne commuting in rural England and towards genuinely sustainable communities. Does my right hon. Friend agree with that suggestion?

The Prime Minister: I assure my hon. Friend that the role of small businesses, in particular, will feature largely in the White Paper that will be published shortly. That, of course, comes on top of the new rate relief for village shops, the financial support for farmers and the creation of the new Countryside Agency.

As my hon. Friend and the whole House will know, this side of the House of Commons now represents more rural constituencies than the other side. Long may that continue.

Points of Order

3.30 pm

Mr. David Winnick (Walsall, North): On a point of order, Madam Speaker. As you know, there has recently been some discussion in the House about the broadcasting of "Yesterday in Parliament". Can you tell us whether you have received any more recent communication from the BBC?

I ask this question on a point of order because it has been reported that, apparently, the BBC is now seriously considering putting "Yesterday in Parliament" back on FM. That would be welcome, and I hope that it happens; but it seems that the BBC is also considering broadcasting the item very early, which would mean that many people who would like to hear it—much of the public, indeed—would probably not be able to do so.

I hope—as, no doubt, do you, Madam Speaker—that, in considering where and how "Yesterday in Parliament" should be broadcast, the BBC will recognise its responsibilities, and will allow those who want to listen to what is happening in Parliament to do so.

Madam Speaker: I have had no recent exchange of correspondence on the issue, but the House will know of my robust views. I have made them clear in the House, as well as to the chairman of the BBC: the correspondence that I have had is in the Library for all to see. As far as I am concerned, "Yesterday in Parliament" should be returned to its former slot, on FM and at 8.40 am—and the sooner that is done, the better.

Mr. A. J. Beith (Berwick-upon-Tweed): On a point of order, Madam Speaker. I wonder whether you noted and were concerned by—as you have been in the past—reports in the press of a matter that has not yet been announced to the House. Several newspapers, over several days, have referred to ministerial and departmental sources in giving a full account of the planned sell-off of the Tote, which is due to be announced in the House today.

I know that you want announcements to be made to the House first, so I wonder whether you want to make a statement about that. I also wonder whether you have received a request from the Home Secretary to make a statement—or, for that matter, a request from the Foreign Secretary, who is known to be wholly opposed to the idea.

Madam Speaker: I have received no request from any Minister to make a statement on the matter. As a long-standing Member of the House, the right hon. Gentleman will know that Ministers make announcements to the House by two methods—an oral statement at the Dispatch Box, and written answers. I understand that the Home Secretary has answered a question on this very issue, and that his answer was released about three minutes ago.

Bill Presented

REFERENDUM (ENGLISH PARLIAMENT)

Mrs. Teresa Gorman, supported by Mr. David Davis, Mr. Eric Forth, Mr. James Gray, Mrs. Ann Winterton, Mr. Christopher Gill, Mr. Peter Luff, Mr. David Amess and Mr. Howard Flight, presented a Bill to make provision for the holding of a referendum in England on the establishment and tax-varying powers of an English Parliament: And the same was read the First time; and ordered to be read a Second time on Friday 11 June, and to be printed [Bill 98].

Country Lanes and Villages

3.34 pm

Mrs. Helen Brinton (Peterborough): I beg to move,

That leave be given to bring in a Bill to enable traffic authorities to make provision in rural areas for the designation of highways where pedestrians, pedal cyclists and horse riders have priority on the carriageway over mechanically propelled vehicles for the purpose of improving safety and protecting the character of the countryside; to make provision for reduction of the national speed limit for certain rural roads; and for related purposes.

The Bill would give local authorities power to designate any rural roads in their areas for which they are the traffic authorities as quiet lanes, where pedestrians, horse riders and cyclists would have priority over motor vehicles. There would be a speed limit of 20 mph. Such designations would follow consultation with any affected parish or community council, other bodies or persons concerned with the protection of the environment, and representatives of road user groups or local businesses.

By amending the Road Traffic Regulation Act 1984, the Bill would give the Secretary of State power to set a national speed limit for motor vehicles on all roads classified C and on all unclassified roads, of no more than 40 mph—at present, the limit is 60 mph; of no more than 20 mph on designated quiet lanes; and of no more than 20 mph through villages. A village would be a group of dwellings exceeding 50 per cent. of frontages on both sides of a road.

I am sure that the purposes of the Bill are clear. Its measures would improve safety on rural roads, encourage the enjoyment of the countryside and protect its character and distinctiveness from damage by unsuitable traffic and traffic speeds. The Bill will help to tackle issues such as traffic intimidation, to which my right hon. Friend the Secretary of State for the Environment, Transport and the Regions drew attention in last summer's transport White Paper.

That document spelt out the need and desirability of creating an integrated transport system, of encouraging forms of transport other than the car and of the greater use of 20 mph zones by local authorities. As it pointed out, in areas with such a speed limit, the frequency of accidents has been reduced by about 60 per cent. and accidents involving children have fallen by 67 per cent.

In 1997, 10 times more people were killed in accidents on rural roads than on motorways. Seventy per cent. of fatal car accidents occur on rural roads. While only 9 per cent. of all cyclist casualties occur on rural roads, those account for 45 per cent. of cycle deaths from road accidents. Those figures highlight the importance of the Government's national speed policy review to address the problems of rural roads through measures of the sort that are contained in the Bill.

In the previous Session, I obtained leave to introduce a Bill for "home zones"—zones in residential areas that have much lower speed limits, more pedestrian areas and design features that emphasise the change in priority from motor vehicles to people. I was delighted that home zones received several mentions in the White Paper and that the Department is working with local authorities that want to design pilot zones within current legislation. The Department is committed to a formal evaluation of those after a period.

The proposed quiet lanes and villages with lower speed limits are clearly parallel measures for the countryside. However, as the White Paper said:

"Traditional traffic management measures can have an urban look and can be even more damaging in the countryside than on the appearance of our towns. We will therefore encourage the continued development of new and imaginative ways of designing local traffic schemes to make them more sensitive to their surroundings."

The Bill follows early-day motion 348 of the same title, which was tabled by my hon. Friend the Member for The Wrekin (Mr. Bradley), and which has, so far, attracted more than 150 signatures; I hope that it will gain even more. All hon. Members, on both sides of the House, appreciate his excellent and continuing work, which is part of the year-long campaign "Safer Country Lanes for All", which is organised by the Council for the Protection of Rural England. I hope that the House will agree that the measure is an essential part of that campaign.

I note that the recent report by the Select Committee on the Environment, Transport and Regional Affairs on the transport White Paper stated that

"the fear of traffic on country lanes has discouraged other users, such as walkers and cyclists . . . speeding traffic blights the lives of those living in villages and creates a perception that roads are no longer safe for all".

The report recommended a national speed limit of 30 mph or less through all villages, including those on main roads. I am sure that we all know of rural areas that were, even until very recently, safe enough for walkers, cyclists and children to play in, which are now too dangerous because of increased traffic. I know of two examples in East Anglia: lanes around the village of Thornage in Norfolk, where the closure of the village shop and school have meant that residents have to drive elsewhere for those services; and Blackhills corner to Primrose corner near Norwich, where the lane has become a rat run for traffic wanting to avoid a longer link road to the west.

It is apparent from those examples that the causes of increased traffic in rural areas are very complex. Rural residents have to use their cars, if they own them, because of the lack of adequate local facilities and public transport. Traffic in rural areas is forecast to rise even faster than that in urban areas.

There are more cars on our roads in general, giving town dwellers greater access to remote areas than ever before. It is surely true to say that more people today can enjoy the relative peace and beauty of the countryside than at any time since the industrial revolution removed them for large sections of the population. In those days, the wealthy could of course continue to drive in and out of towns in their carriages.

It is apparent, however, that the quality of rural life, and even in some cases the survival of its distinctive character, are being fatally prejudiced by road traffic changes. The CPRE estimates the tranquil countryside lost in England in the past 30 years to be of an area the size of Wales. A lot of that is due to road traffic.

A survey in Shropshire found that 110 parish councils had approached the county council or local police over the previous 10 years because of problems of excessive speed. Another survey, in 1996, by the then Countryside Commission, showed that people in both town and country care about the countryside: 91 per cent. thought that

"society has a moral duty to protect the countryside."

[Mrs. Helen Brinton]

The Government have promised a rural White Paper later this year. It should address in an integrated way the issues surrounding the decline in quality of our rural areas. I believe that the measures in the Bill are an essential part of any attempt to reverse that decline. There is a need for new legislation to reduce speed limits and give local authorities new powers to designate rural roads where motor traffic will not have priority.

There are serious flaws in the current approach to managing speeding traffic, deriving from the self-fulfilling nature of the dangers: people increasingly avoid what they perceive to be dangerous roads and—surprise, surprise—local authorities then find that those roads are not much used by non-motor traffic, so higher speed limits seem appropriate.

I do not have time to expand on the technical points, but I am sure that Ministers and officials will be aware of the problems associated with the current approach to speed management. I hope that quiet lanes and reduced speed limits on country lanes and in villages will become part of Government policy.

Question put and agreed to.

Bill ordered to be brought in by Mrs. Helen Brinton, Mr. Peter Bradley, Jane Griffiths, Mr. Tim Loughton, Mr. Andrew Stunell, Mr. David Kidney, Mr. David Drew, Mr. John McWilliam, Dr. Ian Gibson and Ms Joan Walley.

COUNTRY LANES AND VILLAGES

Mrs. Helen Brinton accordingly presented a Bill to enable traffic authorities to make provision in rural areas for the designation of highways where pedestrians, pedal cyclists and horse riders have priority on the carriageway over mechanically propelled vehicles for the purpose of improving safety and protecting the character of the countryside; to make provision for reduction of the national speed limit for certain rural roads; and for related purposes: And the same was read the First time; and ordered to be read a Second time on Friday 11 June, and to be printed [Bill 99].

Orders of the Day

Northern Ireland (Location of Victims' Remains) Bill

Considered in Committee.

[SIR ALAN HASELHURST *in the Chair*]

Clause 1

DEFINITIONS

Question proposed, That the clause stand part of the Bill.

3.45 pm

Sir Brian Mawhinney (North-West Cambridgeshire): Before clause 1 becomes part of the Bill, I wish to refer the Committee to subsection (4), which starts with the words, "Victim of violence", and continues with a definition of that term. It had been my intention to be here on Monday to take part in the Second Reading, but for reasons that I conveyed to Madam Speaker, I was unable to be present. However, I read the Minister's speech carefully and with some interest, and he referred repeatedly to "The Disappeared".

It is important, as we pass this nasty little Bill, that at least we are not taken in by our own rhetoric. It was, I believe, Lenin who used to say that the whole point of terrorism was to terrorise people. That was also a favourite phrase of Michael Collins. What we are talking about in the Bill is terrorising people—cold-blooded acts by people who set out to abduct, torture and kill, probably in the most unpleasant ways. They do so not just for the sake of killing, although that was part of the very nature of the IRA, but to terrorise not just families but communities. The Bill will allow some degree of excuse for that terrorism.

I understand the background to the Bill, and the Minister will know that when I held the post that he now holds I was the first Minister who started the peace talks that culminated 10 years later in the Good Friday agreement. He also knows that everything that I have said since the agreement has broadly been in support of the Government and what they seek to do, so we do not have to have a debate about whether I am in favour of the Government's objectives. I shall not sit quietly by, however, and allow the Bill to pass without helping people to understand that the Minister was so generous as to be unbelievable when he said on Second Reading that this is a humanitarian Bill. This is not a humanitarian Bill: it is a piece of cynicism, driven by the IRA, derived from a propaganda need to take some of the pressure off it at the time of the Hillsborough talks. The Bill is deplored by some of those at the heart of the benefit that may accrue from its passage.

We all know that after up to 30 years there are a number of families in Northern Ireland who still sorrow and grieve, and who have not had the opportunity to give to their loved ones the dignity of a proper, Christian burial. That instinct is very strong among hon. Members of all parties in this House, but the IRA does not begin to understand it.

This Bill is a nasty, cynical piece of manipulation which the Governments of Great Britain and of the Irish Republic have felt compelled to introduce to their

legislatures for reasons of the greater good. All hon. Members support the families and sympathise with them, but we must proceed honestly and recognise the Bill for what it is. Today, we are recognising the terrorism, awfulness and cynicism of an organisation that still exists to terrorise for its own purposes.

The Minister of State, Northern Ireland Office (Mr. Adam Ingram): I well understand what the right hon. Gentleman has said about his past record and his on-going support as we go down the difficult road towards achieving our ultimate objective of a peaceful Northern Ireland. When he held my office, he had to take part in some difficult decisions. However, he said that this was a nasty little Bill. Does he hold the same opinion of the Northern Ireland Arms Decommissioning Act 1997, which he supported? That contained many of the same precepts that appear in this Bill. He said that the Bill is not a humanitarian measure, but how does he address the concerns of the families?

In my speech on Second Reading, which the right hon. Gentleman said that he read in detail, I did not talk about terrorism in any sympathetic way. He will know that I condemned unreservedly terrorism and the barbarism associated with the acts leading up to the disappearance of these people. I said that they were probably beaten and tortured, that they had had no right to a proper trial or to an appeal, and that their fundamental human rights had been taken away. I gave not an inch on that.

On 29 March, the Provisional IRA announced that it was prepared to provide information about some of the people who had been disappeared. The two Governments therefore had to act, or decide not to act. The right hon. Gentleman appears to be saying that we should not have acted, but instead should have put pressure on the Provisional IRA—in ways that he has not defined—and thereby somehow turn up the information that we are seeking to obtain on behalf of the families. However, the pressure exerted over 30 years did not bring one iota of comfort to some of the families involved.

Mr. Robert McCartney (North Down): Will the Minister give way?

Mr. Ingram: No.

The difficulty and dilemma with which the Government were faced in dealing with the information from the Provisional IRA lay in how to put it into effect. The Provisional IRA's announcement contained no absolutes or guarantees that the information would be released.

On Second Reading, I asked the House a question to which I hope that the right hon. Member for North-West Cambridgeshire (Sir B. Mawhinney) will give consideration. If not through this Bill, by what other means does the right hon. Gentleman expect the information to come from the Provisional IRA? We must think all the time of those families, and the trauma with which they have lived for 30 years. Those who argue against this Bill cast them aside and do them no service at all.

Sir Brian Mawhinney: Better than most, I understand the dilemma that the Minister faces. I shall not vote against the clause standing part of the Bill: in these circumstances, as I have already said, the Government have to do what they have to do. However, I ask the Minister to recognise that the Bill is a reflection of the terrorising and cynical manipulation practised by the people with whom we are seeking to do business in a bid to bring peace to the 1.5 million decent, law-abiding people in the Province.

I ask that the Minister does not use the sort of language that might be used in other circumstances when there have been unavoidable tragedies. As I said earlier, the hearts of every hon. Member in the Chamber, irrespective of party, go out to the families.

I have had to announce enough bloody deaths in Northern Ireland to be sure that no one can accuse me of having no sensitivity for or sympathy with the bereaved. But I do not want the message to go to Northern Ireland that the House used the civilised language employed for normal tragedies to make rosy a determined and deliberate attempt to terrorise by using this sort of mechanism in the knowledge that the Minister's good instincts and those of the rest of the House would respond to it.

In Ulster terms, let us call a spade—

The Chairman of Ways and Means (Sir Alan Haselhurst): Order. May I remind the right hon. Gentleman that he was intervening, not making a second speech?

Mr. Ingram: The right hon. Gentleman's intervention was worth while because of its length. He addressed several points that needed to be made, and we shall debate them now and on other parts of the Bill. I appreciate that the right hon. Gentleman is not opposing the Bill, merely highlighting its enormity and the difficulties associated with it. To those who do oppose the Bill, however, I have to ask a question: if not this Bill, what?

One of the jobs with which I am tasked is that of being the Minister for victims. On coming into Government, I was amazed to find out how blank the sheet was on that subject. That was true not only of the previous Administration, and I do not seek to overstress that point, by and large, of the wider community in Northern Ireland no one had begun to address the complexity, enormity and depth of trauma within that society. Many individuals—including politicians—used victims as political footballs. They were brought out when there was a point to be scored, but no one gave support, encouragement or hope.

It was largely left to voluntary organisations to provide that support, although many were supported by public money. No coherent way was developed for dealing with issues connected with victims. We have begun to address the problem, but have begun only to touch on its extent. The more we do, the more we shall expose the deep difficulties in Northern Ireland, and no one—certainly no politician—has all the answers to the problems.

My central point is that the Bill begins to address a fundamental problem, but it is not easy to do so. We have made no apology for the actions of terrorists and paramilitaries, and nothing in the language of my Second Reading speech could be deemed to have given any word of comfort to terrorists. No one who spoke in that debate gave a word of comfort to those who carried out the actions addressed by the Bill.

I hope that the message of that debate has been absorbed in the wider republican and loyalist communities that support the people of violence. Now is the time to stop and to search for new ways forward.

[Mr. Ingram]

It might benefit the right hon. Member for North-West Cambridgeshire to read debates on similar legislation in the Dail in which there was strong condemnation of the Provisional IRA and explanation of why the Bill was necessary.

Nothing was given away in our debate, a sombre debate that addressed the issue properly. I commend the clause.

Dr. Norman A. Godman (Greenock and Inverclyde): The right hon. Member for North–West Cambridgeshire (Sir B. Mawhinney) said that the members of the terrorist IRA had no clear understanding of the grief and legitimate expectations of the families of victims. The brutal fact, as he acknowledged in his later intervention, is that the IRA has made a harsh analysis of the expectations of those who grieve, and it seeks to manipulate the people so tragically involved. That sickens me to the stomach. Hon. Members will concede that I have repeatedly said that these people are engaged not in a military campaign or guerrilla warfare, but in the most brutal form of terrorism in a mature parliamentary democracy. I have some sympathy for what the right hon. Gentleman said, but having met some of the families concerned, their interests, concerns and legitimate demands should override all else.

4 pm

Mr. Ken Maginnis (Fermanagh and South Tyrone): I do not like being in conflict with the Minister any more than he does, but what he said on Second Reading and reiterated today about no one appearing to care about the victims of violence gives deep offence to ordinary people in Northern Ireland. For 30 years, we have cared for them. They are people among whom we live. They are our friends, people we know. He must recognise that with more than 200 victims of violence in my constituency alone—mostly, but not exclusively, victims of the IRA—there is nothing new in what he says that he wishes to achieve. Rather, what he says that he wishes to achieve is being negated by the way in which he goes about it.

It is not a question of 15 or 16 families for whom we feel tremendous sympathy, but of more than 3,000 people who have died as a result of terrorism in Northern Ireland. For the Minister to say that only the voluntary organisations appear to care is not a condemnation of ordinary, elected Members from Northern Ireland—whatever their political aspirations—but a reflection on the Northern Ireland Office. It channelled 250 million ecu—more than £200 million—that came to Northern Ireland as a peace and reconciliation package to some very undeserving causes.

The money did not exclusively go to such causes; I admit that a large part was employed usefully, although I am not sure that much was of long-term benefit. There is a rather sick joke in Northern Ireland that people have to have served a term in prison as terrorists to become community workers. That generalisation is perhaps unfortunate, but I am afraid that much of the money for peace and reconciliation was channelled through organisations that had a short-sighted approach to what victims of violence needed. The police and the security forces were excluded from any part of the money, although they were at the coal face.

Mr. Robert McCartney: Does the hon. Gentleman agree that the Government's belated sensitivity and concern for victims is the result of the outrage expressed by victims' groups about the amount of money given to ex-prisoners, ex-convicts, ex-gangsters, murderers and extortioners to placate their organisations and make them favour the peace process?

Mr. Maginnis: The hon. and learned Gentleman is absolutely right. Throughout society in Northern Ireland, horror has been expressed at the way in which money has been expended. I do not doubt that there were good intentions. I do not for one moment suggest that what the Government do is always done for perverse reasons. However, it is wrong for the Minister to point the finger at elected Members from Northern Ireland, who live with the problem, and have lived with the problem every day for 30 years. What concerns me most in all the Minister has said is that he continues to point across the Chamber saying, in effect, "What would you do to recover the bodies of 'The Disappeared'?" The reality is that it is not our responsibility because we have not murdered anyone. We cannot and should not undermine the fundamental law on which our whole society depends in order to make an accommodation for those victims, however deserving they are—and I stress that they are deserving. However, we cannot undermine the fundamentals of the law.

I want to put the Minister right on another point. He tried to compare this measure, which undermines the principle of the law, with the legislation on disarmament. The circumstances are entirely different, although some people would agree with him that there is no difference. However, I and many other people do see a difference, in so far as legislation to get rid of the weapons of war—the illegal guns and bombs—is honourable. It holds out hope for the future of the people of Northern Ireland, if the opportunity to disarm is grasped by those to whom it is offered. However, this Bill is different. First and foremost, as the Minister has admitted, it does not guarantee that one body will be delivered up, although I hope that that will happen. More importantly, it does not ensure greater safety for society in Northern Ireland as a whole—as the exclusion of illegal guns and bombs would do. Therein lies the folly of the measure.

Mr. William Thompson (West Tyrone): Anyone with any faith in law and order must regard this as a squalid little Bill. Although we understand the humanitarian concerns and the concerns of those whose relatives were murdered, the fact is that the Bill puts humanitarian issues before the rule of law. That should not happen in any democracy. Furthermore, we can see from clause 1 that the Government of the Republic of Ireland is regarded as the Government of Ireland. In legislation, the Government of the Republic of Ireland used to be called the Government of the Republic of Ireland, but now, as a result of the Anglo-Irish agreement and various other agreements, the Government of the Republic of Ireland is designated the Government of Ireland. That is an insult.

Mr. Peter Robinson (Belfast, East): As the Government have used that terminology in the measure, are they not endorsing a territorial claim? The Government of the Irish Republic are claiming to be the Government of Ireland; that is a claim to the territory of

Northern Ireland. It is bad enough that they should claim that, but does the hon. Gentleman agree that the Labour Government should never endorse it?

Mr. Thompson: I certainly agree. When a previous Bill went through the House, we were told that "the Government of Ireland" was what the Government of the Republic of Ireland wanted to be known as or had designated themselves as. However, the policy of any United Kingdom Government should be not to refer to the Government of the Republic of Ireland as "the Government of Ireland" or to put that phrase in legislation, but to refer to that Government as it stands in relation to the United Kingdom, which is as the Government of the Republic of Ireland.

Mr. Harry Barnes (North-East Derbyshire): Does not the clause contain a territorial claim in its reference to:

"Her Majesty's Government in the United Kingdom"?

Northern Ireland is part of the United Kingdom, so the problem the hon. Gentleman raises does not exist.

Mr. Thompson: I thank the hon. Gentleman for his intervention, but it is not relevant to my argument. I accept that the United Kingdom, as I understand it, includes Great Britain and Northern Ireland; however, the issue is not the term we use for ourselves, but the term we use for the Government of the Republic of Ireland.

Rev. Martin Smyth (Belfast, South): I understand the point made by the hon. Member for North-East Derbyshire (Mr. Barnes) about the term "United Kingdom" implying a territorial claim. However, several years ago at the Inter-Parliamentary Union conference in Ottawa, the representative from the Dail Eireann moved that the phrase

"the United Kingdom of Great Britain and Northern Ireland"

should be deleted. Although representatives of this Parliament opposed the motion, it was passed by a weighted majority of the other nations in order to placate the Irish Republic. In other words, we limit the United Kingdom when we use the phrase "the Government of Ireland" to refer to the Government of the Republic of Ireland.

Mr. Thompson: I thank the hon. Gentleman for his intervention. Ministers hear Unionist objections, but they do not listen to them or care about them; instead, they ignore them. However, if Members of Parliament representing the nationalists were sitting in the Committee today and making objections, Ministers would be doing everything possible to placate and please them. Ministers do not care what Unionists think.

This squalid little Bill represents an acknowledgement that those who committed the crimes would never be brought to justice. We have been told many times when depredations have occurred that those who have committed the crimes would be brought to justice, but in many cases they never have been. The Bill represents an acknowledgement that the killers in the cases it covers will never be brought to justice. In fact, because of the Bill, it is likely that fewer efforts will be made to investigate those cases and, as a result, the killers will never be brought to justice.

Mr. Robert McCartney: When responding to the right hon. Member for North-West Cambridgeshire (Sir B. Mawhinney), the Minister remarked that public representatives in Northern Ireland had taken small cognisance of the fate and condition of victims over the years. That remark should be withdrawn, because the truth is that this Government took scarcely any cognisance at all of the condition of victims, especially those in south Armagh, where, in a relatively small community, over a period of years and in circumstances of the utmost barbarity, more than 70 murders took place, of which 58 currently remain unsolved.

4.15 pm

Because the victims were murdered one by one and were not part of a single outrage—as had happened in other parts of the Province—they were simply ignored. An organisation was formed only recently in south Armagh to redress the balance. Those victims were ignored because, for many years, it was not fashionable or politically expedient for the Government to acknowledge former reservists, ex-members of the UDR or serving soldiers who had been killed.

In pursuit of the peace process and under the terms of the Belfast agreement, however, this Government found themselves committed to spending large amounts of public money on the welfare and rehabilitation of former murderers and criminals. That provoked outrage among victims' families and became a very big issue. It became a moral issue: people contrasted the extraordinarily generous treatment afforded to ex-prisoners, many of whom had committed murders, with the treatment afforded to their victims. The victims, who had suffered for so many years in silence because successive Governments did little for their welfare, were outraged at the insensitivity of this Government. That is what motivates the Government, not any sense of public good.

As in so many other matters, the Government have seized upon an overtly and nakedly emotional, even sentimental, issue: the bodies of "The Disappeared" and the natural grief of their families, who want to give their loved ones a Christian burial. In an attempt to raise public indignation about the victims and to redress the balance regarding their treatment of the prisoners, the Government have converted this into a noble issue involving moral rescue work on behalf of the relatives of "The Disappeared". What is the price of that work? It is not very different from the price that was paid for decommissioning—the terrorists price.

The Chairman: Order. I have been generous to the hon. and learned Member for North Down (Mr. McCartney). I appreciate that he was not present for Second Reading, but I am beginning to feel that he is making the speech that he might have made on that occasion. I cannot allow that as we are considering whether clause 1 should stand part of the Bill.

Mr. McCartney: I accept your remarks, Sir Alan, which are entirely justified. I apologise if I have strained your patience.

It does not lie in the mouth of the Minister to make accusations against representatives from Northern Ireland who not only feel for the victims but, out of long experience and as indigenous people of Northern Ireland, have the capacity to share their grief.

Mr. Ingram: This has been a useful debate. If some of those Members who have spoken today had turned up for Second Reading, we might have extended that debate.

Mr. Thompson: If the Government had recognised the ability of Northern Ireland Members to travel to Westminster at short notice, the Minister might have been justified in making that remark.

Mr. Ingram: I do not know whether that is a demand for home rule for Northern Ireland. Northern Ireland Members seem to think that they are no longer part of the United Kingdom. Every other Member of Parliament had the same notice of the debate, and many of them were here to vote. No complication was put in the hon. Gentleman's way. I appreciate that Northern Ireland Members may have had something more important and pressing to do, but that is a matter for them.

I shall deal with what the hon. Member for Fermanagh and South Tyrone (Mr. Maginnis) said because he sought to put words into my mouth. I did not say that the people of Northern Ireland do not care; I think they care, but they have been looking for leadership, which they have not had. Only recently have we been able to begin to address some of these issues. I recognise that the Ulster Unionist party made suggestions about how to deal with one aspect of the victims issue. Those suggestions were not comprehensive and did not deal with the whole range of victims, as the hon. Gentleman has just done, but they were none the less helpful. Those suggestions fed into the Good Friday agreement, from which emerged Sir Kenneth Bloomfield's review on victims.

I say to Members who have spoken in this debate that they all had an opportunity to contribute to Sir Kenneth Bloomfield's consultation process, but not one of them did so. No party made its views known to Sir Kenneth. I am not saying that they did not care, but they had an opportunity to try to condition the Government's thinking and they did not avail themselves of it.

The hon. Member for Fermanagh and South Tyrone seemed to say, as others do, that this issue is the Government's responsibility and that "The Disappeared" are the responsibility of those who carried out those dreadful murders. The terrorists undoubtedly have a function to perform: they must give information, and we hope that we can bring them to justice. I make no bones about that. The Bill clearly limits our capacity to bring them to justice, but we want to do so, and I am sure that the families of the victims would welcome that, as would society and those involved in the judicial process.

I say to the hon. Gentleman, who said that this issue is the Government's responsibility, that all politicians have a responsibility to try to find answers. If the Government are not getting it right, hon. Members should tell us where we are going wrong.

Mr. Maginnis: You have never listened, and you are not listening now.

The Chairman: Order. We do not want sedentary interventions, as I am sure the hon. Gentleman knows.

Mr. Ingram: We are dealing with the specific issue of victims, not the panoply of Government policy. Our document was put out for consultation, but there was no response. Well into the implementation of that report, I requested representatives from individual parties to meet me. I did so of my own volition, not because of demands from the parties. It took months to get the parties to provide names of representatives whom they had appointed to talk about the victims issue.

I make that point because when the Government are accused of doing nothing, hon. Members should look to themselves and consider what they have been doing over the years. Wearing one's heart on one's sleeve is no solution to the trauma of deeply troubled people. I have to deal with those people.

I am not from Northern Ireland, but that does not mean that I do not care or that any of those who deal with the issue do not care if they do not come from Northern Ireland. Having dealt with individual cases, we shall carry the hurt for a long time afterwards. Many of my officials must have counselling because they are dealing with cases to an even greater extent than I am. Hon. Members should not diminish what we seek to achieve in the Bill and make out that only the Government and those who carried out the violent acts have a responsibility. We all have a responsibility, not only on this issue, but on wider issues.

Mr. Robert McCartney: On the issue of making contributions and listening, I wrote to the Secretary of State on behalf of Families Acting for Innocent Relatives. Four weeks later, at a meeting with the Secretary of State that was organised by FAIR, she still had not read the letter that had been sent to her and her secretary.

Mr. Ingram: I do not know whether that is a fact.

Mr. McCartney: It is a fact.

Mr. Ingram: The hon. and learned Gentleman may tell me that it is a fact, but it does not relate to the point that I was making about the Bloomfield report. Why did he not respond to that heavyweight document, which endeavoured to deal with a complex issue that has remained forgotten for 30 years? Many people in Northern Ireland fall into the category of victims, and have come forward for help and now work in the various groups, but there are many others—not just those who have seen death in their families, but those who have had to put up with long-term injury in their families—who do not come forward, either as individuals who have suffered or as relatives of those who have been injured. That conveys the enormity of the broader reach of the issue with which we are having to deal.

This measure deals with just one small category of people. In the arguments deployed in this debate, I have yet to hear a suggestion as to how we should deal with the issue, other than to blame someone else. That does not provide an answer.

Rev. Martin Smyth: I know that the Minister would not want to mislead the Committee or be inaccurate. He said that none of us had responded to Sir Kenneth Bloomfield. If he consults Sir Kenneth Bloomfield, he will discover that at least one did. I speak for myself in that instance. Were not my hon. Friends the Members for Lagan Valley (Mr. Donaldson) and for Fermanagh and South Tyrone (Mr. Maginnis) appointed to deal with the matter, and did not they seek to do so? I want to put

the record straight. Although we recognise the trauma that has affected English and Scots Members and others, some of us have lived and worked with these victims of terror over the years. As a minister who knew what it was to fight for proper compensation for them, I will not accept the Minister's allegation from the Dispatch Box.

Mr. Ingram: If the hon. Gentleman made a submission to Sir Kenneth Bloomfield, I shall go back and look at it. I apologise if I inadvertently said that he did not, although it is interesting that no one else is standing up to say that they did.

Mr. Maginnis *rose—*

Mr. Ingram: May I make this point?

Mr. Maginnis: I am standing up.

Mr. Ingram: I know that the hon. Gentleman is standing up, but I am not giving way.

Mr. Maginnis: You do not want to hear the truth.

Mr. Ingram: As I said to the hon. Gentleman on Second Reading, bullying and shouting might be his way forward, but it is not the way in which we try to address the issue.

The hon. Member for Belfast, South (Rev. Martin Smyth) mentioned his hon. Friend the Member for Lagan Valley (Mr. Donaldson). I accept that their party has now put forward a group to deal with the issue, for which I am very grateful. It is important that I have points of contact with political parties. That was not the point that I was making. I did not say that there was not anything now, but that when there was a need for something to exist, it did not. Now we are beginning to address the issue. Northern Ireland Members should not accuse the Government of standing back and doing nothing when we have been trying to initiate movement.

The hon. and learned Member for North Down (Mr. McCartney) mentioned his engagement with FAIR. Of course, he is not the only Member who has dealings with that organisation. The Secretary of State has met FAIR twice. I have offered to meet representatives of it since, but they have declined because, as I understand it, they are keen to meet the Prime Minister. That is a matter for them. Meetings with representatives of FAIR have not taken place not because the Government have not been prepared to meet them. The Secretary of State has met the organisation twice, and my offer remains open.

The hon. Member for West Tyrone (Mr. Thompson) raised the question of references to the Government of Ireland. Of course, this is not the first time that the term "Government of Ireland" has been used in legislation. It was also used in the Northern Ireland Act 1998. I recognise that the hon. Gentleman is fundamentally opposed to that legislation, but none the less it was passed by this House. It is worthwhile putting on record the fact that the Irish Government now refer to the Government of Great Britain and Northern Ireland in their equivalent legislation. Therefore we are using the terminology that has been agreed between the two sovereign Governments, and which does not conflict with the position of Northern Ireland within the United Kingdom while the majority of people wish it to be so.

4.30 pm

I hope that I have dealt with all the points raised in the debate. I did not anticipate such a long debate on clause stand part, but it is good that some hon. Members have now engaged in the process of debate; they may benefit from that engagement during the rest of the Bill's consideration.

Question put and agreed to.

Clause 1 ordered to stand part of the Bill.

Clause 2

THE COMMISSION

Mr. William Ross (East Londonderry): I beg to move amendment No. 11, in page 2, line 30, leave out from "effect" to end of line 34 and insert "on 30th September 1999".

The amendment deserves a fair amount of consideration in light of what the Under-Secretary said in his winding-up speech on Monday night. It is intended to time-limit the life of the Bill's provisions. He said on Monday night that the Government were not all that anxious to do that, but I believe that a time provision is embodied in the words that the amendment seeks to remove. The full subsection reads:

"This section shall cease to have effect at the end of such day as the Secretary of State, after consulting the Minister for Justice, Equality and Law Reform of the Government of Ireland, may by order made by statutory instrument appoint; and an order under this subsection may include such transitional provisions as appear to the Secretary of State to be expedient."

Therefore the Government at least envisage that, at some point in time, they would by order annul the Bill, and it would be swept away.

It seems to me that, as the Bill stands, it could endure for years. It could sit on the statute book until people had forgotten its existence. It could be there for 100 years before a Secretary of State decided to sweep it away. I therefore believe that it should be time-limited, to a precise date.

On Monday night, the Under-Secretary said:

"By way of intervention, the hon. Member for Fermanagh and South Tyrone"—

my honourable colleague, who has been speaking—

"asked about time-limiting the Bill. The Government are not keen to close the door to the provision of information about 'The Disappeared' either from the IRA or any other organisation. The hon. Gentleman knows that the IRA produced a list of nine names at the end of March. Some people—such as the individual who came to the Palace of Westminster today—have expressed dismay that their relatives' names were not on the list. The families of those who were not on the list hope that, in time, details of the location of their loved ones' remains will be provided. That is why we are not time-limiting the Bill."—[*Official Report*, 10 May 1999; Vol. 331, c. 80.]

If that is the Government's reason, it is a mighty poor one.

I believe that, by leaving the Bill in its present condition, we are leaving the door open to the IRA to twist and turn, and to seek publicity time after time. We are leaving the IRA absolutely free to manipulate—we know how good it is at manipulation—the whole

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community. We should not give the IRA that freedom of action. We need a clear cut-off date to stop its nonsense in its tracks. If members of the IRA really want to help, all the information that they have as to the remains of those nine people, and possibly others, can be provided by the end of September.

In my view, I have been more than generous. The Minister knows that I do not like the Bill. I believe that it is an abomination and should never have been produced because it undermines the rule of law. As everyone else in this place should be, I am familiar with the old saying, "Hard cases make bad law"; the Bill is a classic illustration of the truth of that. There are hard cases here. As I said on Monday night, people's emotions and religious practices are involved. In going down that road, we have made a grave error of judgment. If members of the IRA really want to help, they can.

We must realise that some of the people who carried out these atrocious crimes are probably dead and buried. They carried their secrets to the grave with them, so there is no chance whatever of recovering the remains of some of the people buried. In other cases, the people who went out and buried the bodies do not know where they are buried. They have forgotten. Many of the bodies were disposed of in the middle of the night. Some, we are told, were destroyed in the most horrific manner.

All those rumours circulate in Northern Ireland. It matters not which rumours are true and which are not. We can be certain that some bodies are not retrievable. It is likely that some are under road works or buried in the face of a tip of a road embankment and covered over the next day. No one can be sure where such a body may be; it could be anywhere along half a mile of road. We are not going to dig up a road in order to find it.

There could be bodies under major buildings. Some could be under the Waterfront hall, for all we know. There is no way of finding them. They could be under other building sites. They could be buried in open mountain, in bogs or in any one of a thousand places. The folk who put them there cannot recall where they put them in the dark of night and in their excitement and concern to get rid of them as quickly as possible. Someone carrying a mutilated body around the countryside does not want to run into a bunch of soldiers or policemen.

The people concerned got rid of the bodies as swiftly as they could. A body may have been buried in the bottom of an open grave in a cemetery somewhere, and a coffin placed on top of it the next day. No one knows where the bodies are, but representatives of the IRA, out of the goodness of their little murderous hearts, have kindly told the Government that they know where nine bodies are. The amendment is intended to ensure that the IRA gives up that information within a short time. It ties the IRA down, which is the one thing that that terrorist organisation does not want. It leaves the IRA no room to come back seeking concessions. If the Bill is left as it is, the IRA will be back for further concessions. Anyone who has anything to do with Northern Ireland knows that those people do not go away. They look for all the room that they can get, and there is far too much room left. Let us pin them into a corner and, if they are genuine, they will come forward with the information.

I fear that the IRA has no real intention of giving up the bodies. The whole thing is largely, if not wholly, a cruel deception. If the IRA is indeed involved in a cruel deception, the sooner we expose the nature of the people with whom we are dealing, the better. If all the known bodies can be produced, let us have them within the next few weeks. With regard to those that are irretrievable, as some probably are, we will have to be clear that no progress can be made.

At the very best, we shall recover only a small proportion of the bodies of those who were tortured, in some cases to death, by the IRA, brutally murdered and buried secretly. I have scant regard for murderers. I have scant regard for those who carried out those crimes. If we deal with them, we should be sharp and clear as to what we are about and why we are trying to do it. We should time-limit them firmly, and at the end of that time, the Bill should die. The sun should go down on it on 30 September at the latest. If I had my way, I would have made the time scale rather shorter, but, against my better judgment, I wanted to be generous.

That is the background to the amendment.

Mr. Lembit Öpik (Montgomeryshire): The Bill is a little unusual in comparison with related Northern Ireland legislation in that there is no time limit on the life of the commission. The prevention of terrorism Act, for example, has to be renewed every year.

Would there be any benefit in prescribing the need to renew the commission's existence annually? The default position would then be that the commission would cease to exist and the terms of the Bill would be terminated, rather than the current situation in which the Bill will continue indefinitely unless some other measure comes before the House. I should be interested to hear the Government's reasoning as to why a renewal provision has not been included in the Bill. Perhaps they might want to consider such a provision.

Dr. Godman: I might have had some sympathy for the amendment moved by the hon. Member for East Londonderry (Mr. Ross) if it had read "30 September 2000". This is not a helpful amendment, although I listened with a good deal of sympathy to what the hon. Gentleman had to say. These murderous people—these highly skilful negotiators—may deliberately procrastinate and prevaricate in any discussions concerning the location of the remains of those people; nevertheless, I believe that the clause makes much better sense unamended.

On the other hand, I have a good deal of sympathy for what the hon. Member for Montgomeryshire (Mr. Öpik) said about assessing the work of the commission over six months or a year. The hon. Member for East Londonderry is right that such legislation should not be allowed to continue indefinitely.

I can assure the right hon. Member for North-West Cambridgeshire (Sir B. Mawhinney) that I expressed some reservations about the Bill on Second Reading, but the hon. Member for Montgomeryshire has come up with a useful suggestion here—an assessment or review should be undertaken and we, as Members of this House, should be allowed to assess the effectiveness of and the progress made by the commissioners in this deeply difficult work. I say that because there have been some allegations that one or more of the bodies may be buried in Scotland.

It may take time to carry out effective searches in Scotland if those allegations have any substance, so I urge my right hon. Friend the Minister to take on board what the hon. Member for Montgomeryshire said.

Sir Brian Mawhinney: The cement that holds debates in this Chamber together is our acceptance of the good intentions and the good will of other Members, even if we doubt their judgment. We are in grave danger of attributing to the IRA the same sort of generosity of spirit that normally characterises our debates.

As the Minister has made clear, the Bill stems from a statement by the IRA that it thinks that it has found nine bodies and it would not mind, under certain circumstances, doing the decent thing. History is replete with examples of people of honesty and integrity being misled by terrorists. That is because those of us who are normal have such difficulty in getting our minds around the idea that there are people out there whose raison d'être is to terrorise. If they are willing to murder and maim and kill, telling the odd lie, even to the Press Association, is not a problem. It is our responsibility to be careful that we do not attribute more strength and importance to the potential lie and to the real lie than it warrants.

4.45 pm

Perhaps I may trade on my accent for a moment. What is extremely clear to me from Irish history is the inability of the English to get inside the minds of the Irish. Had they been better able to do so—and vice versa—the history of the past 800 years would be very different, and we probably would not be having this debate.

A promise has been made by people whose whole purpose in life was to terrorise the whole of Northern Ireland by whatever despicable means they could lay their hands on. They thought not a jot about killing, barbarism, multiple murder—whatever it was, they turned their hands to it with gusto and without a thought for the victims and the victims' families.

Now those people are saying that they might let us have nine bodies back, but they want us to jump through a number of hoops before that can be achieved. Fine. We are critically examining the Bill—the Government have thus far got their Bill without any Division in Committee. The hon. Member for East Londonderry (Mr. Ross) was right to say that this open-ended commitment provides multiple opportunities for propaganda over the months and, for all we know, over the years ahead. The instinctive reaction to that comment in the House is, "Don't be silly, Brian, it couldn't be years. That would be too awful for the families of the victims to contemplate."

That is our decent way of thinking, but those people are terrorists, and they do not think the way we think. The Bill provides at least the opportunity for more and more propaganda. That is not in the Minister's best interests as he seeks to govern in Northern Ireland.

Mr. Barnes: If the Bill is to be an opportunity for propaganda by the IRA, it will have to do better than it did when it issued the initial statement to the Press Association, because it was a public relations disaster for the IRA. It referred to nine bodies, rather than the 14 that we think are buried, and it listed what it claimed were the crimes that it believed those people had committed. I am sure that that badly backfired on them in Northern Ireland and throughout the rest of the United Kingdom. The IRA does not have public relations experts who are able to make use of this new opportunity.

Sir Brian Mawhinney: One of the nice things about the hon. Gentleman and I is that we go back a long way. When he was in opposition and I was in government we, by and large, saw eye to eye on security matters. I understand his point, but if he will forgive me for saying so, he is thinking about this matter as normal, decent people would. According to the Minister—I believe him, I am not questioning him—the IRA statement produced the Bill, which produced this debate, which will produce a debate in the Dail and which will produce open-ended legislation. That powerful message is ringing out around the world. Although I instinctively buy the hon. Gentleman's decent analysis, these people march to the beat of a different drum, and the House must understand that.

I have some sympathy with the amendment of the hon. Member for East Londonderry because I do not trust terrorists not to pocket what decent people offer them and then look for something more. I suspect—although I do not expect them to say so here—that the Government have already decided that the IRA does not like deadlines, because deadlines mean that what the IRA does or does not do can be measured and assessed in the context of a formal framework. As all hon. Members know, we are currently exploring that very issue in relation to the difficulties over decommissioning.

It might benefit the Government, acting on behalf of us all, to fix a date. If these people are serious, there is no advantage in stringing out the process. If it were done, 'twere well it were done quickly—and if it is not done quickly, we must ask why not, and what is coming next. A deadline would help to concentrate minds, and would enable the Government to say that they had acted in an humanitarian way on behalf of families, that there was benefit for the IRA, but that there was a line beyond which there was no reasonable excuse for going.

The Minister may say that we know of only nine graves, and that we should hold out an opportunity in regard to the other five. I could understand that argument if I were still involved in such issues, and I shall not vote for the amendment; but I shall ask the Minister to consider something else.

Dr. Godman: Does the right hon. Gentleman think that there should be a deadline for a review of the legislation, and an assessment by the House of Commons, or does he think that a deadline such as that suggested by the hon. Member for East Londonderry (Mr. Ross) should operate?

Sir Brian Mawhinney: I was coming to that. First, I was going to ask the Minister to consider the arguments, and then return to them in another place.

The hon. Member for Montgomeryshire (Mr. Öpik) said that there should be a review. That is one option; another is for the Minister to set a deadline, and to add a clause allowing the Secretary of State to return to the House at some future date to reactivate the legislation if he or she was satisfied, for perfectly legitimate reasons, that some years later information had come to light that had not come to light now.

I am not trying to bind the Minister to a specific date, because there is an element of uncertainty; but he is being too open-ended, thus allowing for the possibility of

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manipulation. The people with whom he is dealing are not like him, or like me: they are people who have spent their lives terrorising the community. I hope that while—presumably—rejecting the amendment, the Minister will tell us that the Government will at least consider the issues again, with a view to acting when the Bill is in another place.

Mr. Thompson: I support the amendment, and the imposition of a time limit. I understand that the IRA has announced that it has found, or knows the whereabouts of, these bodies, and is not revealing the whereabouts only because it fears that it might be liable to prosecution were it to do so—or that those who carried out the act would be liable to prosecution. The aim of the Bill is to prevent the prosecution of such people, and the prosecution of those who might be prosecuted as a result of evidence obtained from the bodies.

It seems to me that, if the people concerned know where the bodies are, once the Bill has been passed there is no reason why they cannot immediately say where the bodies are. Therefore, it will be only a short time before it can be discovered whether the IRA's statement is correct. After the bodies are then exhumed or found, there is no necessity for the Bill to continue. If, at a future date, terrorist organisations indicate that they have discovered other bodies, there will be no reason why the Government cannot bring a fresh Bill to the Commons, to be passed just as quickly as, no doubt, the current one will be.

Of course, I do not expect the Government to agree to that because although de jure, Northern Ireland is governed by the United Kingdom, there is joint authority. Almost all the major decisions that are taken in Northern Ireland have to be agreed and supported by the Republic of Ireland.

That is confirmed by the agreement that has been reached between the Government of Great Britain and Northern Ireland and the Government of Ireland. It says:

"The agreement shall continue in force until terminated by mutual agreement of the two Governments and shall thereafter cease to have effect in so far and to the extent necessary for meeting any liabilities or disposing in an orderly manner of any remaining assets of the commission."

The Bill says:

"This section shall cease to have effect at the end of such day as the Secretary of State, after consulting the Minister for Justice, Equality and Law Reform of the Government of Ireland"

may appoint. The agreement means that termination has to be by mutual agreement. A member of a Government of a foreign state—the Republic of Ireland—has a veto over the affairs of this part of the United Kingdom, contrary to what is mentioned in the Bill. The Minister should perhaps address that point when he comes to the Dispatch Box. I certainly support the amendment.

Rev. Martin Smyth: The debate has been useful. It has teased out some of the issues. The thrust of the debate is that there should be a time limit to concentrate minds.

I recognise what my hon. Friend the Member for West Tyrone (Mr. Thompson) has said. He mentioned that the clause relates to the Government of the Republic of Ireland as well. That might be one reason why the Minister is not necessarily able today to accede to the request by the Conservative party spokesman. It is joint legislation, possibly because, among other reasons, some of the bodies will be found in the Republic itself.

The Minister is aware that I have been concerned about the matter for some time. For far too long, the terrorist has been playing ducks and drakes with us. Is it possible to know how much money has been spent already? After information was given, for example, in west Belfast that bodies were buried in such-and-such a place, for days, there was a search to try to find them and nothing was uncovered. I understand that it has been alleged that there are bodies in Paris. Has that been followed through?

It would be much better if the Minister, having listened to the debate, could assure us that the Government will take on board the points that that have been made by hon. Members on both sides of the Committee. The hon. Member for Greenock and Inverclyde (Dr. Godman) has made some accurate observations, just as the hon. Member for Montgomeryshire (Mr. Öpik) has. Together, we might find some way forward that would impose a time limit. That could be done by review after so many months, but it will not be open ended.

There is an interesting side effect, in that, if anyone is to be brought to justice when a body is discovered and a murder is confirmed with evidence from another source, the longer the process is spun out, the less time the perpetrators will spend inside because, under an earlier agreement, as I understand it, they will have to be released by June next year.

5 pm

Mr. Ingram: The debate has centred on the usefulness of the legislation and how we can give it proper effect. Clearly, the Government had to consult the Irish Government on the parallel legislation going through the Dail and to consider the question of time limitation.

We are faced with the reality alluded to by the right hon. Member for North-West Cambridgeshire (Sir B. Mawhinney), that only nine of "The Disappeared" have been identified. There are certainly more, and it is interesting to note that two of those listed by the IRA were not on the RUC list. There is always a possibility of more names coming forward, and the legislation encourages people to realise that they can provide information, because it offers some limited protection. That helps the victims' families.

The Bill would be better without a defined time scale because people might not feel ready to admit their crimes by 30 September 1999. People take a bit of time to own up to terrible crimes. People may be prepared to say that they committed murder and know where the bodies are, but that may not happen within the suggested time scale. If we can encourage more co-operation, to help us to discover the names and locations of others who have disappeared, that would be helpful.

The core of our debate has been about the need to have an element of review in the legislation. It has been argued that, to ensure that it has an effect, the House should have the opportunity to scrutinise it again. In one sense, that is envisaged by the Government in any case, because clause 2(6) says that the two Governments will consider when it is appropriate to terminate the legislation.

I refer hon. Members to a document that has not yet been mentioned: the agreement signed on 27 April. It is a

document to the treaty between the two Governments that gives effect to the legislation. Article 3, paragraph 2(c), says that the commission will

"report on its activities to both Governments no later than one year after its establishment, and annually thereafter."

We have already taken account of that. Normal practice, given that the commission is to present an annual report to the Government, would be for the Government to communicate that to the House by parliamentary written answer or by some other means. Scrutiny would be allowed in that way.

Sir Brian Mawhinney: The Minister and I both know that some reports to Government are more sensitive than others. Officials sometimes say that a report is too sensitive to put in the public domain, so at the very least there would be pressure to produce a safer version. If the Minister is making a commitment to publish the report in full and to make his best endeavours, on behalf of Government, to persuade the Leader of the House to have an annual debate on that report, he has moved some way towards what has been urged on him, and that would be helpful.

Mr. Ingram: I am not taking criticism of this Government for sanitising reports, although that may have been the practice in the past. The right hon. Gentleman is right to say that the report could include some very sensitive information that it might not be desirable to bring into the public domain in the interests of the victim. We can speculate what that might be, but I would not wish to try to define it because we might enter a debate about whether it would be a real possibility.

The agreement is an international treaty and contains a commitment for the commission to report to the Government. That is in the public domain. The Government will also be obliged to review the efficacy of the legislation—has it achieved the desired effect and, if so, should it be removed from the statute book—so it will not be retained indefinitely. The report will be considered by the Government and we will be obliged to report to the House. However, I would not wish to give a commitment to a full debate on the issue, because I cannot tell the business managers what to do. As the right hon. Member for North-West Cambridgeshire (Sir B. Mawhinney) knows, Ministers may want time on the Floor of the House, but it is not always easily obtained if other Departments have pressing demands for legislative time.

We are willing to be open about the issue and to try to observe the sensitivities of the victims, which is the overriding concern.

Mr. Öpik: Will the Minister give an assurance that one element in the report will be an assessment of whether the provisions in the Bill are still required?

Mr. Ingram: That is implicit anyway and would be part of the Government's thought process. We would have to take into account what the legislation had achieved. We hope that it achieves early identification—that is why I used the word "urgency" on Second Reading—of the location of the victims' remains. We hope that others will come forward with information on the same basis at an early stage.

I believe that within a year—probably within an even shorter time—we will have a good idea of whether the Bill has achieved those objectives. We might not have to come to the House with an annual report, because we might be able to tell the House earlier that we had achieved our objectives and the legislation was no longer required. I do not know whether the possibilities will turn into probabilities. The Bill is a new approach for the Government, as was highlighted on Second Reading. It is a departure from the normal process, like the Northern Ireland Arms Decommissioning Act 1997.

While the commission—which will be the main channel for any information that people might wish to supply—could be disbanded, the remaining provisions need to stay to keep the protections in place in the criminal justice process. I hope that the provisions that facilitate the supply of information will not be required for very long.

Rev. Martin Smyth: I sympathise with what the Minister said about not always getting enough time on the Floor of the House, but Back Benchers get even less. However, I was concerned when he read out the provision that the agreement would be reviewed in a year's time. We are talking about the bodies of those who disappeared before April 1998. If we are really determined to help the relatives, should not the agreement be reviewed, and a report made to Parliament, every six months? That would keep the pressure on.

The Minister's example was of a person suffering from a guilt-stricken conscience who needed to relieve himself of that guilt. However, no legislation is required for that, and such a person would come forward in due course. If we are trying to maintain pressure on behalf of families who want to bury their loved ones decently and lay them to rest, we must keep up the pressure on the terrorists. I hope that the Minister will consider a requirement—even if it is not in the Bill—that the commission report every six months, rather than every year.

Mr. Ingram: Even if I were sympathetic to the proposition, I have to tell the hon. Gentleman that the agreement is an international treaty, for which the time scale of a year was considered a reasonable period. It was not envisaged that it would necessarily run for that period, but it gave us the opportunity to review it annually.

It would be very difficult to change the agreement. However, my approach would be to ensure that the maximum amount of information possible is placed in the public domain. We have to prove the effectiveness of the Bill in helping the victims, and thereby encourage people to come forward with information about other victims who have not been identified. Therefore, I do not want time scales to be stipulated in the way suggested: I do not think that my thought processes and my approach would be changed as a result.

In any event, hon. Members have the right to raise questions at any time to determine the Bill's effectiveness. Developments might take place within a week of the Bill being enacted that might invite such questions, and Ministers will be only too ready to respond. We must try to find the best way to communicate the information, rather than impose arbitrary time scales. For that reason, I cannot support the amendment, which I hope, given the assurances that I have given, will be withdrawn.

Mr. William Ross: I listened to what the Minister said with some interest. I was also interested in the time limits

[Mr. William Ross]

suggested by the hon. Members for Greenock and Inverclyde (Dr. Godman) and for Montgomeryshire (Mr. Öpik), and my hon. Friend the Member for Belfast, South (Rev. Martin Smyth) has expressed his desire for a six-monthly report. I should not be unhappy with any of those proposals.

5.15 pm

The Government have made many concessions to the IRA over this matter. They have even allowed the rule of law and evidence to be overthrown—a serious abomination in my view. All the conditions set out by the IRA have been met, and every concession that it has sought has been agreed. What concessions has the IRA made? There has not been a single dotted i or crossed t, merely a few empty words.

When we are dealing with such people, the right hon. Member for North–West Cambridgeshire (Sir Brian Mawhinney) should be listened to. He is a former Minister in the Northern Ireland Office, who grew up in Northern Ireland although he has been away from the Province for a long time. He set out the position clearly and adequately: we are dealing with people who do not think as ordinary, law-abiding men and women think. They are prepared to use violence and murder to further their ends, and lies fall lightly from their lips.

The Minister said that he believes that he is giving some concessions in an attempt to deal with the matter in a certain way. However, my problem with subsection (6) is that, far from having to be kept alive in a year—or five, 10 or 50 years—the provision has to be killed in that time. If the Government had followed the path set out by the hon. Member for Montgomeryshire, I should have been content and the amendment probably would not have been tabled. If there had been a provision that an order—preferably one that could be prayed against—would be placed before the House so that the matter could be discussed, I should have been content and said that the Government really were prepared to put some further pressure on the IRA.

We let the IRA off the hook far too easily every time. The Minister must go further than he has so far. Subsection (6) is not really concerned with the review. It is concerned with keeping the measure alive until an indeterminate date in the future, when it can be killed. I want a provision that the Bill has to be renewed, after discussion in the House.

Questions to Ministers very often are met with non-answers. We need to be able to ask the Minister exactly what has happened, to secure facts and figures, and to determine whether the IRA is only playing with us or whether it is prepared to come up with the bones of the unfortunate people whom it murdered. Their bones are probably all that is now left of them.

Can the Minister go further than he has so far? Can he meet a point that enjoys cross-party support? It is evident from what has been said that a genuine concern exists that we are handing the matter to the IRA on a plate. The IRA does not have to give anything in return, and we are making it easy for it to play with us and practise what has already been called a cruel deception. We should not do so: we should put pressure on the IRA. Can the Minister go any further?

Mr. Ingram: I do not think that we are making it easy for the IRA. The hon. Member does not have to take my word for that: he should read the closing Second Reading speeches by Opposition Front Bench spokesmen on Monday night. They said that there would be no easy publicity for the IRA, which did not win the publicity battle with the announcement that it made, nor with the details announced about the individuals involved.

I share the views expressed on Monday night that, once the inquest process has been conducted and the information about how people were murdered and their remains disposed of has emerged, the people responsible are unlikely to achieve a publicity coup. However, my opinion is less important than the impact that the Bill will have on the families. Will the Bill help those families? My answer to that question is yes: the approach has been agreed by the two Governments because of the jurisdiction interest that they share in the matter.

It is important to review the process after a reasonable period, but I do not accept the limit suggested for that period. Again, I ask the hon. Member for East Londonderry to withdraw the amendment.

Mr. Ross: I listened to what the Minister said, but I am rather disappointed, as I believe that a fair point has been made about the review period. However, I shall read with great care what the Minister has said today. We shall not complete proceedings tonight on the Bill, as it must go to the House of Lords before returning to this House. In the light of that, I shall withdraw the amendment, although I hope to return to the matter if the Bill is not amended in accordance with what has been expressed today.

I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Question proposed, That the clause stand part of the Bill.

Sir Brian Mawhinney: The Bill has been subject to much discussion between the two Governments and within our Government. None of the major decisions was taken arbitrarily or capriciously. There were reasons for each of them in the minds of Ministers and of the officials who advised them. I am happy to accept that without the Minister's having to stress it.

I was somewhat surprised, however, by the Minister's response to the short debate that we have just concluded. He was not as convincing as he might have been, given the amount of private discussion that must have taken place before the Bill was produced. We are told that nine bodies have been found and that the remains can be identified. Presumably, when the Bill is enacted, that information will be handed over. The longer that it is delayed, the more suspicious people will become that what I said earlier may turn out to be true.

The Minister is right to say that there may be some doubt about some bodies that have not been found. What surprised me was his statement that some people may take time to bring themselves to the point of giving information to the commission. They have had 20 or 30 years to bring themselves to that point, and I am not sure of the added value of another three, six or 12 months.

The thrust of the Minister's argument was that to give extra time would encourage people. I hope the Committee will forgive me, but my mind went to Treasury matters. I will go home and check this, but my memory suggests that when the Chancellor of the Exchequer, through the Inland Revenue, sends me a note about self-assessment on taxation, he does not say, "By the way, Brian, you can have as much time as you like to think about it, because, the longer you have, the more you may be inclined to send me some money." The note in fact names a certain date by which one must pay, and if one does not pay, consequences follow.

I was surprised by what the Minister said. Will he reflect further on this matter? I do not make a partisan point, and I have tried to show my understanding of the problems with which the Minister must wrestle. However, there is a mood in the Committee that, whether by review or bi-annual or annual debate, the process should not be open ended in the way that the Bill suggests that it might be.

I ask the Minister to reflect the spirit as well as the substance of this debate to the Secretary of State and other members of the Government. If he does, when the Bill arrives at the other place, that issue can be addressed. I have been a Minister and I appreciate that it is difficult spontaneously to reply to serious and on-going points raised in mid-debate. By the time that the Bill reaches the other place, the Government will have had time fully to consider those points, and I hope that we might then hear a slightly more definitive response from them.

Mr. William Ross: Anyone who reads the Bill will note that clause 2 deals with the commission. The commission is created as a body corporate, with all the resulting legal capacities. Clause 2(1)(b) will

"confer on the Commission, in such cases, to such an extent and with such modifications as the order may specify, any of the privileges and immunities set out in . . . the International Organisations Act 1968".

What sort of modifications do the Government intend? What is the extent of the commission's powers?

What is meant by paragraph (c), which will

"confer on members and servants of the Commission and members of their families who form part of their households, in such cases, to such extent and with such modifications as the order may specify, any of the privileges and immunities set out in Parts II, III and V of that Schedule"?

And what is meant by paragraph (d), which will

"make provision about the waiver of privileges and immunities"?

We seem to be setting up a body with a wide range of privileges, immunities and powers. The Committee needs to be told more than the Bill tells us.

The final sentence of subsection (1) tells us that

"'servants of the Commission' includes agents of, and persons carrying out work for or giving advice to, the Commission."

I can think of circumstances in which that provision would have very wide application. The Government must tell us what sort of agents they are considering. Who are they? How will they be chosen? How will they be remunerated? How will persons who carry out the commission's work be chosen, and how will they be paid? What will their duties be? The Bill contains a hedgehog of problems, and we have not been told all that we need to know.

The order referred to in subsection (1) will make different provisions for different cases, including different provisions for different persons. We seem to be moving towards making different provisions for each individual. That is most unusual. The Minister cannot expect simply to get away with doing that. If he cannot answer these points tonight, we shall have to come back to them on Report. We need to know the position.

Will the commission be an all-Ireland body? As I recall from the treaty, it could be comprised of as few as two persons, or could seat a good many more. I do not recall whether any upper limit was specified. The Committee would like to know the nature of the commission. Is it a cross-border body or an all-Ireland body? Where will it be based? What sort of people do we seek to serve on it? What premises and equipment are needed? Is it a big operation or a small one?

The Secretary of State will make various payments. Will the commission be funded by the United Kingdom Exchequer or by the Northern Ireland Office alone? Will it be jointly funded with the Irish Republic as it sits between the two Governments? Who pays? Those questions require answers.

I assume that the Government have in mind a date on which the Bill can come into effect. When is it? Is it the end of May, June, or July? If there is such a rush to enact the Bill, the Government must have made up their mind on that. When will the commissioners be appointed? When will they start work? Where will their offices be? All those details must have been sorted out, so may we have the answers to our questions?

5.30 pm

Mr. Ingram: Let me deal first with the point made by the right hon. Member for North-West Cambridgeshire (Sir B. Mawhinney) on open-endedness. I thought that we had debated that. We have no guarantee that what we would like to happen will happen, but the strong probability is that it will, and quickly. I do not want to suggest the likely time scale, because that would build up the hopes of the families, which have been built up so many times before and dashed.

The hon. Member for Belfast, South (Rev. Martin Smyth) talked about a recent extensive dig in west Belfast. I did not answer his point, but perhaps I should now. I do not have information on the cost, but if remains had been recovered, the cost would have been worth it for that family and for everyone in Northern Ireland because it would have been a release.

We do not know whether the process will happen, but the probability is that it will, and quickly. I do not want to set a time scale that would terminate it when we might be encouraging information to come forward. I also distinguished between the information that we now have to hand—the nine listed by the IRA—and the five to seven more that may fall in the same category but have not yet been owned up to by any group or individual. We hope that, if the first movement happens, it will encourage others to come forward.

On what the hon. Member for East Londonderry (Mr. Ross) asked, the order-making power is similar to that relating to decommissioning and protects those who carry out the actions on behalf of the two Governments. It can involve small, detailed issues relating to liability to income tax. It can relate to members of those persons'

[Mr. Ingram]

families and give immunities against tort. I could go through the whole of part I of schedule 1 of the International Organisations Act 1968. It is possible that not all of that will be required. We do not envisage an international aspect to the commission. It is likely that there will be two commissioners because we have to act quickly. I announced on Monday the name of the commissioner that the British Government will put forward. I understand that the Irish Government are in the process of identifying theirs. The time scale is determined by getting the business through both Houses. On that basis, I cannot say with certainty when it will be activated because the measure has not yet been passed. We have been telling families, and saying publicly, that it will be in a few weeks.

As I said on Second Reading, I hope that, once the legislation is on the statute book, both here and in the Republic of Ireland, the information will emerge quickly. We are planning for that eventuality. We have also put in place a detailed approach to handling the matter on an inter-agency basis to bring into play all the Departments that may be involved, together with the RUC and the Churches. We anticipate that the Roman Catholic Church will have the main interest. Our detailed and comprehensive approach will mean that everyone is aware of what they have to do so that we can move immediately the information is given.

Mr. Malcolm Moss (North-East Cambridgeshire): The Minister has said more than once, both on Second Reading and tonight, that there is no guarantee that information will be forthcoming. Could he share with the Committee any indication that he or other Ministers have had from the IRA that, once the legislation is in place, it will move in a short time scale? He mentioned weeks.

Mr. Ingram: The British Government have had no contact with the IRA on this issue, which has been handled through an intermediary with the Irish Government. I do not want to divulge or discuss what has passed between two sovereign Governments. I have said that we expect this to happen early, but we are not speaking only to those in the Chamber; our words go elsewhere. I do not want to dash the hopes of families. That is why, when I meet them, I will have to say that we cannot control whether the information that they need will emerge. We hope that it will, which is why we have advanced legislation to encourage it. I do not want raise false hopes on their part, but such hopes are more realistic than any for the past 30 years.

If the organisation with the information decides not to bring it forward, I know what statements I will make. I am sure that they would be echoed in the Dail and internationally. It is bad enough that the murders were carried out, but to do that to families would be unforgivable. We are not negotiating in the Committee on this. These are sensitive issues. I am encouraged that we have taken the matter down this road. We hope that what we are trying to achieve will be achieved, but, ultimately, it is not in our hands.

Question put and agreed to.

Clause 2 ordered to stand part of the Bill.

Clause 3

ADMISSIBILITY OF EVIDENCE IN CRIMINAL PROCEEDINGS

Question proposed, That the clause stand part of the Bill.

Mr. Douglas Hogg (Sleaford and North Hykeham): I voted against Second Reading, not without some doubt because I recognised that the Bill is designed to address a sensitive and real concern, namely the anxiety of those who have lost friends and relatives to know where the latter have been buried. That is an understandable human emotion, with which I have the utmost sympathy.

Clause 3 lies at the heart of the Bill. If it is too wide or wrong, the Bill is wrong. Its effect is plain. It will prevent any evidence, other than evidence for the defence, being used or admitted in criminal proceedings resulting from the discovery of the remains or the disclosure of the information. We are giving an amnesty in respect of those who have committed murder in circumstances that are covered by the Bill.

The matter goes perhaps wider than hon. Members fully appreciate. Under clause 3, where a person makes a disclosure that leads to the finding of remains where there is evidence, the evidence, whether from the disclosure or from the remains, is not admissible against the person who made the disclosure. That is clear, but it is also true that the evidence, whether it takes the form of a disclosure or of the remains, is not admissible in other criminal proceedings against third parties who have not themselves been privy to the disclosure. In fact, it goes further than that. The evidence involved in the disclosure or in the remains is not admissible in respect of offences that might be shown not to be related to the discovery of the particular remains. Therefore, if there was evidence arising from the fact of the disclosure or its circumstances, or from the remains, that showed that some third party had committed some other murder—not itself the subject of the disclosure—such evidence would not be admissible either.

I am bound to say that I am very uneasy about the principle of this amnesty—that is what it is—and, furthermore, about the scope of what is being proposed. Of course, I understand that, in the context of the agreement in Northern Ireland, it is highly desirable to make progress. I understand, too, the natural anxiety on the part of friends and relatives of those people who were murdered to know where they were buried—I began with that point. At the same time, we are entitled to assert a public interest and I am far from clear that, in principle, such a public interest should be granted by the Committee. The question is not so much whether that is right in principle—we could hold different views as to that—but whether it is right at present. I wonder whether the terrorist organisations in Northern Ireland, especially the IRA, have done enough to justify the granting of an amnesty of this kind—even assuming that an amnesty should be allowed in principle, if the agreement were making progress. I do not think that that is the case.

I am someone who has supported the Northern Ireland agreement; I have defended the release of prisoners—sometimes against the views of members of my Front Bench; I have accepted that decommissioning was not an explicit condition precedent of the agreement and I have defended that position. However, the point has now been

reached when the House of Commons must stand back and ask how much further progress it is proper to make without substantial movement by the IRA or associated terrorist organisations. No explosives or weapons have been delivered. More than 50 per cent. of the prisoners have been released, but we have seen nothing more substantial than a partial cessation of violence. The time has come to say, "No more", until many more positive steps are taken by the IRA. Until there is substantial decommissioning and a total cessation of violence in Northern Ireland on the part of the terrorist organisations, especially the IRA, we should not push forward the peace process. In particular, we should not push forward the amnesty contained in the measure before us today.

Dr. Godman: The right hon. and learned Gentleman claims that the clause offers an amnesty to killers. A friend in Northern Ireland suggested to me that that was an unintentional consequence of the clause. The right hon. and learned Gentleman was not present earlier when I said that our overriding concern must be to meet and honour our obligations to the families of the victims.

In my brief intervention in this clause stand part debate, I have one question for my hon. Friend the Minister. Allegations have been made that there may be a body in Scotland. If such a body were uncovered there, would the measure be appropriate in relation to Scots law?

The Chairman: I call Mr. John McFall. I apologise to the Minister; I thought that he wanted to speak. The right hon. Member for North-West Cambridgeshire (Sir B. Mawhinney) was slightly at deep fine leg and I did not quite see him. I call Sir Brian Mawhinney.

5.45 pm

Sir Brian Mawhinney: Before the Minister addresses the points that have been raised during the debate, will he explain in some detail what is meant by subsection (2) of the clause? If I understand the measure correctly, it states that

"relevant information provided to the Commission"

cannot be used in evidence against an individual, but that such information can be used in the defence of an individual. I am not at all clear how it is that the defence of an individual comes to know that the commission has relevant information in the first place. Furthermore, I note in subsection (1)(b) that

"any evidence obtained (directly or indirectly)"—

presumably by the person to whom the body or the remains are handed over, as provided for in clause 4—cannot be used against an individual. However, the evidence can be used in defence of an individual. I do not understand how the defence is supposed to know how to obtain that information, or even how it could know what information exists.

Clause 4, which we shall debate in due course, is the part of the Bill that tells everyone, in legal language, that the only thing that can be done in carrying out tests on bodies is to identify the body. One can only identify who the person was so that the remains can be linked up with the family. Will the Minister answer two questions? First, why does he think that it is not acceptable for information to be used against someone, but that the playing field is not level because it is acceptable for the information to be used in defence? Secondly, and much more intriguingly, how is the defence supposed to know that such information exists, bearing in mind especially that clause 4 states what the examination of bodies cannot do? What can the defence lay its hands on? For example, is it able to obtain information that may come to light under tests covered by clause 4, even though that information cannot be used more generally?

Mr. Hogg: I invite my right hon. Friend to put a different question to the Minister. What is the position if someone who has previously been convicted of a murder, but asserts that he or she is not guilty of that murder, believes that the forensic evidence on the body might prove his or her innocence? That person is not an accused, because he or she has already been convicted. Can that person use the now-to-be-discovered evidence to prove his or her innocence under a subsequent review or on appeal?

Sir Brian Mawhinney: I could not even put the question as well as my right hon. and learned Friend, much less put it better, so I will allow his question to come, as it were, from my mouth.

I have one final question. Given that the tests described in the measure are permitted to be used for the defence of individuals, does that mean that an individual's defence team can require certain tests to be carried out on remains, on the ground that the information obtained might be useful for the defence, even though clause 4 suggests that such tests would be prohibited in the first place because they go beyond the scope of the legislation? I hope that the Minister will able to answer those questions in detail and with clarity.

The Parliamentary Under-Secretary of State for Northern Ireland (Mr. John McFall): I shall try as best I can to answer the points that have been made. The right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg) will recall that the Conservative Government passed the Northern Ireland Arms Decommissioning Act 1997. He was a member of that Government and did not vote against the measure. Section 4 of that Act contained an amnesty. The Minister of State at the time, Sir John Wheeler, said that any evidence or information adduced as a result of information given to the commission could not be used in criminal proceedings and that, if there was any information or evidence not gained in that way, that could be used. It is not an easy pill to swallow, but it is for those reasons that we have provided that those who come to the commission with information will not be disadvantaged as a result of coming forward with that information; if we did not, the information would not be forthcoming.

Mr. Hogg: I understand that point, and it is perfectly fair as far as it goes, but I hope that the Minister will forgive me for making a further observation. If real progress were being made within the peace progress, I would understand that we have to swallow pills that are profoundly disagreeable to swallow. However, if the time comes when one party—in this case, the IRA—has not made what Parliament believes is a sufficient contribution to the peace process by decommissioning, why should Parliament agree to swallow the pill?

Mr. McFall: The right hon. Gentleman is also a learned Gentleman and he is cleverly trying to take me

[Mr. McFall]

away from the issues contained in the clause, but I shall not budge. However, on the matter of the bitter pill, it is the fervent hope of both the Government and Parliament that progress has been made, and we legislate in that fervent hope. As I said on Second Reading, at the end of the day, we are doing this for the sake of the families.

The clause relates to the admissibility of evidence in criminal proceedings. Hon. Members who were present on Second Reading will recall that the provision is included to ensure that information is forthcoming. The information given to the commission and evidence obtained as a result will be inadmissible in criminal proceedings. That is central to the principle that no one should be disadvantaged by the giving of information to the commission.

However, subsection (2) ensures that information given to the commission can be adduced when it would be of assistance to a defendant in criminal proceedings. The right hon. Member for North-West Cambridgeshire (Sir B. Mawhinney) asked about that provision, which must be seen in the context of ensuring that no one is disadvantaged. An example might be a case in which an individual has confessed to a crime, but his defence is that he was not in fact responsible for it: he might have confessed to carrying out the killing in a certain way, but the evidence is such that the victim could not have died in that way. It would be wrong to prevent an individual from adducing those facts.

The right hon. Gentleman asks how a defence lawyer can know those facts, and that same question crossed my mind when I first read the Bill. The answer is that the commission will receive information and it will then pass that information to the police—the RUC or the Garda. If the police are in possession of information supplied to them by the commission, or of evidence found as a result of a search that would assist the defendant, they are under a duty to make that information or evidence known to the Director of Public Prosecutions. The DPP would inform the defence, who would then be able to request sight of the relevant material.

Mr. Hogg: May I put the following point, which relates to clauses 3 and 4, to the Minister? He is, in effect, saying that the prosecution authorities might have in their possession information that they are under a duty to disclose to the defence. However, a case might arise in which the defendant believes that forensic examination of, say, a bullet found in the body of the deceased would prove that it could not have been fired from the gun in the possession of the accused. As I read the legislation as it stands, there is no power on the part of the defendant to insist—whether by court order or otherwise—that the bullet be made the subject of forensic examination. Therefore, my question to the Minister is whether we should, either at this juncture or subsequently, amend the Bill so that there is a power to enable the defendant who believes that forensic evidence would be forthcoming from the bullet to apply to the court for the bullet to be tested.

Mr. McFall: No one has been charged with or made answerable for the crimes to which the Bill relates. However, the right hon. and learned Gentleman will appreciate that these issues cause us to stray into clause 4, which deals with forensic testing, and I shall deal with those matters when we debate clause 4. In brief, the coroner has responsibilities in that respect and evidence that has come to light through forensic testing will not be shared, but will remain the responsibility of the coroner. I shall elaborate on that later.

Mr. William Ross: I tried to table one or two amendments on this part of the Bill, but unfortunately they fell outside the rules. However, the right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg) has made me look again at the clause, and I think that he is perfectly correct when he draws attention to the fact that it goes far wider than a layman like myself would think on reading it.

The clause states that certain information and evidence "shall not be admissible in evidence in any criminal proceedings". It would be one thing if that statement continued with the words "related to that death", but it does not and so covers any criminal proceedings whatsoever. The Government must go away, examine that clause extremely carefully and try to narrow it to cover only criminal proceedings relating to the death in question.

Mr. McFall: I assure the hon. Gentleman that the provision has been trawled over. The same principles were enshrined in the Northern Ireland Arms Decommissioning Act 1997, for the reason that information had to be forthcoming. The belief is sincerely held that, if information is to be forthcoming, we have to formulate the legislation in a certain way, and clause 3 reflects that. The clause is simple: subsection (1)(a) relates to evidence that is provided, subsection (1)(b) to evidence that comes to light and subsection (2) states that that evidence will be inadmissible. It is all based on the principle that information must be forthcoming.

Sir Brian Mawhinney: I am grateful to the Minister for the start that he has made on answering the questions that I put to him. If I understand him correctly, the answer to my question of how the defence gets to know of the information is that the commission has to tell the police, the police have to tell the DPP and the DPP has to make the information available to the defendant. May I ask the Minister a straightforward, uncomplicated question? Which line or clause in the Bill requires the commission to give information to the police; and is that an unfettered requirement or a fettered one? I do not see such a provision in the Bill, but, if it is absolutely central to the Minister's answer to my question, he is starting to lose me and, I suspect, the rest of the Committee.

Mr. McFall: The last thing we want is what should be a serious debate turning into a smart-aleck contest or an academic exercise. Clause 2 relates to the commission and the appointment of commissioners and the explanatory notes refer to provision being made for the commission. The right hon. Gentleman can be assured that, if information is provided to the commission, it will be passed on.

6 pm

Sir Brian Mawhinney: The smart-aleck remark was untypically ungracious of the Minister. The Bill sets up a commission—we are agreed on that. The Minister has told

me that the commission must give the information to the police. That is how clause 3(2) will work. I am asking a simple question; I am not interested in the explanatory notes because they are not before the Committee. I am not trying to be a smart aleck. We are establishing a commission that must give information to the police if clause 3(2) is to work. I want to know which part of the Bill requires the commission to give that information to the police. That is a perfectly straightforward question, which follows from the Minister's comments. I am not trying to be a smart aleck or to debate the issue; I am simply requesting some information.

Mr. McFall: I apologise to the right hon. Gentleman. I said that we did not want to stray into smart-aleck comments, but I did not mean to implicate the right hon. Gentleman. Clause 3(1)(a) refers to any relevant information provided to the commission. The explanatory notes point out that the clause contains the first key protection for relevant information provided to the commission. It provides that information shall not be admissible in evidence in any criminal proceedings and extends the bar on admissibility to evidence that comes to light as a result of that information being provided. The commission receives the information, which it then passes on.

Sir Brian Mawhinney: I am grateful to the Minister. I understand that point. Having followed all the correct procedures, the commission will receive the information—I have no difficulty with that. However, the Committee has been told that, if clause 3(2) is to work and the defence is to be able to use the commission's information, the commission has to give the information to the police, who then have to give it to the DPP, who then has to provide it to the defence. I do not see the "has to" bit in the legislation. I understand that that is the mechanism, but I ask the Minister whether he has legislated to that effect.

The First Deputy Chairman of Ways and Means (Mr. Michael J. Martin): Order. I appeal to the right hon. Member for North-West Cambridgeshire (Sir B. Mawhinney) to keep his interventions brief. They are far too long.

Mr. McFall: Let us take it to the nth degree. The right hon. Gentleman cannot find the "has to" aspect of the legislation, but I urge him to appreciate the intent of the legislation. We are seeking to establish a commission whose function is to facilitate the location of remains. We have given a commitment that that information will be given to the police, who have a general duty to pass it on if necessary. That is the Bill's intention and the Government have given that commitment at the Dispatch Box. It would be very silly to establish a commission but not require the commissioner to pass on any information when the intention of the Bill is to gather information and locate the bodies.

Mr. Hogg: I am sorry to press the Minister on this point, but he has not yet answered the questions fully. I hope that he will forgive me for saying that. We agree that, as there will be an amnesty, the accused must have access to information that provides a defence. However, there is a problem in relating clause 3(2) to clause 4. The forensic evidence found with the remains might provide a defence, but the accused will not know that unless he can cause what is found to be examined. Clause 4 prohibits that. Therefore, will the Minister contemplate giving the accused the right to apply to the court to disapply the prohibition in clause 4 regarding examination so as to enable the accused to use forensic evidence in his defence as clause 3(2) of the Bill provides?

The First Deputy Chairman: Order. Before the Minister replies, I appeal to right hon. and hon. Members to keep their interventions brief.

Mr. Hogg: On a point of order, Mr. Martin. I do not disagree in any way with your ruling; I simply seek your guidance. Do we have the right to rise again at this stage in the Committee's considerations?

The First Deputy Chairman: The right hon. and learned Member may be called to speak again. I would prefer it if he sought to catch my eye.

Mr. Hogg: I am grateful to you, Mr. Martin.

Mr. McFall: I have forgotten the question. The right hon. Member for North-West Cambridgeshire referred to the passage of information. There is a general duty to pass information about the commission of a crime to the police under the Criminal Law Act 1967, and that duty will also apply to the commissioners.

The right hon. and learned Member for Sleaford and North Hykeham asked about clauses 3 and 4. If I do not answer his question fully now, I shall return to it when we consider clause 4. He asked whether the accused may seek forensic testing in his defence. There is no ban on testing during the inquest, which may determine how, when and where a person died. As we said on Second Reading, that process will be on the public record. The coroner will hear evidence in public and the defence will know if relevant information is disclosed at an inquest. The inquest verdict and forensic testing may play an essential role in the process and, like all inquest verdicts, they will be a matter of public record. We made that very clear on Second Reading.

The clause has three relatively simple intentions, and I hope that I have answered the questions about it.

Mr. Hogg: I am sorry to press this point. There is always a risk that one will press a point that is not of real substance, but I believe that this is a substantial issue. In any event, the Minister can seek the views of his advisers. As I have said, I oppose the amnesty. However, we are dealing with the Bill before us, which provides for an amnesty. I am aware that the clause will be passed, so we must try to make it as effective as possible.

Let us assume that clause 3(2) will be part of the Bill as enacted. I agree that, if we are to proceed in this way, the accused must be able to use the evidence discovered as a result of disclosure of the remains in order to further his defence. However, that information may include forensic material that is discovered from, within or with the remains—for example, a bullet. We might then be able to identify the gun from which that bullet was fired.

The problem is that clause 4, which relates inevitably to clause 3(2), prohibits the examination of the remains. The commission may discover material and inform the

[Mr. Hogg]

prosecution authorities who, in due course, will inform the defence. However, unless some provision enables the defence—or the prosecution, for that matter—to subject the bullet, for example, to forensic examination, no one will know whether it will advance the cause of the defence. I suggest that the accused who wants to use the material in the circumstances postulated by clause 3(2) should have the power to apply to the court for an order allowing the remains or what is found with them to be examined in circumstances otherwise prohibited by clause 4 in order to form a view on whether the material is helpful to the defence and, if so, to use it.

Sir Brian Mawhinney: My distaste for clause 3 is not as great as that of my right hon. and learned Friend the Member for Sleaford and North Hykeham (Mr. Hogg), but, as I have already demonstrated, I am not much impressed by the clause. I take his view that, if we are to have this clause, we ought at least to get it right so that it works.

The Minister has been advised that there is a general law that covers the commission. I am not entirely clear about the consequences that flow from that. First, that body is, by definition, different from others because it is being set up by statute under an international agreement. It would be helpful if the Minister agreed to place in the Library legal advice that demonstrated that such a body, set up out of an international agreement relating to two jurisdictions, not just that of the United Kingdom, is covered by UK law. The Minister told us that it is covered by UK law, but I am not sure that, prima facie, it necessarily is, so it would be helpful to have access to the legal advice on that.

I do not want to take the Minister through all of his earlier reply, but he said that the commission was required to notify the police and then expanded that by saying that the police were to be notified that a crime had been committed. I hope that the commission is required to notify the police of such a crime. Bearing in mind what my right hon. and learned Friend the Member for Sleaford and North Hykeham said and what I said earlier about clause 4, it is not clear from the Bill what the commission will tell the police about the fact that a crime has been committed.

I follow the legal requirement on the police to give that information to the Director of Public Prosecutions, who then has to pass it on to the defence in the case. That seems to be normal procedure. However, what will the DPP tell the defence? He cannot tell them about any forensic testing, because that is prohibited under clause 4. My right hon. and learned Friend has suggested that the Bill should make it clear that the defence could request, through the court, certain tests to be taken, but if he is right—I think that he is, because he has forgotten more about the law than I have ever known—the Bill's logic contains a lacuna.

When the Minister responds to the point made by my right hon. and learned Friend, will he explain in more detail what evidence the commission is required to give the police that might be helpful to the defendant? The answer to that question is, to state it in generous terms, simply not clear from the Bill.

Mr. McFall: I shall try my best to respond to those points. First, the right hon. Member for North-West Cambridgeshire (Sir B. Mawhinney) referred to legal advice; he does not accept at face value what the Bill says about that. I shall do my best to ensure that information is placed in the Library.

There was an intensity to the right hon. Gentleman's question about evidence given to the commission. The commission is being established to locate the remains of bodies, and any information given to the commissioners through facilitators will be passed on to the police. The right hon. Gentleman will know that we have asked Sir Kenneth Bloomfield, who has a distinguished public service record, to serve as a commissioner. It is not for me to second-guess every piece of information that he will receive. The right hon. Gentleman should be assured that such an eminent individual will use the sensitive information that he receives in the proper way when passing it on to the Garda and the police. The Bill simply establishes that flow of information.

6.15 pm

Mr. Thompson: On what grounds will the commission supply information to the police? Clause 5 states:

"No relevant information provided to the Commission shall be disclosed to any person".

Surely that prevents the commission from giving information to the police.

Furthermore, the Minister mentioned the appointment of one commissioner. Will there be only one commissioner, or will another be appointed, from the Republic of Ireland?

Mr. McFall: The hon. Gentleman has been present throughout the proceedings, and my right hon. Friend the Minister of State mentioned that there would be two commissioners: one, Sir Kenneth Bloomfield, will be from Northern Ireland and one, who has still to be announced, will be from the Republic of Ireland.

The hon. Gentleman asked about the information that the commissioner will have. We are only passing the legislation at the moment, so I cannot give him an insight into that.

Mr. Thompson: I am asking where in the legislation it states that it is incumbent on the commission to supply any information that it has to the police, because clause 5 says:

"No relevant information provided to the Commission shall be disclosed to any person"

except in special circumstances, but it does not mention the police.

Mr. McFall: It is implicit in the Bill that the information provided to the commissioners has been provided to ensure the location of remains. That would be relevant information—we have given a definition of that term—that would be passed on by the commissioners. The hon. Gentleman will realise that I cannot give him any insight into the nature of the information.

The right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg) asked whether a bullet could be subject to forensic testing and whether a defendant could request forensic testing as part of his defence. The answer is no. Defendants cannot have their own forensic tests carried out, as clause 4 states. I am aware that I am

in danger, Mr. Martin, of jumping to clause 4 or clause 5, and I realise that we are dealing with clause 3, but I have been asked questions about clause 4, so I ask you to bear with me.

Mr. Hogg: Will the hon. Gentleman give way?

Mr. McFall: Will the right hon. and learned Gentleman give me the opportunity to answer his question? Defendants cannot carry out their own forensic tests, but they can use the results of tests conducted for the inquest. That may be helpful to their defence and, under clause 3(2), they can adduce that information.

Mr. Hogg: Does the Minister not realise that the ability of the accused to use that information under clause 3(2) may be nugatory unless the accused has the right to require testing, because the material that is obtained in the course of the inquest may be wholly different from the evidence that the defence may want to call if it is to benefit from the provision in clause 3(2)? I therefore suggest to the Minister that he reflect on the clause and work out whether, to make clause 3(2) effective, it would be right to enable the accused to apply to the court for an appropriate order allowing that testing.

Mr. McFall: Again, we are getting on to clause 4. If the right hon. and learned Gentleman reads clause 4(1), he will find the six conditions in paragraphs (a) to (f) under which forensic testing is not allowed by anyone except, as subsection (2) states, the coroner. The coroner will make that information public. The answer to the right hon. and learned Gentleman's question is no, because forensic testing on the part of the defendant is ruled out in clause 4(1)(a) to (f).

Question put and agreed to.

Clause 3 ordered to stand part of the Bill.

Clause 4

RESTRICTIONS ON FORENSIC TESTING

Mr. William Ross: I beg to move amendment No. 2, in clause 4, page 3, line 16, leave out from 'person' to end.

On the face of it, the amendment looks very simple, as all amendments do. The Committee can get the flavour of it by looking at subsection (2), which states:

"Subsection (1) does not prohibit a test or procedure the purpose of which is to discover information in relation to an item where the information is sought for the purpose of establishing, for the purposes of an inquest, the identity of a deceased person, or how, when and where he died."

When I read the clause, I must confess that I thought that it would be a good idea to take all of it out of the Bill. Unfortunately, amendment No. 14 did not find favour. Amendment No. 2—which was selected presumably because it was the only one of my amendments to clause 4 which fell within order—draws attention to the fact that subsection (2) seems to contradict earlier parts of the clause.

Subsection (1) says:

"the Commission shall not carry out, or cause or permit anyone else to carry out, a test or procedure in relation to the item the purpose of which is—

(a) to discover information about anything done to any person".

Surely, finding out, for the purposes of an inquest, the identity of a person and how, when and where he died flies straight in the face of such a provision. There seems to be a contradiction, which must be resolved.

The clause allows tests and procedures to discover how, when and where a person died. Once one has discovered where the person died, one might have some idea who was responsible for his death or where he had been tortured. If bones were broken or fingers cut off, which is not unlikely, one would certainly have some understanding of the suffering before the murder. Yet we are told that we are not supposed to know such things. How is the contradiction to be resolved?

The other interesting matter is that subsection (1) is all about discovering what has happened to the individual:

"to discover who has been in contact with, or near to, any person or item;

to discover where any person or item was at any time (including the conditions under which he or it was kept)",

which would include where the deceased was imprisoned, perhaps for some time. The subsection prohibits tests

"to discover when any person or item was in contract with, or near to, a particular person",

which I would have thought would be very useful knowledge if one were to try to prosecute someone for the murder of an important individual. The subsection prohibits tests to discover

"when he or it was in a particular place or kept under particular conditions"—

in other words, what sort of imprisonment the individual suffered. A test or procedure cannot be carried out

"to discover when or where any item was made".

We know that terrorist organisations manufacture certain items for use in their terrorist campaigns, and something like that could be of great use to the prosecution. We are also prohibited from carrying out tests

"to discover the composition of any item."

I have a problem: I want the Government to tell me how they will square knowledge of what is done to a person—the torture or murder—with the scope of subsection ((2). Clearly, the only tests that could be in keeping with subsection (1)(a) are those that will identify the victim. Any other information could be used to prosecute. The Government have clearly decided to avoid that. How on earth are they to resolve that conundrum?

It is clear to anyone who reads the Bill that the Government have done some deal with the IRA to avoid its members being brought before courts and charged with torture and murder. *[Interruption.]* I am glad to see that the Under-Secretary gives his assent to that remark. The Bill was a consequence of discussions with the IRA, which surfaced fully only on 29 March.

In answering my hon. Friend the Member for Fermanagh and South Tyrone (Mr. Maginnis), who asked about the deal with the IRA and the guarantee for bodies, the Under-Secretary said:

"However, we have the evidence received from the families and others who are willing us to act and the statement made by the IRA on 29 March, to which my right hon. Friend the Secretary of State and the Irish Government have responded. We are legislating on the basis of that information in the sincere hope that the agony of the families will end."—[*Official Report*, 10 May 1999; Vol. 331, c. 77.]

Clearly, the Government are saying, "Yes, we believe that there is a hard case and therefore we must make the law fit the line," to which, as I have already said, I object.

[Mr. William Ross]

There was a deal, and contact, either directly or at arm's length, was made with the IRA. The IRA gave certain guarantees, which it has not as yet fulfilled—in this or any other piece of legislation that has been drafted to placate it. The Bill flows directly from the commitments given.

I am also somewhat intrigued by the fact that there is no clause to limit the Bill's powers.

The First Deputy Chairman: Order. Perhaps I should remind the hon. Member that we are considering not the Bill in its entirety, just his amendment.

Mr. Ross: If you had just held your hand for a moment, Mr. Martin, you would have realised that I will be staying completely in order. I was simply referring to the absence of a clause that we normally find in Bills that deal with Northern Ireland or a specific region of the United Kingdom. Normally, there is a clause stating that the Bill extends only to Scotland, Northern Ireland or England and Wales. No such clause appears in this Bill and, therefore, this is not a Northern Ireland Bill, but a United Kingdom Bill. Different laws govern inquests throughout the United Kingdom; they are not, as far as I am aware, wholly alike.

I therefore wonder how a clause will operate when, for example, a body is found in Scotland. Allegations were made at one stage that bodies may have been buried in France. We know that the IRA was active on the continent. There could be a body buried in Germany. Suppose some poor fellow is buried in Germany or France, will this proposed law apply there? Does it apply throughout the United Kingdom? Are the Home Secretary and the Secretary of state for Scotland aboard? Are the new Scottish and Welsh governing bodies aboard? There is a very serious question to be asked on the Bill's extent.

If individuals are found elsewhere, would the authorities that normally investigate a murder—it may have been committed in their territory or a body may have been transported there illegally—such as the police and coroners be free to do so? Such questions must be explored. As the Minister said, the Bill's provisions are implicit. I await answers that defend them.

6.30 pm

Dr. Godman: I do not believe that the amendment is very appropriate. Unlike the right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg), I am not a lawyer, Scottish or English, but I ask my hon. Friend the Under-Secretary to confirm that subsection (1) does not in any way restrict the comprehensiveness of a post-mortem or an inquest held in any of our jurisdictions.

The hon. Member for East Londonderry (Mr. Ross) is right in one regard. If we are talking about the United Kingdom, we must talk in terms of its different legal systems. Scottish procedures are different from those that pertain in England. I hope that my hon. Friend the Under-Secretary will forgive me, but an allegation was made that a body or a couple of bodies might have been buried outwith Northern Ireland—perhaps in Scotland. I received an assurance from my hon. Friend that every means would be sought to co-operate with the Scottish authorities. I simply ask him to place on the record that no attempt will be made to restrict in any way the holding of an inquest, or an examination carried out by a pathologist. I believe that subsection (1) confirms that that will be the case.

Mr. Öpik: It seems to me that the result of the amendment, with the consequent prohibition on testing, would be that any inquest would be kept open due to lack of evidence. I look to the Minister for guidance on that, but, having listened to what the hon. Member for East Londonderry (Mr. Ross) has said, I believe that the amendment would lead to an outcome rather different from that which he intends.

Mr. McFall: I shall focus on amendment No. 2, and then perhaps any other points can be taken up in the stand part debate.

My hon. Friend the Member for Greenock and Inverclyde (Dr. Godman) asked about the situation in Scotland. That is linked to the point that the hon. Member for East Londonderry (Mr. Ross) raised when he asked what would happen if a body was found in Germany. If a body is found in Scotland or England, clause 4 will apply, but if it is found in Germany, it will not apply.

My hon. Friend the Member for Greenock and Inverclyde can see that clause 4(1) provides that there would be restrictions on the actions of people other than the coroner at the inquest, but that subsection (2) contains a qualification to or exemption from that restriction at the inquest .

I believe that at Second Reading we made things reasonably clear when we said that there would be a full examination as to how, when and where the person died and that it would be a public matter, so there would be no inhibition. I hope that my hon. Friend the Member for Greenock and Inverclyde will accept that point.

The amendment would mean that forensic testing, as part of the inquest process, would have to stop at identifying the person. That is a limitation that the hon. Member for East Londonderry is introducing. In other words, he is negating the effect of subsection (2). As a result, tests to establish how the person died and where that happened would not be possible. I do not consider that that would be in the interests of the families, as a coroner has an important role to play with the families by providing reassurance. I know from meetings and contacts that I have had with several coroners in Northern Ireland that the emphasis is placed on the family concerned. I therefore believe that the amendment would place a limitation on their work, and I ask the hon. Gentleman to consider that.

I can assure the hon. Member for East Londonderry that the Bill does nothing to affect a normal inquest process. As I said, that is the aim of subsection (2). If the amendment were made, the circumstances in which a person died would not be discovered by forensic testing, and that would be unacceptable for the families. I assume that the hon. Member for East Londonderry is seeking an assurance from the Government that the Bill does nothing to prevent an inquest from taking its usual course. I can unequivocally provide him with that assurance, if that is what he wants.

Mr. William Ross: In light of the Minister's assurance, and in the hope that we may return to the subject, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Question proposed, That the clause stand part of the Bill.

Mr. Hogg: I am sorry to return to the matter that I have already ventilated, but the Minister did say that the points that I raised on clause 3 stand part might be discussed properly—and perhaps even more relevantly—on clause 4 stand part, so I will trouble the Committee on the matter.

We must return to clause 3. As the Committee knows, I am—broadly speaking—against the amnesty, for that is what the Bill provides. We have already had this exchange, but whether it is an amnesty or not, clause 3(2) provides for a relaxation in its application. I agree with that purpose. It is obviously right that an accused person should be able to use forensic material discovered from the remains, or associated with them, for the purpose of his or her defence. So far, so good.

The problem is that there is nothing in the Bill that enables an accused person to obtain from a court an order—

Mr. McFall *indicated assent.*

Mr. Hogg: The Minister is agreeing with me. There is nothing in the Bill that enables an accused person to obtain from the court an order which enables that accused person to have the relevant material subjected to forensic testing. Indeed, clause 4 prohibits that very act.

As a result, an accused person who believes that, within the remains or associated with the remains, there is forensic evidence that will avail the defence, will be unable to subject the relevant material to forensic testing. That being so, the right conferred by clause 3(2) is nugatory. We have given people a right that they cannot enforce. That is dotty.

Unless I have misunderstood the position, the proper way to proceed is to enlarge the disapplying provision contained in clause 4(2), because at present the ability to carry out tests is confined to the coroner within the inquest. We could very well enlarge subsection (2) so that a test may be carried out on the authority of a court, making an order on the application of an accused person.

I am not asking the Minister to give an undertaking here and now—of course he will not do so—but I am asking him to reflect on my suggestion with a view to tabling amendments in another place if he agrees with me.

The matter actually goes a little further than that which I have suggested. I believe that the logic of what I have suggested with regard to an accused person is impeccable, but another situation might arise. A person who is an appellant, or who is seeking a review of a case, may believe that the forensic evidence associated with the remains would enable him or her to get a previous conviction quashed, either by a reference to the Court of Appeal or by some form of review. I should like to think that the Minister would agree to enable an appellant—and therefore, as the case is concluded, probably not an accused person for the purposes of the Bill—to go to a court, probably the Court of Appeal, for an order allowing the forensic material to be the subject of testing.

That is my suggestion. I do not expect the Minister to say yea or nay now. That would be an absurd proposition, as the point is complicated. However, I hope and expect that he will reflect on the matter and, if he sees substance in my argument, that he will move an amendment on another occasion and probably in another place.

Rev. Martin Smyth: I appreciate the opportunity to seek further clarification. The right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg) was concerned about protection for the accused. I am looking at the other side of the matter.

We have been told that the measure does not provide an amnesty. Can the Minister give us guidance? If the police and the Director of Public Prosecutions have information that a certain person may have been involved in the death of a body that has been discovered, and in the course of the inquest evidence is produced that ties the event to a particular time and place, can the prosecution use that evidence, or does the measure make it impossible for information that comes from an inquest, not from forensic testing by a prosecuting authority, to be used in prosecutions?

Mr. McFall: Substantive points have been made in the debate, and I shall try to answer them.

I understand the argument advanced by the right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg). I shall try to clarify the Government's intent in the Bill. We are dealing with relevant information provided to a commissioner. The information will be passed to the police or Garda, and an inquest will take place. We have given protection for information that comes forward. Only the coroner will be able to test how, where and when a person died and put that on the public record. I understand the right hon. and learned Gentleman's point and I shall reflect on it, but I see an illogicality in his proposition concerning the Bill's intent.

The hon. Member for Belfast, South (Rev. Martin Smyth) spoke about information forthcoming. With regard to criminal admissibility, once the information that the coroner has is on the public record as a result of an inquest, it can be used by anyone.

Rev. Martin Smyth: I thank the Minister for that information. If there was no criminal prosecution by the Crown, would the evidence be available for a civil case?

Mr. McFall: Yes. The information would be a matter of public record. I hope that that reassures the hon. Gentleman.

There have been some comments on the coroner's role, and it might be helpful if I described it. The coroner has powers derived from the Coroners (Northern Ireland) Act 1959. He has a duty to hold an inquest if a body found in his jurisdiction has died in suspicious circumstances. That information will have been provided by the relevant police authorities, who inform the coroner where the body is. The coroner directs the police to take possession of the body and orders a post-mortem.

Paragraphs (a) to (f) in clause 4(1) provide that no one else—for example, a state pathologist—goes into the detail of how, when and where a person died. It is for the coroner to do that. The state pathologist carries out the post-mortem and sends the report to the coroner,

[Mr. McFall]

who arranges for a hearing. The coroner can summon anyone as a witness, other than a person alleged to have caused a death.

The coroner's duty is to make a finding concerning the identity of the body and how, when and where the person died. To that end, he calls the police, the pathologist and family members. The coroner's role vis-a-vis the family is obviously sensitive. Anyone who is likely to be able to give evidence that bears on who the person was and where and when he or she died can be called.

The proceedings are entirely a matter for the coroner. He has complete control. His court is a civil court. The ordinary rules of procedure apply regarding evidence given orally or by lay document. The post-mortem report will usually be read out in open court and questions put to the pathologist. After the hearing of all the evidence, the coroner will make a finding as to the identity of the body and when, where and how the person died. That will be made public.

The question was asked whether information made public after an inquest could be used in criminal proceedings. That can be done only by the defence, not by the prosecution.

Like clause 3, clause 4 is an essential element of the Bill to ensure that information is forthcoming to the commission. The construction of the clause is similar to the equivalent provision in the decommissioning legislation, as I mentioned. Subsection (2) provides that forensic testing for the purpose of the inquest is allowed. The inquest tests may determine the identity of the deceased, and how, when and where he or she died. Subsection (1) provides that testing for other purposes is not allowed. The other purposes are listed in paragraphs (a) to (f). Subsection (3) allows an item to be tested to determine whether it can be safely removed.

6.45 pm

Mr. Hogg: This will be my final intervention on the point, as I do not seem to have persuaded the Minister as much as I would like. We must focus a little more closely on what is suggested.

Our purpose in the Bill—much as I disagree with most of it—is to enable an accused person to defend himself or herself by relying on the forensic evidence. However, his or her ability to do that may depend on an ability to test the forensic evidence. That ability is restricted by clause 4, subject to the inquest procedure. The inquest procedure is contained in subsection (2).

The purpose of an inquest, at least in the present context, is to identify the deceased person and how, when and where he or she died. It is not the purpose of the inquest to identify the killer or to examine the weapon—in this case, the bullet—used. Under the subsection (2) powers, the coroner will not test, for example, the bullet to identify the gun from which it came, but that precise piece of information may be critical to a defendant—an accused—or to an appellant, and it will be denied to him or her because of the provisions of clause 4.

I am trying to persuade the Government that if it is right to give an accused person the ability to rely on the forensic material, it must be right to give to the accused person a right to apply to the court to have the material tested; otherwise it is nugatory. I am asking the Minister to understand that and to reflect on it.

Mr. McFall: I thank the right hon. and learned Gentleman. He has made the same point nine or 10 times. It usually takes me two or three times to understand. I have had seven extra opportunities, and I really do understand. I wonder whether the right hon. and learned Gentleman will understand the issue from our point of view. He wants to extend the forensic testing. He wants to make it open season not just for the defence, but for the prosecution.

The fact of the matter is as laid down in the Bill—there are defined limits to that information, for very good reasons. I come back to the point that relevant information provided to the commissioner is passed on for the simple purpose of locating a body. I well understand the point made by the right hon. and learned Gentleman, and I will reflect on it, but I think that he understands where I am coming from on that issue.

Question put and agreed to.

Clause 4 ordered to stand part of the Bill.

Clause 5

RESTRICTIONS ON DISCLOSURE OF INFORMATION

Question proposed, That the clause stand part of the Bill.

Dr. Godman: I want to impress on my right hon. Friend the Minister of State my view on the relationship of subsection (2) to subsection (1). I am running the risk of sounding heavy handed in respect of the commissioners, but the provision of information to members of a victim's family must be treated with extreme sensitivity. Subsection (2) states:

"Subsection (1) does not prohibit the disclosure to members of a victim's family of—

(a) the fact that relevant information has been provided to the Commission".

I have no quarrel with that, but it adds:

"(b) the place where, according to the information, the victim's remains may be found."

A number of Northern Ireland Members have made the point that the IRA is more than capable of supplying disinformation in such matters. The subsection refers to where

"the victim's remains may be found."

It is important that the disclosure of such information is handled with sensitivity so that the hopes of a victim's family are not dashed because the remains of their loved one are not found where the information claimed that they were located.

The families have a right to such information—that goes without saying—but this whole question must be handled with extreme sensitivity in case the IRA gets up to its vicious games of disinformation. I make that plea to my right hon. Friend on the issue of the location of victims' remains.

Rev. Martin Smyth: I appreciate the hon. Gentleman giving way on that point, because I raised it earlier. The Minister said that the money will have been well spent if

a body is found, but the harsh reality is that money could be wasted. I share the hon. Gentleman's concern that a relative's expectations that a victim's body has been found may be raised, and such information should not be released until we are sure of a body's location.

Dr. Godman: My concern, which the hon. Gentleman mentioned, is that the interests of the families are not damaged. To my mind, the question of cost—speaking as a Back Bencher, not as a Minister—is inappropriate, if not irrelevant, in such cases. I agree with him that, if the family can be contacted only when the evidence is definitive concerning the location of their loved one—

Mr. Maginnis: I am grateful to the hon. Gentleman for giving way, because he may wish to consider a point arising from that. Clause 5 states:

"No relevant information provided to the Commission shall be disclosed to any person",

but we should project that proviso to a situation in which information is provided on which action is taken, only to discover that it is inaccurate. Are we not to be told, as members of the public, that the very families for whom the Bill is designed—so we are told—are being held to ransom by the tendering of false information?

Dr. Godman: That is a fair comment. Given the terrible suffering of the families over many years, they may be willing to gamble, but let me give the hon. Gentleman an example.

I spoke to a young woman whose father was abducted in Crossmaglen. His car was found south of the border. That young woman told me that neither she nor anyone else in her family has any idea of where her father's body may lie. My suggestion may be entirely inappropriate, but might not it be better to contact the family once the body has been found? That may be difficult—after a few years, the identity of a body may require verification, perhaps through personal possessions such as a wedding ring or a wallet found on it—but, in my view, the family could best be approached when verification was sought through personal possessions found on or near to a body.

I know that my right hon. Friend will take my views on board as a genuine attempt to help the families in such circumstances. We must avoid, at all times, the raising of their expectations only for them to be dashed by the authorities themselves.

Mr. Hogg: I should like to explore with the Minister the exact extent of the prohibition on the disclosure of information. I go back to the point on which I have already addressed the Committee—on eight or nine occasions, according to the Under-Secretary. He was exaggerating a trifle, but no matter.

If we are to have such a procedure, we must safeguard the right of the accused. In the early part of the debate, the Under-Secretary told my right hon. Friend the Member for North-West Cambridgeshire (Sir B. Mawhinney) that the commission would pass information on to the police, or to the prosecution authorities, who would communicate that information to the defence, if they believed that it was of value to the defence.

I want to be absolutely certain that nothing in clause 5 prohibits the process of communication between the commission, the prosecution and the police, and subsequently to an accused person or to an accused person's lawyers. I am perfectly well aware that the phrase "relevant information" is narrowly defined in clause 1(3). On one interpretation of clause 5, there is nothing to prevent the commission from communicating information to the prosecution authorities—whether they be the police or the prosecution services—and thereafter to the defence, if that material is helpful to the defence.

That is a perfectly proper interpretation of clause 5, but there is another: the commission cannot communicate information to the police or to the prosecution services other than for the purpose of facilitating the location of the remains. I suspect that that is the wrong interpretation, but we need the Minister's guidance. We want the commission to be able to give more information than that.

7 pm

If the Under-Secretary's assurance to my right hon. Friend the Member for North-West Cambridgeshire is to have any value, the commission must be able to communicate to the prosecution authorities, and then to the defence, material that may be helpful to the defence in asserting the defence. We must be sure that nothing in clause 5 prohibits that. I do not think that there is anything, but we need a specific assurance on that point.

Mr. Öpik: I am surprised by the right hon. and learned Gentleman's concern, because the Bill is clear cut. I am not sure why he is concerned because, having read the Bill, I am not. I have tried to understand his concern, as he has expressed it repeatedly. The Bill seems pretty self-explanatory, but then I am not a lawyer.

I slightly take issue with the hon. Member for Greenock and Inverclyde (Dr. Godman). The important point is that, if I were in the position of the families of "The Disappeared", I would want to know that information had been disclosed which could lead to the discovery of a body, even if eventually that hope were dashed. I would feel robbed of that hope if I were not given that information. The hon. Gentleman made a fair point, and it is difficult to empathise with the families given the stress that they are under, but I think that in their position I would ask to be kept informed, even if it turned out that the information was wrong. To that extent, I think that this provision is reasonable.

Mr. William Ross: The clause provides quite a lot of protection for the murderers, in that it prohibits the disclosure of the identity of the persons who are providing the information. I should be grateful if the Minister would confirm that that is so. It also protects those who may have killed, as evidence that may come forward by association with the informant will also not be available. It does not tell us who is to recover the body. It provides that members of the victim's family can be informed of the approximate site of the buried remains. Will the servants of the commission or the police carry out the recovery? We should be told.

Mr. Ingram: We do not know the extent or the nature of the information that will be given to the commission; that is in the hands of others. We are not in receipt of that information; we have not seen its colour or shape, even at this stage. The commission will take receipt of the information, and its main function will be to facilitate the

[Mr. Ingram]

location of the remains. It does not have the means to recover the remains, so it will pass the information to the appropriate authority, which will be the RUC or the Garda Siochana.

The Garda Siochana may not have the necessary expertise. Specialist excavation equipment may be required, or the use of Army personnel or specialist technicians. We can only speculate on that. That is why the Bill refers to agents, and gives everyone protection. The commission will receive information and pass it to the appropriate authority. The RUC or the Garda Siochana will recover the remains if they have the resources. If they have to call in special expertise, they will do so because the objective is to recover the remains.

Running parallel with that is the need, as my hon. Friend the Member for Greenock and Inverclyde (Dr. Godman) said, to handle the matter sensitively. We have been closely involved with the families to try to understand what they want, which is early information. It would be wholly wrong if information were leaked and the media were ruthless—although I hesitate to use that word. Their interest is in the dissemination of news, not the sensitivities of the families. If they got hold of the information, they would make it headline news immediately, perhaps before the families received it. The commission must be quick to give the families the information that it has to hand, to tell them what has happened and to keep them up to speed with all the processes.

The people who will undertake the excavation will also have a responsibility. I can speak only for the RUC, but I know that the Garda Siochana will also operate sensitively and will be aware of the need to assist the families through the process.

Mr. Hogg: I am sure that the right hon. Gentleman will come to the point that I made shortly, so I shall not trouble him with that, but I want to touch on the point that he is making now. For understandable reasons, there is a prohibition on the giving of information that may distress the families. I do not see in the Bill any method for enforcing that prohibition. Disclosure, which is not authorised, but is indeed prohibited, under clause 5, is not an offence. What would happen if it became apparent that a member of the commission or, more likely, a third party communicated to the press information that should not be communicated by reason of the prohibition? There is no means in the Bill to take action against that person.

Mr. Ingram: That was referred to on Second Reading. I appreciate that the right hon. and learned Gentleman did not participate in our examination of that possibility. If it was an agent of the Crown—a police officer or a member of the Ministry of Defence—who revealed the information and we were aware of that, that person would be the subject of disciplinary proceedings. Right hon. and hon. Gentlemen often proudly tell us that they have received leaks from Government sources. That is stealing, and if they have received a leak from someone in the Northern Ireland Office or the RUC, that person is in breach of regulations. If the person's identity were made known to the Government, or to the Chief Constable if it was an RUC officer, we would be obliged to act under the disciplinary code.

We cannot prevent every eventuality. We hope that those who act in the name of the Governments understand the sensitive nature of the information. The prime purpose of the legislation is to protect the interests of the families, and to give then comfort and succour. If information given by the IRA is used to exploit the situation and to make the RUC or the Garda Siochana look foolish, that would come to light very quickly. What publicity benefit would the IRA gain from that?

We could spend a long time trying to think of various eventualities. I have not done so, because I do not know what information will be provided. We may not be given any more information than that the remains are at site X. The commission then has an obligation to disclose it. The minute the information is passed to the RUC, if it discovers that it is relevant to a case in which there is a defence interest, under existing legislation it is obliged to make it available to the Director of Public Prosecutions and to go through the process that we have discussed at length. That is the chain through which the information will be made available.

Dr. Godman: My intervention is prompted by the thought that, ideally, it would be better for the authorities to tell a family that they had disinterred a body that they believed to be the remains of their son, father or brother and that they required some form of identification, such as dental records.

A few years ago, two friends of mine were swept off a trawler in the Arctic and were drowned. Their bodies were eventually dragged up by a Russian trawler. The authorities told my friends' widows, "We believe that we now have the bodies of your husbands, but we require certain identification—for example, dental records." Once that identification was forthcoming, the bodies were returned to the United Kingdom, and the two men were given Christian burials.

Surely it would be best for the authorities to approach a family saying, "We have found a body, and we genuinely believe, on the basis of information that we have received, that it is the body of your loved one".

Mr. Ingram: We should be careful not to present ourselves as experts. None of us have really been through the process. I understand my hon. Friend's analogy, but the way in which he says that this should happen could be seen as prescriptive. The commission has already been given an onerous task, as have those working alongside it to help families. I referred earlier to the need for an inter-agency approach. All the necessary agencies are now in place: whatever information is required—social work support, access to dental records or access to DNA testing—all the Northern Ireland departments are there to provide it, and to deal with any eventuality.

Mr. Thompson: Will the Minister confirm that the commission can give relatives only two pieces of information? It can say that it has received information, but not what that information is; and it can say where a body is located.

Mr. Ingram: In one sense, that is strictly true. Restrictions are placed on the commission. We must be careful about discussing such matters on the Floor of the House, because families will obviously want to know the

precise position in relation to certain aspects of the Bill. We do not know what questions those families will raise, and we do not know what demands will be placed on the commission, but the clause restricts the commission by preventing it from giving evidence that would work against other clauses in the Bill. That is specific; and then there is all the handling not just of the commission, but of those involved in working on the site and those—representatives of either the Garda Siochana or the RUC—who are keeping the families closely involved in the process.

Mr. Hogg: I do not think that the Minister's reply to the hon. Member for Greenock and Inverclyde (Dr. Godman) is accurate. The prohibition clause refers to "relevant information", which is defined in clause 1(3) as

"information as to the whereabouts of the remains of a victim of violence".

That is what is prohibited. I should have thought that it would be open to the commission to give the family of the deceased information about how the deceased died, because that is not "relevant information" as narrowly defined in clause 1(3). It is possible, however, that the phrase "No relevant information", for the purposes of clause 5, has a meaning different from that defined in clause 1(3). My substantive question is this: can the commission give information to the police and the prosecution authorities on, for instance, the manner of death?

7.15 pm

Mr. Ingram: I do not know how the commission would have information about the manner of a person's death unless information of that nature was given to it. It would not establish the criteria.

I may have misunderstood the right hon. and learned Gentleman—I hope he will forgive me if I have—but he referred to the commission in the context of the manner of death, and the where and the when. That information will emerge from the inquest, which is public, and is not the commission's responsibility. It will emerge later, once the remains have been found. It will then become the property of the family of the deceased, and of anyone else who has a similar interest. All that the commission can impart to families is that it has information, and the place where the victim's remains may be found.

As my hon. Friend the Member for Greenock and Inverclyde implied, the sensitivity of the matter means that we should not be too prescriptive or explore the situation too deeply. To do so would place a terrible onus on the commission. It would not want to close the door on families, but I do not think that they should be given more information. There are words of comfort that those who are part of the overall operation may think it helpful to offer, but any provision would have to be very narrow and restrictive. I cannot begin to speculate on what such a provision could be. We must be restrictive about the information that the commission can impart so that our provision does not conflict with other elements of the Bill.

Mr. Hogg: What the Minister has said so far has a good deal of substance, but will he address the point that I put to him earlier? If the commission had information about, for instance, the manner of death which might help the defence, would it have the right to communicate that information to the prosecution authorities and, through those authorities, to the accused and the lawyers of the accused? That is the argument that the Under-Secretary presented to my right hon. Friend the Member for North-West Cambridgeshire (Sir B. Mawhinney).

Mr. Ingram: The commission is different from the RUC. The RUC would know that a court case was in progress, and that relevant information was involved. That is a duty placed on the RUC in this part of the criminal justice process. The knowledge base, as it were, would not necessarily reside with the commission. There might be awareness, in which case the commission would be covered by other legislation. It would then have to examine what it was entitled to do and what it was restricted in doing, and—as the right hon. and learned Gentleman knows—would have to comply with all the law of the land, not just the legislation with which it was having to deal in that instance.

I do not envisage circumstances in which the commission would necessarily know that a court case was in progress in the High Court, and the information would be relevant. The RUC would quickly become aware of the information, because it would be passed to it so that it could take the necessary action to recover the remains. Let us not discuss whether that would happen within minutes, within hours or within days, but it would happen very quickly. As I said earlier, we must bear in mind the possibility of leaks to the media. The commission must get the whole operation under way quickly, and the victims' families must be notified and advised as soon as possible.

I hope that that answers the right hon. and learned Gentleman's question. I will read what he said; I do not know whether he said it eight, nine or 10 times, but my hon. Friend the Under-Secretary said that we would consider it carefully, and that we would return to it if that proved necessary. However, we do not believe that the arguments advanced by the right hon. and learned Gentleman force us to do so.

Mr. Thompson: Does the Minister agree that, because of the severe limitations, the families are likely to be very disappointed at how little information they receive? Does that not go completely contrary to the recent Macpherson report on the death of Stephen Lawrence, where the police were severely criticised because they did not feed as much information as possible to the relatives?

Mr. Ingram: I think that we are chewing over the matter somewhat. The hon. Gentleman is not having to deal with the families—please do not say that the families might be disappointed. They find themselves in traumatic circumstances. Some of them have been subjected to false hopes before.

I have tried to explain the sensitive way in which the matter will be handled. I have much confidence in those who are acting in the interests of the Governments in this case to deal with all that. The professionalism of those who have to deal with the matter has stood the test of time and should not be subjected to the implied criticism that the families will be disappointed. I ask the hon. Gentleman please not to discourage the families any more than is necessary.

Mr. Thompson: It is a matter not of questioning anyone's competence, but of the law and of the legal

[Mr. Thompson]

requirement as to how much information the families can receive. That is the issue, not whether the people involved are professionals.

Mr. Ingram: The hon. Gentleman has not tried to amend the legislation to increase the amount of information given. Perhaps that is because he accepts the arguments. We now have an argument for argument's sake. The clause specifically deals with the legalities, sensitivities and practicalities of the matter. I have set out how we are handling it, taking an inter-agency approach to try to ensure that we have worked out every possible eventuality, so that, from minute one, we are ready to act to help the families. I have every confidence that that will happen. On that basis, I commend the clause to the Committee.

Question put and agreed to.

Clause 5 ordered to stand part of the Bill.

Clause 6

POWERS OF ENTRY

Mr. Ingram: I beg to move amendment No. 1, in page 3, line 43, at end insert—

'(4) In this section "premises" includes any place.'.

Clause 6 gives powers to resident magistrates and justices of the peace in Great Britain to issue warrants authorising the police to enter and search premises where there is reason to believe that the remains of a victim might be found. However, the Bill does not contain a definition of "premises". There is a risk that, without a definition, "premises" might be interpreted narrowly as covering only buildings and land with buildings of some type on it.

It is possible, however, that searches for the remains of victims may have to take place in fields that, while forming part of a farm, are separate from the land on which the farm buildings are situated. Therefore, we want to ensure that the power in clause 6 to grant a warrant in respect of any "premises" is exercisable in respect of land on which there are no structures. The amendment therefore defines "premises" widely, so as to include any place.

Mr. Hogg: Will the Minister just clarify something? He is obviously right to want to enlarge the meaning of "premises". Would the word "place" include, for example, a ship and an agricultural hopper that is used for the storage of grain? Those are not buildings. They are not land. A ship is a structure. A hopper is a structure on land. Is the word "place" apt to include everything?

Mr. Ingram: I am glad that the right hon. and learned Gentleman thinks that I am right to introduce the amendment. It is nice to get my score card marked up in that way. My understanding and the advice that I have is that the term—it is a legalistic term—does mean any place; we have broadened the definition to mean any place.

Knowing lawyers, they may want to chew over all that further. For the sake of argument, they may try to define that further, but I think that we have covered everything. I hope that it does not become a matter of dispute because the measure is about trying to ensure that no inhibitions are placed on the recovery of the remains, wherever they may be.

Amendment agreed to.

Clause 6, as amended, ordered to stand part of the Bill.

Clause 7 ordered to stand part of the Bill.

New Clause 1

FUNERAL EXPENSES

'.—The Secretary of State shall pay the cost of the funeral of any person which arises from the work of the Commission.'.—*[Mr. Öpik.]*

Brought up, and read the First time.

Mr. Öpik: I beg to move, That the clause be read a Second time.

The First Deputy Chairman: With this, it will be convenient to discuss new clause 2—*Compensation for families of victims*—

'.—Families of persons whose remains are located through the work of the Commission shall be eligible for compensation under existing schemes operated by the Secretary of State.'.

Mr. Öpik: The debate is slightly different from the earlier one, which seemed to be about technical details. The new clauses arise primarily from discussions with my noble Friend Lord Redesdale, who has taken time to approach families of "The Disappeared", to assess their current circumstances and how the Bill might impact on them.

Under existing legislation, it is clear that victims and families of victims can claim compensation for up to three years after what we may call "the incident"; that is, not the date of death, but the date of the incident. It is an important distinction.

The families of these victims have been unable to claim compensation because they do not have even the remains of their relatives. Essentially, their deaths are still technically unconfirmed as no bodies have been recovered.

It is fair to argue that the families of those victims have suffered rather more than many families in the troubles, and that is saying something. As well as suffering the loss of their relatives, they have been unable to bury them and to grieve for them properly. As I said during Second Reading, they have literally been robbed of the opportunity to grieve, to put the issue behind them and to move forward.

In that context, payments towards the cost of funerals will not bring back the victims of those terrible atrocities, or alleviate any of the pain and anguish that the families have suffered in the past 20 years, but they will go a long way towards giving the families some peace of mind that their relatives will be given a decent and proper burial, without the worry of the financial implications, which can be substantial.

I tabled new clause 2 to enable families of "The Disappeared" to access the money that they will be denied due to the three-year rule. I have some indication that, from a legal perspective, there may be significant difficulties in providing that compensation. If that is the

case, I will be grateful for clarification from the Minister. Will he describe as best he can the restrictions and obstacles to enabling the compensation to be available?

Even if that is the case, I will ask the Government to explore the options. It seems that the families of the victims are effectively being punished twice: on account of what happened to their family member; and on account of the limitations that are technically built into the compensation programme, which deny them the opportunity of compensation because more than three years have passed since the disappearance.

I look forward to hearing the Minister's comments about new clause 2. I hope that he can give some good news and at the very least explain, or give some reassurance, that the Government take the question of compensation seriously.

Rev. Martin Smyth: Has the hon. Gentleman considered the conflict with other legislation? Those who have disposed of and murdered these people have often claimed that it was because they had breached terrorist regulations. As I understand it, there is legislation in place that says that no compensation is payable to those who have been party to terrorism. Has the hon. Gentleman considered that? Is that one reason why he has tabled the new clause?

7.30 pm

Mr. Öpik: The hon. Gentleman is right to bring up that matter, because I suspect that it is one of the complications involved in setting up a compensation programme. That is why I am asking the Minister to comment. I do not have a legal background, and I have not been able to determine the specific issues of compensation. I hope that the Minister will be able to offer us some clarification.

I hope that the Government will go along with the context of new clause 1, as it would be tremendously helpful to the families of "The Disappeared" not to have to worry about the big financial burden that a funeral entails. The families have suffered far too much already, and an act of good will, whereby the Government agree to bear the cost of the funerals, would show both compassion and empathy.

Dr. Godman: I support the new clauses in principle. To his credit, the hon. Gentleman has raised some important issues. Despite what the hon. Member for Belfast, South (Rev. Martin Smyth) said about the alleged terrorist involvement of some of the victims, I would have thought that most of them were entirely innocent. I am thinking about two of the families that I met. I would like confirmation from my right hon. Friend the Minister that some help would be given to families on low incomes.

I think that the Northern Ireland Department of Health and Social Services would be amenable to applications for assistance, but would that be confined to those on the state pension or income support? The plea of the hon. Member for Montgomeryshire (Mr. Öpik) should be given a sympathetic hearing.

I think that access to compensation should be as straightforward as possible and there should not be the usual lengthy legal delays.

Rev. Martin Smyth: The hon. Gentleman may have misunderstood my point. I do not think that every victim was involved in terrorism, but I am aware that claims have been made by the perpetrators that some of them were. I have been involved over the years in fighting on behalf of victims and I know what the law says and how some people have been victimised again by the law.

Dr. Godman: The hon. Gentleman is to be complimented on his assiduous campaigning on behalf of the families. The last people whose claims I would believe about some of the victims' involvement in terrorism are members of the IRA. I know that one 20-year-old victim who was alleged to be involved had a mental age of about eight or 10, according to his doctors, so I would treat such claims with scepticism.

Compensation should not be delayed and we should certainly consider helping victims' families, and especially those on low incomes, with funeral expenses.

Mr. William Ross: The new clauses are interesting and I hope that the Government will take them on board and try to be helpful. Whether we like it or not, the Compensation Agency is bound by the law and has no discretion whatever. The hon. Member for Montgomeryshire (Mr. Öpik) drew attention to the existing schemes. I am not sure when the first of the victims disappeared. We have no way of knowing the date of the death caused by the earliest murder—I do not like the term killing, because these were cold-blooded murders, and we should say so bluntly.

Ministers will be aware that the compensation legislation was updated and greatly improved in 1978. I remember clearly that the relevant order was one of the few to be withdrawn and rewritten, not least because Mr. Enoch Powell was a prominent member of the party at the time and was deeply involved in the arguments on the subject. A scheme was developed that, despite the demerits that it is said to have, has many merits and has been very useful to many people over the years.

My only significant reservation about the compensation scheme is that people get a lump sum. Sometimes it is a large sum that they are unable to handle and they dissipate it and are left with nothing. Members of the armed forces and the police get most of their compensation in the form of a pension scheme, which is index-linked and gives them a continuing income over a long period. That is a much better system and perhaps it should have been considered for others. Perhaps we should consider that principle right across the law on compensation for injuries.

I am concerned about the time scale. If the individuals were killed at an early stage, it would be possible to argue that their fate became known only at a late stage, within the time frame that would allow a claim for compensation for murder to be made, but even in those favourable circumstances, that claim might have to be made under the pre-1978 legislation, which was not very good. A long time has elapsed, but some of those individuals might well have been the breadwinners for relatives who are now elderly. There is a real problem.

We will still be left with a difficulty in regard to those whose bodies are not recovered. I do not know what on earth the Government can do about it if we start paying compensation in respect of those whose bodies are recovered, but have to refuse it in respect of those whose bodies are not. The remains may be completely irretrievable, as we have discussed.

[Mr. William Ross]

It appears that most—perhaps all—of the folk who were murdered by the IRA did not have any involvement in terrorism, but some of them may have had, and if that emerges, the relatives will be refused compensation. The same would apply if people had been involved in working for the security forces. Will any cognisance be taken of that? The security forces' records should surely contain that information, if nothing else.

The hon. Member for Montgomeryshire has raised an interesting point, and I look forward to the Minister's response.

Mr. Ingram: I have much sympathy with the idea of helping with funeral costs. Let me explain how we have handled the matter. I explained earlier about the inter-agency approach and the need to consider all the ways in which we can deal with the sensitivities and ensure maximum protection and support for the families. We have been actively considering how to provide support after the bodies are returned to the families for burial.

I am in a difficulty, because I have an understanding that the matter will be resolved, but I am not in a position to say exactly how. We may be in a better position to say precisely how the issue has been resolved, to the satisfaction of everyone in the House and of the families, when the Bill is in another place. That deals specifically with the funeral and burial costs, and I am hopeful that the issue will be resolved shortly.

The hon. Member for East Londonderry (Mr. Ross) showed a good knowledge of the compensation system, as did the hon. Member for Belfast, South (Rev. Martin Smyth). They know the complexities of the legislation, although it has been refined and improved over the years, in 1988 and 1991, to give more flexibility to the payment of compensation in lump sums. Because it was likely that hon. Members would raise the issue, I sought authoritative legal advice, which was that the families of persons whose remains were recovered would not fall within the compensation scheme because of the three-year limit. I could go into further detail, but that would be turgid and I ask hon. Members to accept my assurances on the issue. Having said that, the legal advice is just one opinion and others could reach a different conclusion. However, I believe that the advice is robust.

We must consider whether to put specific provision for compensation into the Bill, as new clause 2 seeks to do. However, that would affect the underlying principles of the compensation scheme, and we must remember that many people, going back some years, still feel dissatisfied with the compensation that they received. For that reason, we asked Sir Kenneth Bloomfield to undertake a detailed examination of the compensation scheme and its fitness for its purpose. The review should be ready soon. I had hoped that it would be available even sooner, but Sir Kenneth and those advising him have been given an extension of time because of the complexities of the scheme. However, I do not wish to raise false hopes that the review will produce answers to all the problems with the compensation scheme. At least we have shown a willingness to get to grips with the issue and examine ways to deal with it.

I concluded that to introduce a one-off approach in the Bill could pre-empt Sir Kenneth's report and might not be the best way to deal with the issue. It could also be unfair to the large community of victims who already feel aggrieved. We have to be careful with such sensitivities. We are considering the issue of compensation, but new clause 2 would not be helpful. The families of "The Disappeared" victims have experienced unique circumstances, but the prime motive behind the Bill is the recovery of the remains so that the families can give their loved ones proper burials. On that basis, I ask the hon. Member for Montgomeryshire to withdraw his new clause.

7.45 pm

Mr. Öpik: I am satisfied with that reply. The Minister has responded positively to the important question of funeral expenses and I accept his response in good faith. After hearing the Minister's comments and the contributions from other hon. Members, I am even more convinced that the compensation scheme is very complicated. I still hope that the Government will take serious steps—I believe that the Minister said that they would—to explore how to ensure that the particular nature of the suffering of the families of the disappeared victims does not mean that they are excluded from the compensation scheme.

The Minister is right not to wish to make a complicated system more so with piecemeal solutions, and I hope that a strategic solution to the whole issue can be found, notwithstanding the hope that the situation will be resolved by new peace in Northern Ireland. If the Minister can devise a solution for the funeral expenses problem, he will make a big statement about the Government's genuine commitment to try to ease the suffering of the families. The Minister has given me the assurances that I was seeking and I beg to ask leave to withdraw the motion.

Motion and clause, by leave, withdrawn.

Bill reported, with an amendment.

Order for Third Reading read.

7.47 pm

Mr. Ingram: I beg to move, That the Bill be now read the Third time.

We have had a detailed examination of the Bill today. Only a few amendments were tabled, but we had a wide-ranging debate from which we have all learned something. We also had a useful debate on Second Reading.

The Government's position is clear: we want to end the suffering of the families of "The Disappeared". We fully recognise that some right hon. and hon. Members, who are equally concerned about the families, have worries about the protections in the Bill. Some hon. Members are also concerned about the Bill in case no information comes forward and we are duped by those who have promised to provide information. However, we examined that point in considerable detail and discussed at whose door the blame would lie.

Those hon. Members who are critical of the Bill see it as a risk not worth taking. In answering the points raised by the amendments that were tabled, my hon. Friend the Under-Secretary and I have had to strike a delicate balance in reaching judgments on the totality of the Bill. We have tried to supply the facilities and the mechanisms to ensure that if any information is provided, we can act on it.

The issue is complex and sets new precedents. On Second Reading, we accepted that—as with the Northern Ireland Arms Decommissioning Act 1997—the Bill does not sit comfortably alongside other aspects of the upholding of the normal rule of law. However, the circumstances are unique and we are taking a risk to try to alleviate the suffering of the families that has gone on for far too long.

I also want to point out the Bill's limitations. In many ways it is wide ranging, but it has its limiting aspects. It does not provide an amnesty, or immunity from prosecution. Others may use those words, but that is not what the Bill is about. The protections in the Bill are specific and are triggered only when relevant information is given to the commission. The protections do not set a precedent, but the Bill provides the families with perhaps their only chance of burying their loved ones with dignity. The Government believe that the opportunity for the families to enjoy that basic human right is of immeasurable value when compared with accepting the measures set out in the Bill.

There is a risk, of course, that those with the information will decide not to come forward. I cannot guarantee that they will come forward, as has been said repeatedly. However, once the mechanism for providing information is in place, the responsibility for choosing to ignore it will be theirs, and theirs alone. That would be a heavy responsibility. If they ignore the mechanism that the Bill puts in place, they will show that they have no humanity and no concern for the families or for the society that they purport to be helping to move to a peaceful environment.

By passing the Bill this evening, the House has provided an opportunity to bring this painful episode to a close. I hope that the House of Lords will give it a passage as speedy and sympathetic—and a scrutiny as close—as it received in the Chamber today. That will help people to understand the measure, and its importance.

7.51 pm

Mr. Andrew MacKay (Bracknell): Conservative Members have never hidden the fact that we find it obnoxious and outrageous that there should ever be a need for a Bill such as this. It is a permanent blot on Irish history that grieving relatives have not been able to bury their dead properly because of the actions of terrorists. The fact that the IRA and other terrorist groups did not have the common humanity to tell the authorities—even anonymously—where the bodies were gives us an insight into their mindset. That information would have put to rest the minds of those grieving relatives.

The balance is a difficult one to strike, but I agree with the Minister that the views and sensitivities of the victims' relatives are paramount, and more important than legislation which, in other circumstance, no hon. Member would want to be passed in this House.

In addition, I echo and understand what the Minister said about his inability to guarantee that the terrorist organisations that committed these vile murders will come forward with the appropriate information to the commission. I deeply agree with him that they should: it will be yet another disgrace if they do not. I hope, for the sake of the victims' relatives—whose agonies none of us can begin to imagine—that at last their grief can come to an end.

In conclusion, I hope that the paramilitaries and their political associates will not use the Bill as a bargaining ploy to be turned to their political advantage in talks, now or in the future. I do not think that the House or the people of Northern Ireland would ever forgive them if they did. I hope that the evidence and information are brought forward in a proper and correct way.

7.54 pm

Mr. Roger Stott (Wigan): First, I apologise to the House for my absence during most of the debate, but my party's Whips saw fit to put me on several Committees considering statutory instruments today, so I have been like a yo-yo, in and out of the Chamber in the fulfilment of my other functions.

As the House will know, for a long time I was Opposition spokesman on Northern Ireland. I spent much time there, and still do. While I was the Opposition spokesman on these matters, both terrorist organisations were involved in a full-scale war, with each other and with the people of Northern Ireland.

I do not claim any monopoly on feeling deeply about the pain and suffering of families who had lost loved ones. My feelings were shared by many other Labour Members, and especially by my hon. Friend the Member for Hull, North (Mr. McNamara). All hon. Members who have spoken in this debate have expressed their genuine and specific points of view and concerns.

From time to time, I recall two appalling atrocities in Northern Ireland. The first took place in a fish shop in the Shankill road, and the second at the Rising Sun bar at Graysteel. I visited both scenes—unsung, and without the presence of television cameras—to talk to the victims and their relatives. At Graysteel, my arrival was a moment of special poignancy. It was a cold November day, with the wind blowing over the Foyle. The bar was boarded up, and I wanted to pay my personal respects to the families who had lost loved ones in that appalling Hallowe'en night atrocity.

A gentleman came around the corner, and asked if I was all right. When I said that I was fine, and that I had come to pay my respects, he invited me into the bar for a cup of tea. That gentleman owned the bar, and was present when the terrorists came in and shot their victims in cold blood. They murdered that man's 80-year-old father in front of him.

There is a finality about the fate of the victims of atrocities such as that, in that their loved ones and families can give them a decent, Christian burial. The families will never forget, and their love for their relatives will continue for their rest of their lives, but there is a finality when burials are done properly.

However, the people who are the subject of the Bill do not know where their loved ones lie. They have not known that for perhaps a quarter of a century. If the Bill gives us an opportunity to try to find the remains of people who suffered at the hands of terrorism, and to restore those remains to their families so that they can be given a decent, Christian burial, I have no problems in supporting it tonight.

7.58 pm

Rev. Martin Smyth: I hesitate to follow the hon. Member for Wigan (Mr. Stott), as in one sense he looked back to the past, in which he had some involvement.

[Rev. Martin Smyth]

I began by being very conscious of what the inability to bury the dead means to people. I was a young lad during the war and we got word after Calais that that was the last place that my uncle was seen. My aunt, who had five children, lived through the war hoping that he would return, but my uncle's name is on the Dunkirk memorial. So I have no difficulty in understanding the concerns of the bereaved, nor their desire to bury their loved ones.

From my experience in Northern Ireland, I also know what it means to bury a lovely young woman, who could be identified only by her wedding ring. She was one of the victims of the atrocity at the Le Mon hotel. I could continue, but tonight we are seeking to achieve something.

The Government have been pushed into doing something that the terrorists, if they had been treading the path of peace, would have done long since. We should make it abundantly plain that the culprits at the bar of justice are the perpetrators of crimes. It is time that the whole community put more pressure on them to reveal the places where bodies have been buried.

As an Ulster Scot—what our American cousins call Scotch-Irish—I was interested to hear the Minister dismiss the amount of money being spent on vain searches, because I thought that he looked after the bawbees and that the House was responsible for financial expenditure. We have had both terrorist war and economic war, and I am convinced that further attempts will be made to isolate and disturb the economy by giving false information. I hope that I am wrong, but, if false information is given, we must indict those who offer it.

I have every sympathy with those who believe that they are entitled to compensation. In my experience, genuine victims—innocent people not involved in any way—have suffered most. I think of a family in my congregation who were put out of their home. The Housing Executive rehoused them, but the compensation that they received for the home that they had owned was just £10.

I can think of other cases, and I hope that the Minister will bear in mind not only compensation to help to bury people, as requested by the hon. Member for Montgomeryshire (Mr. Öpik), but compensation to people who live in houses that were built over where some bodies lie, if the information that we have received is correct. They should receive compensation for the new houses that they will need. We dare not add to the burdens of people who have genuinely sought to make some sort of life through these tragic years.

I feel distaste that the High Court of Parliament has—again—been called on to set aside the normal rules of law and justice to satisfy those who claim that they want justice. That is my difficulty in supporting the Bill. However, because I know that the Whips will see the Bill through, I urge the House to double its efforts to help the victims of atrocities who have continued to grieve for their lost ones. We cannot allow the terrorists and their spokespeople to continue to run rings around us or to play ducks and drakes with us. There will be no understanding and peace if we do not win the battle for the bereaved.

8.4 pm

Dr. Godman: I compliment the Minister on bringing the Bill before the House. The hon. Member for Belfast, South (Rev. Martin Smyth) talked of the High Court of Parliament putting aside the rule of law. However, as the right hon. Member for Bracknell (Mr. MacKay) said, our paramount concern is with the families of the victims. The legitimacy of laws passed in this place relies on our having a paramount concern for ordinary individuals over the rules and reservations to which the hon. Member for Belfast, South has referred.

I appreciate that the hon. Gentleman and his colleagues have sincere reservations, but I hope that they do not transform into outright opposition to the Bill's passage.

Rev. Martin Smyth: The hon. Gentleman has been in the House throughout the debate and will therefore have heard at least one criticism by a Minister of people who did not vote against the Bill on an earlier occasion. We must be held accountable by the people whom we represent.

Dr. Godman: I know that the hon. Gentleman's reservations are sincere and profound. However, I hope, equally sincerely, that he and his hon. Friends will not vote against the Bill. I understand his reservations, and I have voiced some of my own. I have indeed been in the Chamber for almost every minute of the Bill's proceedings, but, following my meeting with two families in the House, all my reservations and doubts were dispelled by their pleas and their profound need to put to rest their loved ones with a Christian funeral service and burial.

Finding the remains and performing the ritual of burying loved ones will not stop the grieving. Grief continues throughout life, as the hon. Member for Belfast, South and all of us know. However, as I know from the cases of people who have been lost at sea and whose bodies have been recovered months after they were drowned, the return of the loved one's body for Christian burial and internment in sanctified ground brings some peace of mind. The two ladies whom I met made that plea to me and to the hon. Member for North-East Cambridgeshire (Mr. Moss), who was also at the meeting. In responding positively to that plea, we will bring a touch of comfort and consolation to the families of victims.

I have absolutely no trust in the terrorists or their spokespersons. I have always said that it is obscene that they call themselves freedom fighters. There cannot be freedom fighters in the mature parliamentary democracy in which we have the luck to live. I trust them not one iota, but if only two or three families are given the supreme consolation of being able to have a funeral service or requiem mass for their loved ones, the Bill will have achieved all that the Government set out to achieve.

That is why I stand four-square with the Ministers on the passing of the Bill and am only too pleased to compliment the ministerial team on bringing forward a Bill that the Opposition have described as obnoxious, obscene, distasteful and disgusting. I do not see it in that way. I have reservations, but the object is to bring peace of mind to a small number of ordinary people. We cannot aim any higher than bringing such peace of mind to the people whom I have met.

Again, I hope that the sincerely held reservations of other hon. Members do not transform themselves into opposition to the Bill.

8.9 pm

Mr. Öpik: We have had a forensic and legalistic Committee stage debate. Now, as I step back for the Third Reading debate, I can appreciate the human approach that we have taken tonight.

If the House were a person, it is a person whom I would like to meet because we have had the same debate that people have when they have been terribly wronged by someone else and we have decided to take the compassionate route forward. We have heard about bitterness and doubts about whether the other side will respond in kind, just as we feel those things when we argue with another person. However, at the end of the day, we have said that we are going to have faith in seeing the best in people and take a risk. We might get ripped off, but it is worth the risk. The human compassionate benefit of taking it is so great that it is worth being disappointed if we are wrong.

We might be wrong. It may be naive to think that the Bill will work. I feel optimistic. I surprise myself by saying this, but I assume that, if we go this far in extending the gesture of good faith, it may evoke some spark of humanity or decency in people whom we have conventionally written off as barbarians. It is a living experiment. Either they will respond in kind and we will find the remains of the people who were killed and taken from their families—in which case we were right to take the risk—or we will not—in which case we must learn from it and behave differently next time.

I came to the House very much in the spirit that I feel now. We have been human in being willing to do something for relatively few people, but it is a big statement that the House is willing to spend much time to right the grievous wrongs of acts of terrorism. I am proud of our debate and of the fact that we could discuss the matter rationally. Time will tell whether the outcome will justify this as the right thing to do. As a politician who ended up here partly because of what I experienced growing up in Northern Ireland, I am sure that we are right to show that we can make empathic decisions that affect other humans. I hope that people who read this debate, or hear bits on the radio or television, will consider that there may be something in the way in which our democracy operates that gives us some hope in respect of our politicians.

8.12 pm

Mr. Thompson: I and my Unionist colleagues will, of course, oppose the Bill. I understand the feelings of those who have lost loved ones and whose relatives were brutally murdered by the IRA and buried in unknown graves. Over the years, there has been pressure on the organisations concerned to say where those people were buried. As a result of that pressure, the IRA claims to have set up an investigation team that has identified the whereabouts of nine bodies. It seems to me that public pressure has forced the IRA to go that far. We must remember that many of the victims belonged to the nationalist community and that the pressure comes from that community. If that pressure continues, the IRA will eventually have to say where the bodies are. This Bill again lets the IRA off the hook.

The IRA will not announce where the bodies are because it wants to be told that, if any evidence is got from the bodies, its members will not be charged or have that evidence used against them in a court of law. They should not be allowed to get away with that because it is not right in a democratic country to amend the criminal law to let such people off the hook. The IRA has only to issue a statement giving the location of the bodies. The security forces and other authorities could then deal with the situation as they normally would. There is no necessity for a Bill.

The Bill is ill-considered and not fully thought out. The relatives of those who have been murdered will be given less information in the event of the bodies being discovered than they would have got if the normal course of events took place. The Bill is therefore unnecessary.

I also oppose the Bill because it sets up another all-Ireland implementation body. One member of the commission will be appointed by the United Kingdom and the second by the Republic of Ireland. Why is that necessary? It seems that there is a possibility that a body will be found in the Republic of Ireland. There is sufficient law in the Republic of Ireland, and sufficient communication between it and the United Kingdom, adequately to deal with that without setting up another cross-border implementation body.

For those of us who are Unionists, this is another clear example of how the Government are not committed, as they should be, to the Union. In Northern Ireland, we have de facto joint authority. Almost any decision of importance must be agreed by Dublin, which has to have its nose in almost everything in Northern Ireland. For all those reasons, I believe that the Bill should not pass. My party will oppose Third Reading.

8.18 pm

Mr. William Ross: Mr. Deputy Speaker, you will recall that I used clear, sharp language on Monday night when I spoke on this Bill. I have heard nothing from that moment to this to cause me to alter my opinion.

We are told about family grief. We have all had that as a result of deaths, some tragic, some natural. Those of us who represent Northern Ireland—none more than the last speaker, who represents the town of Omagh—have seen the consequences of the butchery of bombs, thugs and murderers at close quarters. I will not rehearse the tragedies that I have attended, but there were many. Many good men, decent women and children were killed, and no one ever brought to book for it. Because of the area in which I live and my close relations with the Roman Catholic community, I well understand the importance that they attach to the last rites and the necessity to bury the deceased in sanctified ground. I am also aware that the Bill is a consequence of a deal done with the IRA, which played on the grief of the victims' families.

The right hon. Member for North-West Cambridgeshire (Sir B. Mawhinney) said earlier that, when members of the IRA behaved in such and such a way, they had no humanity. People could not get inside their minds. However, the truth is that members of terrorist organisations do not exist in the normal democratic world; they exist in a world and in a mental state that they create and that is a consequence of the actions that they undertake. They believe themselves to be a legitimate army and that they are acting for a righteous cause. They believe that the end justifies the means. They do not adhere to those normal thought processes that most people in this House and in this country would apply to political

[Mr. William Ross]

situations. As far as members of those organisations are concerned, the majority has no right to be wrong and has no right to disagree with them.

The hon. Member for Greenock and Inverclyde (Dr. Godman) takes a keen interest in these matters. He knows Northern Ireland well. I point out to him and to the hon. Member for Wigan (Mr. Stott) that the Bill may be built on good intentions, but we know what they say about the road to hell—it is paved with them. The Bill falls firmly and squarely into that category, because the Government have allowed emotion to overrule logic. Hard cases make bad law, and that is so in this case. We are undermining the rule of law. We are giving in to the demands of murderous thugs who have used the common decency of citizens as a weapon, and who have used the normal democratic procedures of this House as a weapon against the House itself.

This type of legislation is abhorrent to me, because we are allowing the IRA to call the tune, so that its members can exact for themselves the maximum benefit from this whole affair. We are allowing the IRA to call the tune with no danger to its members past or present. Avoiding injury or damage to, or capture of, its members is, of course, always the first priority for a terrorist organisation. The measure will also allow members of the IRA to believe that they can use ruthlessness on every occasion to obtain their way.

If the IRA really wanted to tell people where those graves were, all that it need do is to go out at night and put a little stake on the graves, if they are in a field. It knows where the graves are. It would be easy to do that if the bodies were recoverable. My hon. Friend the Member for Belfast, South (Rev. Martin Smyth) drew attention to the fact that bodies could be under a house, or in the foundations of a house. How could one recover a body if that were the case? What would happen if the Government knocked the house down and there was no body?

The whole matter is open to endless ramifications and to endless exhibitions of evil. Do not worry—those guys will dream it up and they will use it. If we pass this Bill, we shall do no good to justice. Indeed, we shall do great damage to the whole concept of justice and punishment for evils committed. We shall do no good to the democratic principles that we claim to uphold. Responsibility in this matter rests solely with the terrorist organisations; it rests solely with the IRA—not with us and not with the House. As my hon. Friend the Member for West Tyrone (Mr. Thompson) said, pressure would have worked in this instance.

This case is not the same as the weapons issue. The IRA cannot give up its weapons; it is committed to holding them. Without weapons, the IRA is only another political party. Its members have no desire to be members of only another political party; they see themselves as part of something far greater, something that is beyond the concept of a political party. They see themselves as an army, controlling a political front organisation. They are part of a terrorist organisation controlling what is supposed to be a political organisation, but which is, in practice, only an arm of the terrorism that they have carried out and inflicted on us for three decades.

To apply the thinking about the IRA giving up its weapons and to say that it will do so on exactly the same footing as the bodies is wrong. Its members cannot give up the weapons because they need them to impose their will; they do not need the bodies. The fact that the bodies are out there and the fact that the IRA is under pressure from its own community is damaging to the IRA. My hon. Friend the Member for West Tyrone lives in an area that is similar to my own in some ways. He is aware that there are many folk around us with that turn of mind. We can speak with greater authority on their thinking processes than most Members of the House.

I agree with my hon. Friend that, eventually, pressure from their own community, their own relations, church members and their nationalist political establishment will force members of the IRA to reveal, at some time, where the available bodies are buried. We have not put pressure on them; we have let them off the hook and we shall allow them, through the Bill, to claim that they are reacting to public pressure and that they are acting out of the goodness of their heart. However, they will have forced the British to let them off the hook and they will be believed within their own community. It is for that reason, among the other more gut reactions that I articulated during Second Reading, that I must vote against the Bill.

Question put, That the Bill be now read the Third time:—

The House divided: Ayes 324, Noes 5.

Division No. 172] **[8.26 pm**

AYES

Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Allen, Graham
Armstrong, Rt Hon Ms Hilary
Ashdown, Rt Hon Paddy
Ashton, Joe
Atherton, Ms Candy
Atkins, Charlotte
Banks, Tony
Barnes, Harry
Barron, Kevin
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Begg, Miss Anne
Beith, Rt Hon A J
Bell, Martin *(Tatton)*
Benn, Rt Hon Tony
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry, Roger
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Boateng, Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnett, John
Butler, Mrs Christine
Byers, Rt Hon Stephen
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Rt Hon Menzies *(NE Fife)*
Campbell-Savours, Dale
Cann, Jamie
Caplin, Ivor
Casale, Roger
Caton, Martin
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Coleman, Iain
Colman, Tony
Cook, Frank *(Stockton N)*
Corbett, Robin
Corston, Ms Jean
Cotter, Brian
Cousins, Jim
Crausby, David
Cummings, John
Cunliffe, Lawrence
Cunningham, Rt Hon Dr Jack *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*

Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dismore, Andrew
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Drown, Ms Julia
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Elliman, Mrs Louise
Ennis, Jeff
Fearn, Ronnie
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Lorna
Flint, Caroline
Follett, Barbara
Foster, Michael J *(Worcester)*
Fyfe, Maria
Gapes, Mike
Gardiner, Barry
George, Andrew *(St Ives)*
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Dr Norman A
Godsiff, Roger
Goggins, Paul
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Gunnell, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hancock, Mike
Harman, Rt Hon Ms Harriet
Harvey, Nick
Heal, Mrs Sylvia
Healey, John
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hill, Keith
Hinchliffe, David
Hood, Jimmy
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Kevin *(Doncaster N)*
Hughes, Simon *(Southwark N)*
Humble, Mrs Joan
Illsley, Eric
Ingram, Rt Hon Adam
Jackson, Ms Glenda *(Hampstead)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Mrs Fiona *(Newark)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny
[illegible]*(Wolverh'ton SW)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jones, Nigel *(Cheltenham)*
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keen, Ann *(Brentford & Isleworth)*
Keetch, Paul
Kemp, Fraser
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
Kingham, Ms Tess
Kirkwood, Archy
Kumar, Dr Ashok
Ladyman, Dr Stephen
Laxton, Bob
Lepper, David
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Liddell, Rt Hon Mrs Helen
Linton, Martin
Livingstone, Ken
Livsey, Richard
Lloyd, Tony *(Manchester C)*
Lock, David
Love, Andrew
McAvoy, Thomas
McCartney, Rt Hon Ian *(Makerfield)*
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McGuire, Mrs Anne
McIsaac, Shona
Mackinlay, Andrew
Maclennan, Rt Hon Robert
McNamara, Kevin
Mactaggart, Fiona
McWilliam, John
Mahon, Mrs Alice
Mallaber, Judy
Mandelson, Rt Hon Peter
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Marshall–Andrews, Robert
Martlew, Eric
Maxton, John
Meale, Alan
Merron, Gillian
Michie, Bill *(Sheff'ld Heeley)*
Milburn, Rt Hon Alan
Miller, Andrew
Mitchell, Austin
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Ms Julie *(Cardiff N)*
Morley, Elliot
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Rt Hon Paul *(Torfaen)*
Norris, Dan
O'Brien, Mike *(N Warks)*
Olner, Bill
Öpik, Lembit
Organ, Mrs Diana
Osborne, Ms Sandra
Palmer, Dr Nick
Pearson, Ian
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Ptaskitt, James
Pond, Chris
Pope, Greg
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quin, Rt Hon Ms Joyce
Quinn, Lawrie
Rapson, Syd
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Reid, Rt Hon Dr John *(Hamilton N)*
Robertson, Rt Hon George *(Hamilton S)*
Roche, Mrs Barbara
Rooker, Jeff
Roes, Ernie *(Dundee W)*
Roy, Frank
Ruane, Chris
Ruddock, Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Sanders, Adrian
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Smith, Sir Robert *(W Ab'd'ns)*
Snape, Peter
Soley, Clive
Southworth, Ms Helen
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stewart, David *(Inverness E)*
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Stoate, Dr Howard
Stott, Roger
Strang, Rt Hon Dr Gavin
Stringer, Graham
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Temple–Morris, Peter
Thomas, Gareth *(Clwyd W)*
Tipping, Paddy
Todd, Mark
Tonge, Dr Jenny
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tyler, Paul
Vaz, Keith
Ward, Ms Claire
Wareing, Robert N
Watts, David
Webb, Steve
Whitehead, Dr Alan
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Wood, Mike
Woolas, Phil
Worthington, Tony
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Ayes:
Jane Kennedy and
Mr. David Hanson.

NOES

Hogg, Rt Hon Douglas
Maginnis, Ken
Robinson, Peter *(Belfast E)*
Ross, William *(E Londy)*
Taylor, Rt Hon John D *(Strangford)*

Tellers for the Noes:
Mr. William Thompson and
Rev. Martin Smyth.

Question accordingly agreed to.

Bill read the Third time, and passed.

DELEGATED LEGISLATION

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),

INDUSTRIAL ORGANISATION AND DEVELOPMENT

That the draft Potato Industry Development Council (Amendment) Order 1999, which was laid before this House on 13th April, be approved.—*[Mr. Clelland.]*

Question agreed to.

Compulsory Land Purchase

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Clelland.]*

8.38 pm

Miss Anne McIntosh (Vale of York): I am delighted to have this debate on compensation to be paid on the compulsory acquisition of land. I am sure that the House recognises the growing demand for reform of our system of compulsory purchase and compensation. It is an extremely complicated area of law and, currently, 42 separate Acts of Parliament apply. The system is complex, slow, expensive and inefficient. It is grossly unfair and heavily biased in favour of national companies, such as the National Grid Company, and other powerful bodies. Might is not always right, so I welcome the Government's fundamental review of laws and procedures relating to compulsory purchase and compensation, and the interim report.

I should also like to take this opportunity to ask that the Electricity Act 1989 be revised and amended. My particular reason for asking for this debate is the overhead power lines that transmit electricity across the Vale of York and elsewhere in North Yorkshire. A review of both compensation and compulsory purchase and the Electricity Act would help to restore the balance by tilting it more in favour of individual landowners' rights and property interests. It is generally recognised that the Englishman's home is his castle, so how many of us would welcome agents of the National Grid Company entering our property and trampling over our land, often without sufficient warning?

Problems arise at various stages. There will be blight both before the pylon is in place and following construction. There will be a substantial drop in the value of the properties and in the enjoyment of those who live there, as their view will be impaired and there will be pollution from the lines.

The first problem is the serious lack of agreement and the inability of landowners and the National Grid to negotiate about the dent in property values. There is a discrepancy of hundreds of thousands of pounds. That problem must be addressed, procedures must be adopted and compensation levels for pylons must be put on the same basis as for road construction and flood defences.

The second problem is referred to in paragraph 8.5.1 of the interim report commissioned in the Government review. It states:

"A major source of grievance among property owners is the right of private companies to use compulsory powers to acquire property, paying a form of statutory compensation which is commonly perceived as benefiting shareholders at the expense of landowners."

Aberdeen university is conducting research into wayleaves. Chapter 9 of the interim report examines the programme of further work, but, surprisingly, does not mention any review of wayleaves once Aberdeen university completes its research. Why not?

The purpose of this debate is to put before the House and the Minister the real concerns that my constituents have expressed about these problems. Tempers are running high in the Vale of York, and there was nearly an assault prior to Christmas last year because of the failure to reach an agreement. Little notice is given and scant regard is shown for property and for landowners' rights. I shall give some examples of unsympathetic, hostile and offensive behaviour, particularly by the National Grid or its contractors.

Before the wayleave hearings, the National Grid sought to reach agreement with the landowners by offering easements for the overhead line. By offering an easement, as opposed to a wayleave, the National Grid offered a capital payment to reflect the depreciation in the value of the properties, particularly the residential properties, that would be affected by the proximity of the proposed electricity line. Any landowner who did not sign up to the easements before the commencement of the wayleave hearings had the offer withdrawn, with the threat that, once the wayleave hearings were completed and the National Grid had obtained consent for the line, the landowner would receive only an annual wayleave payment that would not reflect the depreciation in capital values suffered. That is a clear abuse of compulsory purchase powers.

I shall refer briefly to correspondence that I have received from my constituents about this matter. One letter referred to a wayleave pre-hearing meeting at Northallerton in December last year. The inspector was asked about the width of the wayleave required over a particular constituent's land. He was unsure of the answer and referred the question to the National Grid. It declined to state the required width of the wayleave to the inspector, so my constituent's question went unanswered. The National Grid then refused to state the width of the wayleave required; that places my constituent in an unacceptable position, as he is uncertain about the amount of land that will be taken out of production. My constituent believes that withholding such information is an infringement of his rights, and I share that view.

Another constituent asked that farmers be given reasonable notice—six months' notice—before the commencement of construction in order to assist them in going about their business. That is a perfectly reasonable request, particularly when such a large project is in hand. I ask the Minister why the rights of farmers are not respected in that regard.

I was struck most by a letter that I received from the Minister for Energy and Industry in February this year, in which he said:

"I am unable to intervene as questions of compensation for the presence of an electric line are not the responsibility of the Secretary of State, who has no powers under Schedule 4 to the Electricity Act 1989 to prescribe conditions in any wayleaves he may grant. Compensation falls to be settled by agreement between the parties or, failing agreement, by the Lands Tribunal at the request of either party."

That is a totally unacceptable response on the part of the Government, and this is an opportunity for the Minister to confirm to the House that the Government will consider that Act and give the Secretary of State the necessary powers.

Another constituent said that the National Grid

"have had nine years to plan their proposed development. How do they expect a farmer to adjust his farming activities (cropping and grazing programme) to accommodate a major development with only 28 days' notice?"

On another occasion, an adviser to that landowner wrote:

"I appreciate that the Secretary of State believes he does not have the power under Schedule 4 to the Electricity Act 1989 to prescribe financial conditions in any wayleave he may grant."

He continued:

"The Minister must look again at the Electricity Act 1989. The National Grid Company must look again at its policy for future electric lines."

I refer in particular to one constituent, Mrs. Hird, who has three young children, whom she has now discovered are on the European at-risk register on possible cancers forming because the children will be brought up under an overhead power line. Because the pylon does not pass across her land, she is not eligible for compensation. She has made a very modest request that the pylon should be moved a further 20 m away from her house. As I speak today, the National Grid has not seen fit to agree to that.

Another problem is that, where overhead lines pass within 150 m of a residential property, the National Grid does not require a wayleave or easement from the individual property owner. A recent complaint is that the National Grid or the contractors have deliberately entered land when the occupier is absent.

There is clearly blight on all those properties because of the associated noise and perceived health risk of a property being close to a high-voltage electricity line. Under a highways scheme, property owners would be eligible for generous compensation, but apparently compensation for such property owners is excluded under the Electricity Act.

Other companies operating in the private sector are known to make more generous payments. For example, payments received as annual rental for mobile phone masts over 15 m high, but substantially lower than the pylons in question, are only a little less than the one-off payment offered by the National Grid in respect of the giant pylons that it seeks to build.

I urge the Minister to go further in the direction that his Government are taking. They commissioned a publication produced by the Property Industry Group, called "Blight, Might and Rights". That group includes the Country Landowners Association, the National Farmers Union, the Agricultural Law Association, the Federation of Small Businesses and many others. It said:

"National projects requiring compulsory purchase powers take years to deliver, and leave a trail of disaffected claimants in their wake, and fail to address blight."

It claimed:

"Compulsory Purchase Law and procedure should be updated to ensure just and equitable treatment for persons affected, at the same time as ensuring those who need property to modernise and improve the National Infrastructure"—

such as the grid—

"are able to proceed more quickly than at present."

The group's most alarming conclusion was, perhaps, that privatised utilities

"have inherited the power of the State to compel people to part with or grant rights in land and property for their own benefit. There has been no amendment of the legislation to reflect their commercial interest."

This is an opportunity for the Government, as part of their review, to amend and update that legislation. "Blight, Might and Rights" points, in particular, at procedures, costs, the blight that I have mentioned, negotiations and a code of practice.

I turn briefly to flood defences, which raise many concerns and issues similar to those raised by pylons. Coastal property owners and farmers who are faced with the potential of managed retreat are disappointed that the Ministry of Agriculture, Fisheries and Food is still unwilling to acknowledge financial loss, even though the Select Committee on Agriculture strongly recommended a compensation mechanism.

The word "compensation" appears not to be accepted by MAFF, whereas the word "benefit" is. That is the benefit to the country as a result of farmers giving up their land for sustainable flood defences. It is only fair that compensation should be paid in such circumstances, as it is for the building of roads, airports and the like. The Government have clearly recognised that there is an acute problem with laws and procedures relating to the compulsory acquisition of land and compensation.

I am grateful for this opportunity to raise these concerns on behalf of my constituents. I make a plea to the Minister, the Government and the House to put all forms of compulsory purchase of land on an equal footing, and to make compensation for overhead power lines, flood defences and road construction equally generous and based on the same principles in every case.

I regret that, with regard to overhead line transmissions and the construction of pylons, the National Grid has clearly and often been seen to act in an arrogant, hostile and insensitive manner, at times causing great offence and concern to landowners who live in the Vale of York. Courtesy and advance notice would be appreciated—particularly more than seven days and possibly as much as six months before pylons are constructed. That is not too great a request.

The Minister could make the process more democratic. As I said, it is quite wrong that he is unable to intervene on questions of compensation. Clearly, schedule 4 to the Electricity Act should be amended so that parties do not resort to an expensive land tribunal in the event of disagreement. At what stage is the review, and which specific action and reforms are proposed?

This debate is very timely; it gives the Minister an opportunity to present an update. There is clearly a need for reform, which I think both main parties in the House accept. The Government must proceed and inform the House of such reform. I hope that the Minister will give an undertaking that the reform will be in place before the pylons have been constructed in the Vale of York.

8.52 pm

The Parliamentary Under-Secretary of State for the Environment, Transport and the Regions (Mr. Nick Raynsford): I congratulate the hon. Member for Vale of York (Miss McIntosh) on securing this debate. The House will know that the Government place a high priority on the need to modernise our planning system. As part of that process, we are undertaking a thorough review of compulsory purchase—the most thorough review for a generation—to which the hon. Lady referred.

The hon. Lady made a number of specific points on compulsory purchase orders and wayleaves in her constituency, which I shall address in turn, although I should point out that responsibility for those matters under the Electricity Act 1989 lies, as she knows—we have debated this previously—with my right hon. Friend the Secretary of State for Trade and Industry. Indeed, responsibility for coastal protection and flood defences lies with my right hon. Friend the Minister of Agriculture, Fisheries and Food. The hon. Lady will understand that I

[Mr. Nick Raynsford]

cannot comment on the merits of individual cases, but she and the House may find it helpful if, before I address her specific points, I set out briefly the context in which they should be considered.

It is always agreeable when one secures a consensus. We certainly have a very broad consensus on compulsory purchase and compensation laws: everyone, it seems, is critical of them. The trouble is that the consensus does not extend to agreeing what precisely we should do to make such laws better. Indeed, opinions on the matter are extremely polarised. There are those who maintain that the expropriation of land is draconian; that too many bodies have compulsory purchase powers; that compensation is inadequate; and that acquiring authorities can be heavy handed and inconsiderate in their deployment of such powers. I have some sympathy with those people.

Miss McIntosh: Does the Minister agree that part of the problem, as he has explained, is that three different Ministries are involved and that there is no co-ordination between them? A landowner in my constituency is attempting to negotiate with the National Grid Company, but he is faced not just with the might of a large company, but with three Departments which each pass responsibility to another.

Mr. Raynsford: If the hon. Lady will bear with me, I shall highlight specifically the issues that are relevant, especially to electricity pylons and cables, which are often very different from those that apply to compulsory purchase in an urban context. She will equally appreciate that Departments that have a particular interest in a subject—for example, the Ministry of Agriculture, Fisheries and Food has a particular interest in coastal and flood defences—should be involved. However, I shall return to those points.

I was explaining that some people regard the whole compulsory purchase procedure as draconian. Others view compulsory purchase as an essential tool for the achievement of publicly beneficial work, such as the regeneration of run-down urban areas. They argue that compensation often rewards land or property owners whose neglect has contributed to the very dereliction that the regeneration seeks to reverse, and that the achievement of our target of 60 per cent. of new homes to be built on recycled land can be achieved only if there is wider use of compulsory purchase order-backed land assembly in appropriate development sites in cities. I have some sympathy with those views, too.

Having set out those two viewpoints, I should say that there is a third viewpoint—that of those who, putting to one side the questions of the adequacy of the powers or the quantum of compensation, point to the mind-boggling complexity of the law. There are hundreds—probably thousands—of statutory references to compulsory purchase and compensation, spread through dozens of statutes going back as far as 1845. Add to that the accretion of 150 years of case law, Mr. Deputy Speaker, and you have a behemoth of a system.

The House will readily appreciate that when the lawyers complain that the law is too complex, it is almost certainly too complex, and it is time for action to be taken to tackle that. That is what we are seeking to do. The Government are aware of the problems, and our overriding objective is to create a simplified, consolidated and codified law, which is efficient, effective and fairer all round. That is what we are trying to achieve.

In June 1998, we established a fundamental review of the laws and procedures relating to compulsory purchase and compensation. Because the system is so convoluted and the opinions of the protagonists are so divided, we constituted an advisory group to help us undertake that task. I place on the record my gratitude for the work that that distinguished group of lawyers, academics, planners, surveyors, landowners, local authority officers and representatives of the major developers has undertaken so far.

The interim report, presented by that group in December, has been widely welcomed and praised for the thoroughness with which it has approached the issues and for the balance of its conclusions. I am confident that the group's continuing work will deliver the results that we wish.

My confidence that the review is proceeding along the right track was boosted following the first ever national symposium on compulsory purchase and compensation, which the Department of the Environment, Transport and the Regions, in partnership with the Royal Institution of Chartered Surveyors and the Royal Town Planning Institute, sponsored in February 1999. Discussion at the symposium—which I was privileged to have the opportunity of attending and speaking at—and correspondence since then confirms that we are addressing the key issues, and that we are doing so pragmatically.

Now is not the time for a detailed critique of the group's report nor of its work programme for the months to come, but two linked findings are of particular importance. The first is that, allowing for some exceptions in the detail, the current compulsory purchase order framework is essentially sound and does not need reinventing in its entirety. The second is that the system is not always operated "efficiently, effectively or fairly"—a consequence, the group believes, of the infrequency with which the powers have been used in recent years. To put matters right, the group recommended—we have been quick to act on that recommendation—that a compulsory purchase guidance and best practice manual be devised, guiding acquiring authorities through all the twists and turns of the process. I might add that this apparently modest initiative has been widely welcomed, even by some authorities that view themselves as highly competent in that area.

I have given the House a brief overview to demonstrate that we recognise that the current system of compulsory purchase and compensation is widely perceived to be deficient, and that we are actually doing something about it. I have also sought to show that there are no simple solutions to any of the problems—or, at least, that what are sometimes presented as simple solutions are, as often as not, fiercely resisted by those whose perspectives differ.

The hon. Lady she spoke at length about the electricity pylons in the Vale of York. She will doubtless appreciate that had that featured in the title of the debate, my hon. Friend the Minister for Small Firms, Trade and Industry would probably have responded, as he is in a far better

position than I am to give a detailed answer on matters relating to wayleaves and electricity. I shall try to give as helpful a response as I can, albeit from a less authoritative position than my hon. Friend.

Miss McIntosh: May I put on record the fact that I had a detailed conversation with the Minister's office about the nature of the debate this evening, so I am slightly stunned by that remark?

Mr. Raynsford: As the hon. Lady will recognise, the choice of Minister to respond to the debate had already been made by that time, because the title of the debate related to compulsory purchase and compensation, without reference to electricity. As we established in a previous debate, responsibility under the Electricity Act 1989 lies with the Department of Trade and Industry.

The hon. Lady spoke about the National Grid Company's proposed electric line from Lackenby, in Cleveland, via Picton to Shipton in North Yorkshire—the North Yorkshire line. An electricity company usually obtains access rights to install a line over or under a particular piece of land by obtaining either a wayleave or a permanent easement from the landowner. If the company is unable to obtain such agreements voluntarily, it may apply to the Secretary of State for Trade and Industry for the grant of a compulsory wayleave, or to confirm a compulsory purchase order in respect of the required access rights.

In 1994 and 1995, the National Grid applied to the Secretary of State for the grant of a number of compulsory wayleaves to authorise it to install its proposed North Yorkshire overhead line. Following hearings into the applications, most of the wayleaves applied for were granted in March 1998. Since the Secretary of State's decisions on these matters, further wayleave applications have been confirmed relating to various sites along the route of the power line.

I know that the hon. Lady has written to DTI Ministers on several occasions on the subject of compensation and access rights granted under a compulsory wayleave. As she will now know, the Secretary of State has no powers to prescribe any financial conditions in any wayleaves that he grants.

Compensation falls to be settled by agreement between the landowner and the company or, failing agreement, by the Lands Tribunal. However, the industry has agreed with the Country Landowners Association, the National Farmers Union and the National Farmers Union in Wales a scale of compensation for poles, pylons and wires, and I understand that those are accepted in the overwhelming majority of cases.

The hon. Lady asked why the interests of farmers are not better protected. Clearly, that is a matter that she should take up with the NFU and the CLA, which agreed the scale of compensation for such arrangements.

Miss McIntosh: I am grateful for the Minister's generosity in giving way. There has been a clear abuse of compulsory powers. Initially, by offering an easement as opposed to a wayleave, the National Grid was offering a capital payment to reflect the depreciation in the value of the property. To those who did not take up the offer at the time, the National Grid has behaved shoddily. I hoped that the Minister would address the issue this evening.

Mr. Raynsford: As I have already explained to the hon. Lady, that is specifically a matter for my colleague, the Minister for Small Firms, Trade and Industry. As it is not my responsibility, I am not in a position to respond on the actions of the National Grid in relation to an electricity wayleave.

I know that a number of landowners who are the subject of compulsory wayleaves have argued that the wayleave grants the company only very limited access to their land, more or less along the route of the proposed line. That is a clear difference from compulsory purchase of a property for development, where the property is acquired to be disposed of. The arrangement necessitates a different regime from that which would apply in the case of compulsory acquisition.

A wayleave granted by the Secretary of State gives access rights for the purpose of installing and keeping installed the line, and for purposes relating to its maintenance. The access rights do not define particular parts of a plot of land to which access is granted. The wayleave identifies only the land at issue.

It is therefore necessary to look at the purpose of the wayleave so that access to sufficient land is allowed for installation and maintenance purposes. Obviously, that will involve a particular strip underneath the line, but it will also involve access to other parts of the land—for example, access from an entrance to the land to the strip underneath the line.

Although the wayleave identifies the line and the land in question, the detailed implementation of these rights—for example, agreeing working areas and access routes—is a matter for discussion and agreement between the landowner and the company. Obviously, given the different circumstances in different areas, there have to be agreements between the parties to ensure the minimum disruption and the most satisfactory arrangement to avoid causing inconvenience to the landowner.

Miss McIntosh: I think that the Minister, so far as he has responsibility, will accept that this is the crux of the debate. First, there has been an announcement—by either North Yorkshire county council or Hambleton district council—that the Queen's highways may not be used to access the land. The farmers' land will be used in the construction stage in a way that had never been imagined possible before. That has caused difficulties for the parties concerned reaching an agreement.

Secondly, family businesses are involved. The farmers are concerned that National Grid is unable to say exactly when it is coming in and exactly to what amount of land it wants access. Farmers in North Yorkshire, particularly cereal growers and beef producers, have gone through a record crisis and they need a degree of certainty in planning.

Mr. Raynsford: My understanding is that the company is currently attempting to negotiate on access routes and lines with the landowners. Clearly, if there are problems arising from those negotiations and the hon. Lady believes that this matter is being handled unsatisfactorily by the statutory undertaker, she should certainly take that up with my colleagues at the Department of Trade and Industry.

I am told that consent was refused for two short stretches of line—at Nunthorpe and near Newby—and so it fell to the company to consider placing those two

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stretches underground. I gather that it is the company's intention to route underground not only those two stretches, but the stretch of line between them.

The Secretary of State's powers to grant consent for electricity lines do not cover underground cables; accordingly, the company does not need to obtain consent. However, it must ensure that appropriate arrangements are made for access to allow construction and maintenance of the cable. I understand that the company is currently trying to negotiate voluntary agreements with the affected landowners. However, if voluntary agreements cannot be reached, the company may either apply for compulsory wayleaves or for the confirmation of compulsory purchase orders in respect of the access requirements.

According to the information available to me, the DTI has not received any applications for the confirmation of compulsory purchase orders. However, if any are received, the statutory procedures allow interested parties to make their case to a person appointed by the Secretary of State. Only after receiving the report of the appointed person will the Secretary of State express any view on any such applications.

I am conscious that I have not answered every last point relating to consents under the 1989 Act, but I have no doubt that my colleagues at the DTI would be happy to advise the hon. Lady further, should she wish to contact them.

Question put and agreed to.

Adjourned accordingly at eight minutes past Nine o'clock.

House of Commons

Thursday 13 May 1999

The House met at half-past Eleven o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

Oral Answers to Questions

TREASURY

The Chancellor of the Exchequer was asked—

Taxation (Housing)

1. **Mr. Norman Baker** (Lewes): What is his policy in respect of taxation on *(a)* house building and *(b)* house renovation. [83188]

The Paymaster General (Dawn Primarolo): The construction of new housing is not taxed. The renovation of existing housing is subject to VAT at the standard rate.

Mr. Baker: Is it not time that the Government took notice of the Select Committee on the Environment, Transport and Regional Affairs and reviewed an obviously illogical policy which is bad for the environment? Surely it would be better if green-field housing were taxed and there were less tax on the renovation and improvement of existing property. That makes sense for the environment. It has no fiscal implications in terms of the amount of money that the Government receive, but it would be a good signal to send. Will the Government pursue that policy?

Dawn Primarolo: As the hon. Gentleman knows, the Government's policy is to discourage green-field development and to encourage sustainable housing growth through the use of brown-field sites. He is right to say that tax may play a part in that policy. As he is aware, the Government's statement of intent on environmental taxation makes it clear that we should consider tax and regulation and other items with regard to pursuing that policy. It is important that any change in tax policy does not cause further distortions, which would make the position worse. Therefore, of course the Government keep the tax position under review, because it is important that such distortion is not allowed to undermine Government policy.

Mr. Jim Cousins (Newcastle upon Tyne, Central): The imposition of VAT on house improvement by the previous Conservative Government was undoubtedly a considerable act of folly, with damaging effects in some northern cities and the Welsh valleys, where there are very many elderly, low-income owner-occupiers who need house improvement support. When the Government's urban task force reports next month, will the Minister carefully consider proposals that will equalise the tax treatment of new house building and house improvement, so that those elderly, low-income owner-occupiers can maintain their homes, the quality that all of us would wish?

Dawn Primarolo: My hon. Friend will have noted that the previous Government put VAT on fuel, which was also damaging to those poor pensioner households. I know that, as a member of the Select Committee on the Treasury, he is aware that conversion services for housing associations, and the conversion of non-residential properties into housing, are zero rated. He is right to say that we should ensure that the tax system does not discourage the conversion or renovation of any property. Of course we are considering the matter.

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy): I am sure that all hon. Members are worried about the decay of buildings in town centres. Would it not be a positive step if the VAT treatment were changed to give a positive response and an impetus to the development and refurbishment of town and village-centre properties?

Dawn Primarolo: Each of those who have spoken on this question have identified a different aspect of housing policy that they wish VAT to tackle—whether it be green-field sites, brown-field sites, the renovation of the inner cities or the importance of all housing in our communities. That shows the diversity and complexity of the problem that the Government are seeking to address. I should say that just one change will not give us the solution that we are looking for, which is why the Government are reviewing the position.

North Sea Oil and Gas

2. **Mr. Bob Blizzard** (Waveney): If he will propose changes to the taxation system which would encourage further investment in the exploration and production of North sea oil and gas. [83189]

The Financial Secretary to the Treasury (Mrs. Barbara Roche): The Government are committed to the success of the North sea oil industry and promoting investment in this sector and in the economy more generally. The fiscal regime must be consistent with this objective while ensuring that all North sea oil companies pay their fair share of tax.

Mr. Blizzard: I thank my hon. Friend for that reply. Given the importance of the offshore oil and gas industry to our national economy—it accounts for 350,000 jobs, 5,000 contractors and 16 per cent. of total industrial investment—and given the fact that the industry is now involved in the exploitation of marginal fields, does my hon. Friend recognise that fiscal measures can play an important part in ensuring that it remains economically viable to exploit our remaining reserves over the next 30 years? Specifically, will she consider the case for capital gains tax rollover relief, as that would be a well-targeted measure that would bring forward investment; and will she look to encourage innovation such as the recommissioning of platforms, which would have great environmental benefits?

Mrs. Roche: Of course I know that my hon. Friend takes a very close interest in these matters, as he is chairman of the all-party British offshore oil and gas industry parliamentary group. I strongly agree with his assessment of the great importance of the industry. That is why I have twice met representatives of the industry; and my right hon. Friend the Chancellor of the Exchequer has also met them. As the House will know, there were three helpful measures in the Budget, including one to reduce compliance costs. We continue to have discussions with the industry. We should take into consideration the current rosier price of oil and not come to any hasty conclusions.

Mr. Tim Boswell (Daventry): Although the industry was no doubt grateful that the Treasury backed off from its threat of additional tax last year because of the situation in the industry, and although the Minister will no doubt want to review carefully the current state of effort in the North sea compared with that prevailing until a year or two ago, will she have a word with her right hon. Friend the Secretary of State for Trade and Industry about the implications of the gas moratorium which, as well as the present rate of taxation, is sending a negative signal about the future development of the North sea?

Mrs. Roche: I am rather surprised at the hon. Gentleman's remarks. He will know as well as anyone who knows the industry that my right hon. Friend the Chancellor's statement in September 1998—that, at that time, in view of the low oil prices, he would not proceed with reform of the North sea tax regime—gave the industry what it had long sought: a firm basis on which to plan for the future. As the House is well aware, the changes that we have made to business taxation—the lowering of corporation tax—will help all industry, particularly that in the North sea.

Business Taxation

3. **Mr. Nick St. Aubyn** (Guildford): What estimate he has made of the level of tax to be paid by business in 2000–01 as a result of the Budget. [83190]

7. **Mr. Eric Forth** (Bromley and Chislehurst): What estimate he has made of the change in overall tax yield from business in 2001–02 as a result of the Budget. [83194]

The Chief Secretary to the Treasury (Mr. Alan Milburn): All companies that pay tax will benefit from the cuts in corporation tax that were announced in this year's Budget and in previous Budgets.

Mr. St. Aubyn: As a result of the Government's first Budget and the changes in pensions tax, business will have to pay an extra £5.5 billion in taxation next year. As a result of the Government's changes in corporation tax in their second Budget, business will have to pay an extra £2 billion in taxation next year. As a result of the environmental levy in this year's Budget, business will have to pay an extra £1.75 billion next year. Does the Chief Secretary realise that business can pay those extra taxes only by charging its customers more, and that more than £9 billion will therefore be taken by stealth from the pockets of British people?

Mr. Milburn: I am happy to compare our record on business taxes with that of the Conservative Government. I remind the hon. Gentleman that, in their first four years in power, the Conservative Government maintained a corporation tax rate of 52p in the pound. In our first two years in power, we have cut the main corporation tax rate to 30p in the pound and the small companies rate to 20p in the pound and have introduced a new 10p starting rate of corporation tax. Those are the lowest company taxes in the history of this country, the lowest company taxes of any country in Europe, and the lowest company taxes of any major industrialised country in the world. The hon. Gentleman should be congratulating the Government.

Mr. Forth: May we now please have an answer to the question? For the Chief Secretary's benefit, my question is:

"What estimate he has made of the change in overall tax yield from business in 2001-02".

That is a straightforward, factual question. Why does the right hon. Gentleman insult not only the House of Commons but the entire business community by failing to answer the question, through impudence and impertinence—or is he being deliberately evasive because he knows that the answer is that business is paying more tax?

Mr. Milburn: The right hon. Gentleman refers to the views of the business community. In the past, we have listened—[HON. MEMBERS: "Answer the question."] Opposition Members are getting very excited; they should calm down for a moment. The right hon. Gentleman rightly referred to the views of the business community about the Budget and previous Budgets. I remind him what some leading members of the business community have been saying about the Budget. I remind him, for example, that the hon. Member for Tunbridge Wells (Mr. Norman) said:

"Overall, not a bad business Budget."

Mr. Robert Sheldon (Ashton-under-Lyne): Is my right hon. Friend aware that the reduction in the rates of corporation tax has been widely welcomed, as has the extension of first-year capital allowances to small and medium-sized companies? Is he also aware that any incentives to manufacturing industry are difficult to obtain? One of the few ways of achieving those incentives is through capital allowances, so will he perhaps consider some increase in the capital allowances, particularly for manufacturing industry?

Mr. Milburn: I am grateful for my right hon. Friend's welcome for the Budget measures. As he rightly says, the cuts in corporation tax benefit 270,000 companies, and companies paying tax up to the level of £50,000 a year stand to benefit from those cuts. Many more companies on top of that—in the manufacturing and service sectors—will benefit from the extension of first-year capital allowances. I know that that is widely welcomed, in manufacturing in particular. We recognise the difficulties that some manufacturing companies face at the

moment, and we hope very much that the Budget measures will help them to grow and prosper for the future.

Mr. Geraint Davies (Croydon, Central): Does my right hon. Friend agree that, had the Government accepted them, the total cost of the Opposition proposals made in the Committee considering the Finance Bill in the past two weeks—the abolition of the fuel escalator; the abolition of any increase in duty on tobacco; the lowering of vehicle excise duty for 1400 cc cars; and the retention of the married couples allowance for all new pensioners, so that we will all have to get married when we are 65—would have been billions? Ultimately, that money would have to be paid by the wealth creators and businesses of this country. Their commitment to £40 billion for health and education combined with low tax for business is a complete sham—crocodile tears from a discredited Opposition.

Mr. Milburn: My hon. Friend is absolutely right. This is an example of Tory taxation by stealth. The Tories' figures do not add up, and no amount of double-talk from the shadow Chancellor about his commitment to schools and to hospitals can disguise that fact. If they had their way, they would load more taxes on business and, indeed, on individuals. They cannot be trusted, either with the state of the public finances or with our country's vital public services.

Dr. Vincent Cable (Twickenham): Is the Chief Secretary aware that there is a great deal of concern in British business that, as a result of the Government's perfectly valid concern about tax avoidance, there could be a considerably increased tax burden on legitimate businesses, notably through Inland Revenue 35 as it is applied to the computing industry and through the application of value added tax on the internal transactions of banks? How much revenue does he propose to raise in that way, and what assurances is he giving to business that he will not penalise legitimate companies?

Mr. Milburn: If the hon. Gentleman cares to look in the Red Book, he will see what the tax yield would be from that measure. As we have made clear in the Finance Bill Committee, no legitimate service businesses will be affected by this proposed measure.

Mr. Peter L. Pike (Burnley): My right hon. Friend will know that the climate change levy is deemed to be tax neutral, because of the associated national insurance rebate, but does he recognise that there is a severe threat that jobs in the high-energy industries will be transferred abroad? That would be a severe penalty, and there would be no environmental advantage from it. I hope that that will be taken note of in the discussions that are taking place; I know that the Government are anxious to preserve jobs in this country.

Mr. Milburn: As my hon. Friend is aware, an extensive consultation about how best to introduce the new climate change levy is under way. I can tell him and the House that my right hon. Friend the Chancellor met the Confederation of British Industry yesterday to discuss that, among other matters. We are well aware of the concerns of the energy-intensive industries, which is precisely why we are going through the sort of consultation exercise that we are.

Cider Duty

4. **Mr. David Heath** (Somerton and Frome): What assessment he has made of the impact of changes in cider duty announced in the Budget on producers of bottle-fermented cider. [83191]

The Financial Secretary to the Treasury (Mrs. Barbara Roche): Discussions with the National Association of Cider Makers suggest that there are fewer than 30 producers of bottle-fermented sparkling cider, some of which are exempted from paying any duty because their production is below the registration threshold. Of those who pay duty, most also produce mainstream traditional ciders and are not, therefore, reliant solely on bottle-fermented sparkling cider production for their livelihood.

Mr. Heath: I am grateful to the Financial Secretary, but is it not the case that in order to deal, rather ineffectually, with an infraction proceeding from Italy for a rather unpleasant-sounding beverage, she is driving out a traditional British product of high quality, which is made in my constituency? Is it beyond the wit of the Treasury to devise an exemption that would maintain the production of bottle-fermented cider? If it cannot do that, is not the inference that, for the Treasury, far from small being beautiful, small and rural industries simply do not count?

Mrs. Roche: I am surprised at the hon. Gentleman, who I would have expected to know rather more about the subject. *[Interruption.]* I say that only because his hon. Friend the Member for Kingston and Surbiton (Mr. Davey), his party's spokesman on this matter, said during a debate on the Finance Bill:

"The vast majority of cider makers will not be affected . . . the industry as a whole is not worried. It has been consulted, and has agreed with the Government's approach."—[*Official Report, Standing Committee B*, 4 May 1999; c.41-3.]

[Interruption.] I remind Conservative Members that the process started in 1996; they started it. We consulted widely in the industry. This proved to be the only way forward, and it was certainly supported by the vast majority of cider makers.

Mr. Desmond Swayne (New Forest, West): What can the Chancellor possibly have meant when he told the House during his Budget speech that there would be no increase in alcohol duty this side of the millennium?

Mrs. Roche: I know that it is a bit early in the morning, but the hon. Gentleman clearly did not hear my earlier reply. There was no new increase; the increase was started by the Conservatives when they were in government. The then Chancellor, the right hon. and learned Member for Rushcliffe (Mr. Clarke), initiated it in 1996, nearly four years ago, and the industry knew all about it. Let me tell the Conservative party that it is no good doing another U-turn; Labour Members are far too used to that.

Unemployment

5. **Sir David Madel** (South-West Bedfordshire): What projection he has made for unemployment levels at the end of the 1999–2000 financial year. [83192]

The Chancellor of the Exchequer (Mr. Gordon Brown): In line with the practice of previous Administrations, the Government do not publish forecasts of unemployment, but, for the purposes of projecting social security spending, the Government have introduced a new and deliberately more cautious unemployment assumption, based on an average of outside forecasts.

The official figure for unemployment now stands—according to the definition of the International Labour Organisation—at 266,000 less than when the Government took office, and on a claimant count at 355,000 less.

Sir David Madel: Employment in manufacturing has fallen over the past four months, and is set to go on falling. Over-regulation and stealth tax policies are making matters worse. Why do the Government keep slithering out of their responsibilities for manufacturing industry—or is it someone else's fault that things are going wrong?

Mr. Brown: Under the last Administration, manufacturing unemployment fell from 7 million to 4.1 million. It is still above 4 million under the present Government. However, the latest figures show that manufacturing output rose last month, despite everything that the Opposition have been saying about manufacturing.

I am surprised that, when tabling a question about unemployment, the hon. Gentleman chose not to refer to the new deal on unemployment, which is doing much for his constituency and many others. The shadow Chancellor has called the new deal a fraud and a waste of money—*[Interruption.]* He did say that. But the hon. Member for South-West Bedfordshire (Sir D. Madel) was pictured with a new deal entrant a few months ago, and was quoted as saying that he was delighted by the scheme. He also said:

"When we are returned to power we will build on this scheme, which is doing a lot to help people".

The Conservative party should take the advice of the shadow junior health Minister, the hon. Member for Rutland and Melton (Mr. Duncan), and go back to the drawing board.

Mr. Barry Sheerman (Huddersfield): Did my right hon. Friend see yesterday's statement by the Bank of England that the economy was now on course for growth with price stability? Will he suggest to Conservative Members, and to the shadow Chancellor in particular, that the shadow Chancellor should consult more widely with business representatives, rather than just talking to representatives of Asda? We have a 4.6 per cent. unemployment rate; and businesses up and down the country welcome the new deal, and welcome the creation of a business environment in which they can get on with the job.

Mr. Brown: I am grateful to my hon. Friend for his reference to Asda. If the shadow Chancellor were to talk to the person from Asda, who is also a Conservative Member, he would hear him say about the Budget:

"We'd welcome the help for small business. I think that's good. We'd welcome the reduction in corporation tax and lower corporation tax for small business. That's good . . . everyone in the country is dead keen on it"—

employee share ownership—

"and that's good. Overall, not a bad business Budget."

Those are the words of the vice-chairman of the Conservative party.

Mr. Malcolm Bruce (Gordon): Does the Chancellor accept that the biggest continuing threat to jobs in farming, food production, tourism and manufacturing is the continuing high exchange rate and high interest rates, compared with those of our main partners? Is it not time that he had a strategy for bringing our exchange rate to a more competitive level, and our interest rates into line with those in our major markets? When will he do that?

Mr. Brown: The biggest threat to jobs in any sector would be the pursuit of the wrong macro-economic policies—the policies that were pursued under the previous Government. I think that the hon. Gentleman agrees. There will be no return to stop-go, boom-and-bust policies. We have kept inflation low, we have made the Bank of England independent, and we have set tough fiscal disciplines. All those disciplines are now yielding results in terms of both the inflation rate and the growth path of the economy, but we have still to have some answers from the Opposition. They oppose Bank of England independence. They oppose all the measures that we are taking that are to do with employment—the minimum wage, the working families tax credit and the new deal. They do not have an economic policy and, sometimes, I wonder whether the Liberal Democrats do.

Mr. Derek Twigg (Halton): One of the problems in terms of unemployment is that the Opposition have been talking down the economy for the past two years. As my hon. Friend the Member for Huddersfield (Mr. Sheerman) pointed out, the Bank of England said that the economy is set to grow, and Barclays says that there will be no recession. Is it not true that, in that context, the new deal is even more important in getting people trained and skilled for jobs?

Mr. Brown: I am grateful to my hon. Friend. I wish that the Opposition party would now welcome the new deal and that, instead of the shadow Chancellor saying that it is a failure, a waste of money and even a fraud, he would respond to the fact that 250,000 young people are now benefiting from the new deal, that the number of young people unemployed for more than six months has been cut by 56 per cent. since the election, and that long-term unemployment has fallen by 42 per cent. I hope that he will take the advice of the hon. Member for South-West Bedfordshire, welcome the new deal and wish that it could be extended.

Mr. Francis Maude (Horsham): The Chancellor will recall that, in 1989, when the European Commission last proposed a job-destroying withholding tax on savings—*[Interruption.]* The question is about employment, and the tax is a job-destroying measure. At that time, the measure was quietly and politely strangled at birth by the then Conservative Government. Although the tax would have

destroyed fewer jobs because it excluded eurobonds, in opposition, Labour supported us in ensuring that it never even went into negotiation.

Is not the right hon. Gentleman's negotiation now not about whether jobs will be destroyed in Britain by the withholding tax, but about how many and whose? Why cannot he just say no to that wretched tax, so that people who fear for their jobs can have those fears put to rest?

Mr. Brown: I have made it absolutely clear that the United Kingdom will not accept any directive that requires member states to introduce a withholding tax. It has been absolutely clear for months. It is only the Conservative party's obsession with finding conspiracies in every part of Europe that allows it to use a question on employment simply to talk about the withholding tax.

Mr. Maude: I do not think it eccentric to use a question on unemployment to talk about a European measure that would destroy jobs; it is directly relevant to unemployment. If the right hon. Gentleman does not understand the connection, that is perhaps part of the problem that the City of London faces. How many jobs is it acceptable to destroy as the price of his going with the flow in Europe?

Mr. Monti is still drawing his salary two months after being fired from his job. The 10,000 people who will lose their jobs thanks to the tax will not be so lucky. The next time Mr. Monti swaggers into London to lecture Britons and to threaten them with higher Euro stealth taxes, why cannot the Chancellor just tell him to get lost?

Mr. Brown: First, it is very difficult to take lectures about European legislation from the man who signed the Maastricht treaty. Secondly, it is not true to say that the measure was off the table when we came into office; it was on the table and being discussed. Thirdly, because the right hon. Gentleman sees a conspiracy in every part of Europe, he will not accept what I have said all along: the UK will not accept any directive that requires members to introduce and impose a withholding tax. I have made that absolutely clear. It is about time that Conservative Members took what they said they were going to do to heart and listened.

Jacqui Smith (Redditch): Does my right hon. Friend accept that, given last year's very worrying measures of business confidence, yesterday's estimate by the Bank of England of a gentle take-off in growth was not only very encouraging but unprecedented? Will he spell out which of the Government's policies he believes have contributed to creating that growth, and which future policies will ensure that it continues? Will he also assure the House that he will not be thrown off by an Opposition who seem to be unsure whether they believe that public spending is reckless or desirable, whether the Bank of England should be independent, and whether they would raise or lower business taxes?

Mr. Brown: I agree entirely with my hon. Friend. I also think that the Opposition should take to heart the comments of the junior shadow Health Minister—who shall remain a junior shadow Minister—who said of the speech of the right hon. Member for Hitchin and Harpenden (Mr. Lilley) a few weeks ago:

"You can't build a strategy on unclear thinking. that's the cart before the horse. We need clear thinking"

He also said:

"We've got to go back to the drawing-board and no longer just scrabble around in the hope of winning short-term engagements"

As my hon. Friend says, the Conservative party has a lot of thinking to do.

As for the Government's economic policy, we shall continue to steer a course of stability, to achieve the low inflation that we need to make possible the growth and employment creation currently happening in the United Kingdom. As I said, since the general election, more than 500,000 extra jobs have been created. There are now more people in employment in our country than at any time in our history.

VAT (Works of Art)

6. **Mr. John Wilkinson** (Ruislip–Northwood): What is his estimate of the additional revenue to be derived from the proposed increase in VAT on works of art imported into the UK from outside the EU in each of the first three years of operation. [83193]

The Paymaster General (Dawn Primarolo): In the first two full years, the amount of money collected from imposition of VAT at 5 per cent. on works of art will be £10 million. As the hon. Gentleman will know, the Government are not convinced of the case for raising VAT on art to 5 per cent.

Mr. Wilkinson: I am grateful to the hon. Lady for that answer. However, is it not the case that, in the first year after imposition of VAT at 2.5 per cent.—under the seventh directive of the European Union on imported antiques, works of art and collectables from outside the European Union—imports decreased by 40 per cent., from £1 billion to £600 million? Is she aware that the United Kingdom has 12,000 art dealers and 50,000 jobs in the trade, most of which are in London? She says that she is not convinced of the case for increasing the tax. How was it that she was unable—being such a good European—to persuade the European Commission not to waive the previously agreed derogation to 1 July? The tax, like so many European taxes, will destroy jobs. Is it not time that the Government cut the Gordian knot and did not harmonise tax with Europe?

Dawn Primarolo: I should first correct the hon. Gentleman. The unanimously agreed deal to which the previous Government signed up—the right hon. Member for Wells (Mr. Heathcoat-Amory), when a Minister, signed the explanatory memorandum—stated that we should apply VAT at 2.5 per cent., rising to 5 per cent. There was no vote on whether to increase the 2.5 per cent. to 5 per cent. The previous Government made the commitment to increase VAT to 5 per cent., and the increase was agreed unanimously.

Since the election of the current Government, we have been trying, working very closely with the art market, to persuade our European partners that VAT should remain at 2.5 per cent. We shall continue to negotiate on the matter, which is a darn sight more than the previous Government did for the art market—they sold the market down the river by agreeing to 5 per cent.

Mr. Tam Dalyell (Linlithgow): Why are our European partners being so sticky about the issue, which affects a lot of jobs?

Dawn Primarolo: The issue is whether there is an unfair distribution between European art markets. The Government have put the case that the direct competition to the London market comes from New York, so anything that undermined the London market would be bad for all European markets. We are still trying to convince our partners to reopen the issue. Unfortunately, we cannot use the veto because the deal is signed and delivered. It cannot be reopened without unanimity.

Mr. David Heathcoat-Amory (Wells): Is the Paymaster General aware that the British art market, which employs more than 50,000 people, faces a threat not only from the doubling of VAT, but from the European directive which will impose a compulsory resale levy, which will drive the market out of London—indeed, out of the European Union—to centres such as New York? If she really wants to stand up for British industry, why is she not standing up to the European Union, whether on the road haulage industry, which faces uncompetitive fuel duties, on the City of London, which faces a withholding tax that should have been vetoed months ago, or on the British art market, which is facing new threats to its existence? Why do the Government not stand up for British industry instead of pursuing their mission to be popular in Europe?

Dawn Primarolo: The right hon. Gentleman has a cheek: he defended the fuel duty escalator in the Chamber when he was a Minister in the previous Government. His Government failed to stand up to Europe when agreeing to allow 5 per cent. VAT on the art market immediately. I read his pamphlet on the art market with some interest. I acknowledge that he knows a considerable amount about the subject, but, if he knows so much, why did his Government do such a bad deal?

Child Benefit

8. **Ms Joan Ryan** (Enfield, North): What representations he has received regarding the increase in child benefit announced in the Budget. [83195]

The Chancellor of the Exchequer (Mr. Gordon Brown): I have received a number of representations, including those made at a meeting with the Child Poverty Action Group before the Budget. Most have welcomed the fact that child benefit has risen by 30 per cent. since we came into government and from next April will be £15 for the first child and £10 for subsequent children.

Ms Ryan: I thank my right hon. Friend for that answer and for the increase in child benefit, which will help 13,800 families in my constituency. My real reason for tabling the question is to tell him that I have met a number of pensioner groups recently. As ever with pensioners, they were interested in more than just the policies that benefit them directly. They also expressed interest in and support for measures that are beneficial to children, particularly the increase in child benefit. Will my right hon. Friend confirm to me, so that I can confirm to parents and grandparents in my constituency, that the Government will continue to pursue policies that support families when they need it most, which is when they are bringing up children?

Mr. Brown: All our changes, including the working families tax credit and the child tax allowance which will be introduced from 2001, are designed to give families help when they need it most—when children are growing up. Some 7 million mothers and 12 million children will gain from the increase in child benefit. It is the biggest rise that this country has ever seen and is backed up by our working families tax credit, which will start in October. There will be a minimum income of £200 for families in work with children, which will benefit 1.5 million families. I hope that the Opposition will support the measure instead of opposing it.

Miss Anne McIntosh (Vale of York): Does the Chancellor not recognise that, although the increase in child benefit will at least go to the child, the changes that he is proposing through the working families tax credit will result in the benefit being lost to the child, because in most cases it will go to the married father? Will he admit that the Labour party has failed to deliver on its election pledge of reducing welfare spending?

Mr. Brown: I hope that the hon. Lady will understand these facts. First, child benefit goes to the mother. She seems to have misunderstood that. Secondly, the working families tax credit means an overall increase in family income amounting in some cases to £40 or £50 a week. Thirdly, our proposals for the working families tax credit, backed up by child benefit, are far superior to those now floated by the shadow Chancellor and the leader of the Conservative party for a transferable tax allowance that would give a millionaire £1,734 as a result of tax relief and, in some cases, would give nothing to the lowest-paid in the country.

Mr. Christopher Leslie (Shipley): Is the child benefit increase a way of showing how the Government are standing up for the many, and not the few? Is that not in stark contrast to the priorities of the Conservative party, which would spend hundreds of millions of pounds on cutting stamp duty on properties valued at over £500,000?

Mr. Brown: I have looked at the voting of the Conservative party on the Finance Bill and the Budget, and it has committed more than £7 billion to measures that include cutting the tax rate for smokers. That money would not be available for the health service or for education, and that makes absolutely hollow the attempt by the Conservative party to put itself on the side of the health service and parents educating their children. As the Minister for Public Health has reminded them, the Tories have to go back and think these things out because none of their figures add up.

Road Fuel Duty

9. **Mr. Crispin Blunt** (Reigate): What assessment he has made of the effect of the road fuel duty escalator on *(a)* economic growth and *(b)* Government revenue in each of the next five years. [83196]

The Economic Secretary to the Treasury (Ms Patricia Hewitt): The Government are committed to ensuring that economic growth takes place in a sustainable way that respects the environment and is fair to future generations. The fuel duty escalator—which we inherited from the previous Government—is an important element of a package of tax measures that will contribute towards the aim of achieving economic growth while protecting and, where possible, enhancing the environment.

The revenue gained from the escalator in the next three financial years is shown in the March 1999 "Financial Statement and Budget Report".

Mr. Blunt: I am afraid that that answer treated my question with the same contempt received by my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) and my hon. Friend the Member for Guildford (Mr. St. Aubyn), who made specific requests for information and found that none was forthcoming. Has the Treasury team not worked out that the purpose of an escalator is to accelerate one's movement from one floor to another? Why are they behaving like a group of demented four-year-olds, out of control in a department store—

Madam Speaker: Order. The hon. Gentleman must use better language in this House.

Mr. Blunt: Why are the Treasury team taking the rest of the economy—the grown-up economy—way past any sensible destination and inflicting enormous damage on our rail freight industry? The only things that will be getting a lift from the ridiculous decision to stay on the escalator way past any sensible point will be our goods on foreign-owned trucks.

Ms Hewitt: I am a little puzzled by the hon. Gentleman's question. The previous Government introduced the fuel duty escalator, the effect of which, by 2010, will be to save between 2 million and 5 million tonnes of carbon annually—a measure that was in the green manifesto on which the hon. Gentleman stood for election. As the Budget report clearly set out, the revenue raised in the current year from the fuel duty escalator—which we inherited from the Conservative Government—is £1.7 billion. The Conservative party, which voted against the measure, needs to tell us how it would replace that hole in the public finances and how it would meet the Kyoto targets to which it was committed in government.

Mr. Peter Snape (West Bromwich, East): Does my hon. Friend not think it remarkable that, in 1993—when the fuel tax escalator was introduced—the hon. Member for Reigate (Mr. Blunt) was not only a failed Tory candidate in West Bromwich, but a political adviser to a former Tory Transport Minister?

Is it not the case that three inquiries conducted under the previous Conservative Administration all concluded that heavy goods vehicles did not meet their true track costs? Is it not also a fact that rail freight, which the hon. Gentleman mentioned for some bizarre reason, has increased by 15 per cent. in the past year? He has rather made a fool of himself there.

Is it not a pity that Conservative Members not only have failed to condemn the illegal activities of certain truckers, but apparently support those truckers in their demands, which would appear to be for British social costs and French diesel prices? Will my hon. Friend make it plain that those demands are impossible and that, as long as those activities continue, there can be no question of the escalator being reconsidered?

Ms Hewitt: I am grateful to my hon. Friend, who has made his point extremely well. He reminds me of the remarks of the former Chancellor, the right hon. and learned Member for Rushcliffe (Mr. Clarke), who rightly said that hon. Members who support the Kyoto targets, as the previous Government did, but refuse to support the road fuel duty escalator, are sailing dangerously close to hypocrisy.

I must not apply that comment specifically to the hon. Member for Reigate (Mr. Blunt), and of course I will not do so, but I emphasise the fact that the road fuel duty escalator plays a vital part, under this Government as under the previous Government, in ensuring that we meet our environmental targets and have a balanced and integrated transport policy.

Mr. John Whittingdale (Maldon and East Chelmsford): Is the Minister aware that many small haulage firms are becoming desperate, as they are now only weeks away from bankruptcy? Her answer, that the Government intend to continue with the escalator until 2010, will simply increase that despair. Does she understand that more and more people feel that the Government's road haulage forum is a waste of time, given their refusal to abandon the fuel escalator or the increase in excise duty? Will the Government commission a full independent report specifically on the competitiveness of the industry, and give an undertaking to act on it?

Ms Hewitt: I hope very much that the hon. Gentleman will support our policy of discussion with the industry, rather than the policy of disruption pursued by some of the hauliers. The road haulage forum is proving an extremely useful venue for serious and constructive discussions with the industry—something that the previous Government did not undertake—and of course we are considering the industry's competitiveness.

In the Budget, we widened the differential between the duty on diesel and on ultra-low-sulphur diesel, which is set to take almost 100 per cent. of the diesel market; we cut corporation tax for small companies; we reduced employers' national insurance; and we introduced a new starting rate of 10p for small companies. All those measures will help the industry.

There is a problem regarding fuel efficiency and overcapacity in the industry, and the best British road haulage fleets are almost twice as fuel-efficient as the worst. We need to address that issue, and the road fuel duty escalator gives exactly the right incentives to the industry to improve its fuel efficiency.

Climate Change Levy

10. **Mr. Gordon Prentice** (Pendle): What assessment he has made of the impact of the proposed climate change levy on *(a)* the aluminium industry and *(b)* other high-energy using manufacturing industries. [83198]

The Economic Secretary to the Treasury (Ms Patricia Hewitt): Following Lord Marshall's recommendation, the Government are not taking an across-the-board approach to the climate change levy. As my right hon. Friend the Chancellor announced on Budget day, we intend to set significantly lower rates of levy for those energy-intensive sectors that agree targets for improving their energy efficiency. My right hon. Friend the Deputy Prime Minister has had a useful initial meeting with the associations representing the energy-intensive sectors and detailed negotiations with those sectors, including the aluminium industry, are now under way.

Mr. Prentice: That is a very reassuring answer, but even with the 50 per cent. reduction for energy-intensive industries such as aluminium there are fears that production costs will rise dramatically. I have been told that the aluminium industry anticipates a rise of perhaps 12 per cent. per tonne, which would drive it offshore. I was reassured by what I heard about discussions and negotiations taking place, with a concluding date of 28 May, and I very much hope that my hon. Friend will take into account and give full weight to the concerns expressed by the industries.

Ms Hewitt: I am grateful to my hon. Friend for that question. The points that he makes are precisely those that we are taking into account in our discussions with the energy-intensive sectors. I stress that the 50 per cent. lower rate in the Customs and Excise consultation document is purely an illustrative assumption. It is not a statement about what the lower rate might be for any energy-intensive sector. That lower rate will depend on the stringency of the targets to which the sectors agree. In line with our published statement of intent on the principles of environmental taxation, international competitiveness is one of the key issues that we consider for any environmental tax, including the climate change levy.

Mr. John Bercow (Buckingham): Given that British Steel estimates that the climate change levy will add £200 million to its annual tax bill, whereas the offsetting reduction in national insurance is worth only £5 million a year to it, does the Economic Secretary acknowledge that the levy is yet another clear example of the Government's policy of taxation by stealth, which has served to throttle manufacturing industry in this country and plunge it into recession while she has been a Minister?

Ms Hewitt: The hon. Gentleman does not seem to appreciate that, as my right hon. Friend the Chancellor made clear, the new levy will entail no increase in the overall burden of tax on business: it will be revenue neutral. As I have already said on a similar point, we are now looking in detail at the different energy-intensive sectors, what each of them is willing to do to improve energy efficiency and how we should respond by introducing a significantly lower rate of climate change levy.

I am interested in the fact that the hon. Gentleman, judging from his remarks, seems to have abandoned the commitment that the Conservative Government made to meeting the Kyoto target. The climate change levy is an essential part of meeting those targets. We estimate that it will save about 1.5 million tonnes of carbon a year by 2010.

Mr. Barry Jones (Alyn and Deeside): May I tell my hon. Friend of the apprehension of the national leadership of British Steel plc and Shotton steelworkers in my constituency about the levy, not least in view of the ruthless foreign dumping of steel products and the high value of the pound? Will she receive a deputation to hear our fears? May I suggest that she can best assist manufacturing in my constituency by insisting that assisted area status be retained and that objective 2 status be given to us?

Ms Hewitt: I am grateful to my hon. Friend for that question. I am always delighted to meet my hon. Friend and discuss this and other matters of particular concern to his constituents. Treasury Ministers and my right hon. Friend the Deputy Prime Minister are examining carefully the impact on competitiveness of the energy-intensive sectors. That will be the guiding principle when we come to set the significantly reduced rates of climate change levy in return for sector agreements to promote and deliver greater energy efficiency. I remind my hon. Friend of the significant reductions in corporation tax that we have delivered, which will be of great help to businesses in his constituency as well as across the country.

Dividend Tax Credits

11. **Mr. Edward Davey** (Kingston and Surbiton): If he will review his policy to abolish dividend tax credits for people with incomes below the level of the personal income tax allowance. [83199]

The Paymaster General (Dawn Primarolo): No. We will not be reviewing the decision.

Mr. Davey: That answer was, unfortunately, not surprising. May I tell the hon. Lady that she should be reviewing the decision? Will she consider talking to her predecessor, who at least appeared to show some sympathy for the hundreds of thousands of pensioners who will be hit by the policy? Will she consider meeting an all-party delegation of hon. Members who have expressed concern about the matter and want to see the poorest pensioners protected from this tax increase?

Dawn Primarolo: The Government's record on helping poor pensioners is clear. The proposals in the Budget contained the winter fuel allowance and the minimum income guarantee. The minimum tax guarantee was also introduced. The question of helping poor pensioners has been discussed extensively in the House over nearly two years, and the hon. Gentleman will know the reasons for the reform. He should stop trying to make spending commitments, but should support the Government in ensuring that policies concentrate on the poorest pensioners.

Mr. Geoffrey Clifton-Brown (Cotswold): Why do the Government insist on hitting those of our poorest pensioners who have a small amount of savings? The Government are not content with abolishing dividend tax credit for those pensioners who are below the personal

allowance threshold and therefore did not pay any tax at all. That was a mean-minded measure, but now they have introduced another—the highly spun 10p tax rate, which will not apply to pensioners with savings. Why is that?

Dawn Primarolo: As the hon. Gentleman knows, savings are dealt with very fairly in the tax system. The introduction of the 10p tax rate will benefit those pensioners who pay tax on their income. As a result of the Government's proposals, only about one third of pensioners will now pay tax. The hon. Gentleman knows full well that the Budget proposals, and especially the winter fuel allowance, did a great deal to help pensioners.

National Insurance

12. **Mr. Richard Page** (South–West Hertfordshire): What estimate he has made of the change in the amount in national insurance payable by the self–employed in 2000–01 as a result of the March 1999 Budget. [83200]

The Paymaster General (Dawn Primarolo): We estimate that the extra amount payable by the self-employed for 2000-01 is £240 million.

Mr. Page: This is the second time that I have asked this question at Treasury questions. Last time, I got an appalling reply from the Financial Secretary, who completely avoided the question, and I thank the Paymaster General for coming up with the right answer this time—second time lucky.

What evaluation did the Treasury carry out of the effect that the change will have on the self-employed? Will they not be brutally hit by this large increase?

Dawn Primarolo: I inform the hon. Gentleman—very gently—that his question today is different from his question at the previous Treasury questions. Last time, he asked about the amount paid, and my hon. Friend the Financial Secretary gave him the correct answer. Today, he asked about liability, and I have answered his question. Both the answers that he has received are correct. The changes to class 2 and class 4 national insurance for the self-employed will help them enormously by ensuring that their entitlement to benefits moves closer to that of those in employment. They also distribute national insurance liability much more fairly among the self-employed.

Ms Rosie Winterton (Doncaster, Central): My hon. Friend will be aware that trade unions such as the Union of Construction, Allied Trades and Technicians have warmly welcomed the measures to tighten the system of national insurance contributions and tax in the construction industry. However, there is concern that Government agencies are not enforcing sufficiently rigorously the classification of construction workers for national insurance contributions. Will my hon. Friend assure me that every effort will be made to ensure that the new regulations are enforced properly?

Dawn Primarolo: My hon. Friend raises a question about the construction industry scheme, and the 714 certificates. I am aware of the concerns among trade unions and the construction industry about the effectiveness of the scheme. We are constantly reviewing the successful registration of those in the construction industry who are required to register. Like me, my hon. Friend may have had the advantage this morning of hearing the radio information bulletins advertising to those in the construction industry that they are required to get the certificate. The clear message was, "No certificate, no pay."

Mr. Nick Gibb (Bognor Regis and Littlehampton): The difference in the wording of the question put by my hon. Friend the Member for South–West Hertfordshire (Mr. Page) was between "paid" and "payable". Ministers are playing a dangerous game of semantics to avoid revealing to the House the extra taxes that they are imposing on people. Will the Minister confirm that, when all the Government's changes to employees' national insurance are taken into account, millions of people in middle Britain who earn £27,000 a year or more will pay significantly higher national insurance contributions? Is that not yet another stealth tax increase from a party that promised not to raise taxes at all?

Dawn Primarolo: I cannot be held accountable if the hon. Gentleman does not understand how national accounting works or the difference between liability and the amount actually paid. He is an accountant, and I thought that he understood these matters, but perhaps he needs to grapple further with that point.

Millions of low-paid employees will pay around £165 a year less as a result of our national insurance changes and 960,000 low-paid workers have been taken out of national insurance contributions while still having their benefit position protected. For the self-employed, we have dealt with the class 2 problem by reducing contributions from £6.55 to £2, and we have made sure that liability to pay national insurance is more fairly distributed across the self-employed instead of being loaded towards the low-paid self-employed.

Business of the House

12.31 pm

Sir George Young (North-West Hampshire): May I ask the Leader of the House to tell us the business for next week?

The President of the Council and Leader of the House of Commons (Mrs. Margaret Beckett): The business for next week will be as follows:

MONDAY 17 MAY—Remaining stages of the Welfare Reform and Pensions Bill.

TUESDAY 18—There will be a debate on Kosovo on a motion for the Adjournment of the House

WEDNESDAY 19 MAY—Until 12.30 pm, there will be a debate on the third report from the Health Committee on the welfare of former British child migrants, followed by a debate on the fifth report from the Environment, Transport and Regional Affairs Committee on regional Eurostar services. Followed by debates on the motion for the Adjournment of the House.

Opposition Day [13th Allotted Day].

Until about 7 o'clock, there will be a debate on fraud in the European Union budget, followed by a debate entitled "Conditions of Service of NHS Personnel". Both debates will arise on Opposition motions.

THURSDAY 20 MAY—There will be a debate on the White Paper on reforming the House of Lords on a motion for the Adjournment of the House.

FRIDAY 21 MAY—Private Members' Bills.

The provisional business for the following week will be as follows:

MONDAY 24 MAY—Until about 7 o'clock, Second Reading of the Commonwealth Development Corporation Bill *[Lords]*.

Motion to approve the second report from the Modernisation Committee on sittings of the House in Westminster Hall.

TUESDAY 25 MAY—There will be a debate on the European Union on a motion for the Adjournment of the House. I remind the House that that is the pre-Cologne debate

WEDNESDAY 26 MAY—Until 2 o'clock, there will be debates on the motion for the Adjournment of the House, which will include the usual three hour pre-recess debate.

Motion to approve the first report from the Administration Committee on the proposal to reopen the line of route during the summer Adjournment.

Motion relating to Members' travel to EU institutions.

Motion on financial assistance to Opposition parties.

Motion on the parliamentary contributory pension fund.

The House will also wish to know that on Wednesday 19 May there will be a debate on assistance to new independent states and Mongolia in European Standing Committee B. Details of the relevant documents will be given in the *Official Report*.

[Wednesday 19 May:

European Standing Committee B—Relevant European Union document: 5263/99, Assistance to NIS and Mongolia; Relevant European Scrutiny Committee Reports: HC 34-xi, HC 34-xiii (1998-99).]

When I said two weeks ago that the House would rise for the Whitsun recess at the end of business on Thursday 27 May, I said that that would be subject to the progress of business. Again, subject to the progress of provisional business, I hope that the House may now rise at the end of business on Wednesday 26 May and return, as previously announced, on Tuesday 8 June.

Sir George Young: The House is grateful to the Leader of the House for announcing next week's business and for indicating the provisional business for the following week, and her qualified reassurance about the Whitsun recess.

I welcome the right hon. Lady's response to my request for regular statements and debates on Kosovo and the finding of time for a debate on Tuesday. However, what has happened to the planned debates on defence in the world and on personnel matters in the armed forces?

When the Secretary of State for Culture, Media and Sport answers questions on Monday will he clarify the confusion as to what he said to Mr. Greg Dyke about the job of Director-General of the BBC? Has the right hon. Lady seen Mr. Dyke's letter in *The Independent* today, which states that the Minister's written parliamentary answer on Monday was "slightly misleading"? Mr. Dyke goes on to assert:

"Mr. Smith asked me whether I was likely to be a candidate."

Is the House not entitled to a fuller explanation of what has been going on?

Further to my question last week, will the right hon. Lady tell the House what arrangements she proposes for debates on public expenditure and the economy? The House is entitled to an answer and we have been pressing for a reply for some time.

Last Thursday, when I asked about the inquiry into the leak of Macpherson report, which occurred more than two and a half months ago, with a limited number of suspects, the right hon. Lady said:

"I remind the right hon. Gentleman that it is not an inquiry into anything that the Government have done".

Will she therefore confirm that Home Office Ministers have been exonerated from leaking the document and will she ask the Home Secretary to report the full outcome of the inquiry before the Whitsun recess?

Last week, I also asked about the freedom of information Bill and the right hon. Lady replied:

"I . . . hope to be able to report soon on the freedom of information Bill."—[*Official Report*, 6 May 1999; Vol. 330, c. 1090.]

Will the House get a statement from the Home Secretary on Thursday?

Finally, will the right hon. Lady assure the House that if there are any important changes in Government policy next week, the appropriate Minister will make a statement to the House? Before the last election, the present Foreign Secretary said of Labour's policy on the Tote,

"I can authoritatively bring down the curtain on this story. There will be no proposal to sell the Tote."

Was it not a discourtesy to the House to slip out a total reversal of policy on an important national institution by way of a written question?

Mrs. Beckett: I am grateful to the right hon. Gentleman for welcoming the debate on Kosovo. I can assure him that we have not lost sight of the undertaking to find time for debates on defence in the world, or indeed on personnel, but he will appreciate that we are trying to balance the need for those debates, which we fully recognise, with keeping the House up to date on events in Kosovo.

The right hon. Gentleman asked me about what he described as "confusion" over Mr. Greg Dyke's application to be Director-General of the BBC. I have seen his letter and I see no confusion in it. To ask what has been going on suggests that the right hon. Gentleman supports conspiracy theories, of which I had not suspected him. As he said, he will have the opportunity to ask my right hon. Friend the Secretary of State for Culture, Media and Sport about those matters should he wish to do so.

I am continuing to pursue the issue of debates on public expenditure. The right hon. Gentleman has certainly been pressing for that matter to be resolved for some little time. I sympathise. I recall having precisely the same experience when the previous Government changed their policy and withdrew the arrangements for debating public expenditure. To the best of my recollection, during all the time that I remained shadow Chief Secretary and until the subsequent election, we were never able to persuade the then Government to resolve the matter, so I have some sympathy with the right hon. Gentleman and can assure him that I will report to the House as soon as I can.

The right hon. Gentleman asked me to confirm whether there would be a statement next week on the freedom of information Bill. Obviously, such matters are subject to progress, but I certainly hope that that will be possible in the very near future and that my right hon. Friend the Home Secretary will make a full statement.

I reject the charge of discourtesy. The right hon. Gentleman quoted some observations that my right hon. Friend the Foreign Secretary made before the election. The Home Secretary, or whoever is responsible, has made the position on the Tote clear. While I sympathise with the request for a statement on absolutely every matter that comes along, the Government must balance when we make statements and when we find time for debates. We will continue to do so to the best of our ability.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich): Would my right hon. Friend like to assure me, particularly in the light of the motion on the Order Paper on the size of the quorum for Select Committees, that Her Majesty's Government not only support the work of those Committees but consider them to be of considerable importance? Since more and more members of Select Committees are being taken away from their sittings to sit on Committees considering Bills, when other hon. Members could readily take their place, will both usual offices please seriously consider whether they want that Committee system to work? If they do, some very hard thinking must take place about the organisation of the House of Commons.

Mrs. Beckett: I can certainly assure my hon. Friend that the Government place great importance on the work of Select Committees. From her question, I am not sure whether she is aware that the motion has been tabled in response to a request that went to the Chair of the Liaison Committee for endorsement from the Chair of a Select Committee that is pursuing a joint investigation because it believes that to be the most sensible course.

Mr. Eric Forth (Bromley and Chislehurst): Outrageous.

Mrs. Beckett: It is matter for the right hon. Gentleman whether he thinks that that is outrageous. The Chairs of a number of Select Committees have officially made that request because they believe that it is the right way to tackle the business before them. The right hon. Gentleman proposes to second-guess their decision. I do not feel inclined to do so because that would not show respect for their judgment.

Mr. Paul Tyler (North Cornwall): We entirely endorse the comment of the Conservative spokesman on the scandalous way in which the announcement on privatisation of the Tote was made yesterday. We sought a statement then and would have been happy to afford some of our time today for one.

On the business, or non-business, on Thursday 27 May, I am surprised that the Leader of the House thinks that there is no necessity for the House to meet then. There are several pressing issues that Members on both sides of the House want to debate. For example, when does she plan to take the Report stage of the Immigration and Asylum Bill? Does she intend a two-day debate and will she seek, by consensus, a programme motion?

What is the Government's intention on the handling of referendums? I understand that the private Member Referendums Bill has passed all its stages. There is widespread concern throughout the House that we should regularise such matters. Will the Government afford all that Bill the support that it requires to reach the statute book this Session or introduce their own Bill?

Mrs. Beckett: First, I am sorry to learn that the hon. Gentleman shares the view of the Conservative party on the way in which the Tote announcement was made. I believe that Madam Speaker made the point yesterday that there is nothing remotely unusual about Ministers announcing proposals sometimes by written answer and sometimes by statements to the House. There is no discourtesy to the House in the method chosen.

Secondly, the hon. Gentleman pressed for the House to meet on Thursday 27 May and said that he was surprised that it would not. I shall bear in mind his passionate wish for the House to sit slightly longer. I would not normally say this, but I feel entitled to note that, as the attendance of his party is a little variable, I am surprised to learn that it is keen to sit on extra days.

I am not in a position to announce when we will take the Report stage of the Immigration and Asylum Bill but I realise that the Bill has substantial implications that the House will want properly to debate. A programme motion is a matter to be considered elsewhere. I cannot give the hon. Gentleman the undertaking that he sought on the private Member's Bill. Any Government are rightly cautious in their approach to such matters, but we will bring forward our own proposals in due course and, I hope, in good order.

Mr. Dennis Skinner (Bolsover): On next week's business on welfare and cuts in benefits, does my right hon. Friend know of any further discussions with a view to ensuring that what we have already heard from the Government is not the last word? Will further discussions continue? Does she accept that it is unfortunate that next week it is proposed on one day to cut benefits from new claimants while on another day the Government will spend money on the Balkans? Does she agree that it is not smart politics to be spending money on smart bombs while cutting benefit for people who are disabled?

Mrs. Beckett: May I welcome my hon. Friend back to business questions? The whole House expressed regret at his absence—although that may not entirely please him—when he was unable to be with us. I welcome him back to his place.

My hon. Friend has rightly said that we shall have a debate on welfare reform early next week. My understanding is that Ministers continue to discuss the range of issues and proposals contained in the Welfare Reform and Pensions Bill with interested parties, including representatives of those people who suffer from disability. My hon. Friend refers to cuts in benefits for new claimants. I am sure that he is well aware that, as a result of the overall package that the Government are introducing, the amount paid in benefits will increase. However, I realise that there are concerns about the balance of that package. I can only say to my hon. Friend that discussion on those matters continues and that there will be a debate next week on which people can focus.

Mr. Oliver Heald (North–East Hertfordshire): Will the Leader of the House find time next week for a debate on early-day motion 638?

[*That this House notes with concern the incident on 6th May in which a large block of ice fell through the roof of Mr. and Mrs. Smith's home at Hare Street, Hertfordshire; further notes the concern of local residents about large blocks of ice and debris falling from aircraft onto their homes; and calls the Government to review safety procedures and provide immediate reassurance to the residents of Hertfordshire.*]

That motion is in my name and that of my right hon. Friend the Member for Hitchin and Harpenden (Mr. Lilley) and other Members representing Hertfordshire.

I want to highlight an event that took place recently in my constituency when my constituents, Mr. and Mrs. Smith, were asleep in the middle of the night and a large block of ice—apparently from an aircraft—crashed through their roof, destroying their bedside table and almost killing them. In that debate, would it be possible to seek a proper review of the procedures for aircraft safety in such circumstances? I want to press for some reassurance for other residents of Cottered, Ardeley and that part of my constituency, who are naturally worried that the same thing might happen to them.

Mrs. Beckett: I can only sympathise with the hon. Gentleman's constituents.

Mr. Andrew Mackinlay (Thurrock): Of course, it has never happened before—May 1997?

Mrs. Beckett: As my hon. Friend points out from a sedentary position, such events have, sadly, happened in the past. I fear that I cannot offer the hon. Member for North–East Hertfordshire (Mr. Heald) a debate during Government time next week. I am sure that he is taking other opportunities to raise the matter and to press for the review and reassessment to which he referred. Indeed, if that leads him to press for further time in the House, it is of course open to him to request a formal Adjournment debate.

Ms Ruth Kelly (Bolton, West): Will my right hon. Friend find time in the near future for a debate on widows entitlement to the state earnings-related pension scheme and on the appalling legacy left to the Labour Government by the Conservative Administration? Many former members of that Administration still sit on the Opposition Benches.

Mrs. Beckett: My hon. Friend is entirely correct. She will be aware—as is the whole House—that the change now under way dates from 1986, although it was not publicised in Department of Social Security leaflets until 1996. I am not sure how fruitful a debate would be, because we do not have access to the papers of the previous Administration. We do not how it was possible for such a change, in effect, to be withheld from the public for so long. However, those who do know include the current Leader of the Opposition, who was an Under-Secretary and a Minister in the Department of Social Security, the deputy Leader of the Opposition, the shadow Home Secretary, the shadow Secretary of State for Health, the shadow Secretary of State for the Environment, the right hon. Members for Fylde (Mr. Jack), for Huntingdon (Mr. Major) and for Fareham (Sir P. Lloyd), the Opposition Chief Whip, the right hon. Member for North–East Hampshire (Mr. Arbuthnot) and, indeed, the hon. Member for North–East Hertfordshire (Mr. Heald)—all of whom were Ministers in the Department during the relevant period.

Mr. John Hayes (South Holland and The Deepings): Will the Leader of the House make time for a debate on the controversy that is raging among disabled groups and charities? I am thinking especially about the recent resignations from the disability benefits forum in protest at Government policy. I know that we are having a debate next week about specific cuts, but people are asking for a bigger debate about the way in which disabled people increasingly feel badly treated by the Government. Those resignations were not undertaken lightly; the people who resigned are well-respected. As joint-chairman of the all-party group on disablement, I know that I speak exactly as Lord Ashley would do in criticism of the Government and their treatment of some of the most vulnerable people in our society.

Mrs. Beckett: I have great respect for the members of the disability benefits forum. I regret their decision to resign, as do the entire Government, although I understand that those individuals will continue to give advice and to discuss matters of policy detail. In the short term, the Labour Government will increase the resources for people with disabilities. During the benefit changes of the 1980s, the previous Conservative Government tried to

[Mrs. Beckett]

introduce the biggest benefits cuts for the most severely disabled people that the country has ever known, so I will not accept any strictures from the Opposition.

Mr. David Winnick (Walsall, North): I have no difficulty with Tuesday's business, as I fully support the action that is being taken against the terrible crime of ethnic cleansing. I am sure that, if there were to be a vote, the action would receive overwhelming support in the House, as it does in the country.

On Monday's business, however, although as a Member in the previous Parliament I recognise that we require no lectures on the disabled from the Conservatives, whose shameful conduct many of us remember, is my right hon. Friend aware that there are certain aspects of the Welfare Reform and Pensions Bill that I for one would find it extremely difficult to support in the Lobby? I do not suggest that she should depart from collective Cabinet responsibility, but would it be possible, between today and Monday, for the Secretary of State for Social Security to be made to understand Labour Members' deep feelings on the issue? I hope that he already recognises those feelings and that, on Monday, concessions will be offered that enable us to support the Government in the Lobby.

Mrs. Beckett: I am certainly conscious of the fact that my hon. Friend has a record on those issues that no Conservative Member can match; he has been as consistent in his concern about benefits for people with disabilities under the current Government as he was under the previous Government. I can assure him that my right hon. Friend the Secretary of State for Social Security is highly conscious of people's anxiety that we get the balance right, and that our proposals effectively support people with disabilities where that support is required and assist them to a greater degree of independence where that is possible and practicable. I shall certainly draw to my right hon. Friend's attention the concern that my hon. Friend expresses.

Mr. Eric Forth (Bromley and Chislehurst): May we please have an urgent debate to get to the bottom of the issue of war widows pensions? Yesterday, my hon. Friend the Member for Brentwood and Ongar (Mr. Pickles) questioned the Prime Minister on that matter and the Prime Minister's answer was, to say the least, obfuscatory. He failed to confirm that the review of the matter had been carried out, as promised in response to a question asked last year by the hon. Member for Thurrock (Mr. Mackinlay). The Prime Minister then had the gall to tell the House that, whether or not a review had taken place, the matter could not dealt with because there was not enough money.

It strikes many as odd that a Government who can afford to spend several hundred million pounds on something as frivolous as the dome cannot find the money for something as serious as war widows pensions. We must have a debate to get to the bottom of the issue. It is obvious that questioning the Prime Minister on a Wednesday is not enough, because we do not get any answers from him, so we need a debate to ensure that the matter can be properly dealt with by the House, and not by the Prime Minister.

Mrs. Beckett: I cannot undertake to find time for such a debate in the near future. Not for the first time, the right hon. Gentleman is in danger of shooting himself in the foot, for if we did have a debate, one of the first questions everyone would want answered is why the Conservative party did nothing for 18 years, but now want us to do something in 18 months.

Mr. Tam Dalyell (Linlithgow): Does the Leader of the House recollect all those fine words from several of our colleagues about sweeping away the cobwebs of precedent? Is it true that researchers working on her behalf have been looking at the Crimean war, the Zulu wars, the Boer war and the first world war in an effort to scratch up precedents as to why there should not be a debate on a substantive motion in time of war, and why we should instead have a debate on the Adjournment of the House? Is there not a case for a substantive motion, which could be amended—for example, one that focused on the issue of depleted uranium?

Does my right hon. Friend recollect that, in Prime Minister's Question Time yesterday, the answer to Question 1—a substantive question on the Order Paper—was unintelligible? That was why I asked to raise the matter on a motion for the Adjournment. A subsequent study of *Hansard* reveals that the answer was indeed unintelligible. Therefore, should there not be some opportunity for a proper explanation of why a civilised society drops anti-personnel cluster bombs in the middle of the city of Nis and on other cities?

Finally, may we have some answer to the specific question that I put properly to the Secretary of State for International Development yesterday? The right hon. Lady did not say what would be done about the Danube or who would pay for cleaning it up; nor did she say who would pay the bill, which might be as much as $40 billion, for the eventual restoration of Kosovo and Serbia—now a wasteland.

Mrs. Beckett: My hon. Friend, with his usual parliamentary skill, has succeeded in asking me about five different questions, which stretch across the responsibilities of a number of Government Departments. There will be a debate—although focusing on Kosovo—next week when I am sure that he and others will seek to raise some of those issues, but I am sure that he will also appreciate that the range of matters, such as the pollution of the Danube, is very wide.

I believe that my right hon. Friend the Prime Minister yesterday did make it plain that the United Kingdom does not use, did not use and is not using depleted uranium munitions in the Balkans. My hon. Friend then referred to other munitions, some of which we know have been used by various NATO forces.

My hon. Friend's first question related to precedent. I cannot tell him whether those who looked into the matter for me studied what happened during the Crimean war, because I did not ask them, but I can tell him that the research information that was made available to me specifically went back as far as the second world war. It indicated that "successive generations" have taken the

view that, once British troops are engaged in conflict, the House discusses such matters on the Adjournment, not on a substantive motion.

Mr. Dalyell: Not at Suez.

Mrs. Beckett: With respect to my hon. Friend, the motion that was tabled in the context of Suez was debated, as I understand it, before our troops were committed and engaged. I am not aware of any precedent of a substantive motion being tabled when British troops were at risk.

I understand of course the argument that these matters should be reconsidered from time to time, and they have been. I understand of course hon. Members' wish to make their views known, although I have not observed that they have any difficulty in doing so. However, it remains the case that the precedent—it seems to me, for very sound reasons—is that as long as Members are not barred, as they are not, from expressing whatever view they wish to hold, in a free society, the House, as a House, has chosen not to debate a substantive motion when British troops are actually engaged in conflict. I believe that to be right.

Mr. Eric Pickles (Brentwood and Ongar): Will the right hon. Lady reconsider her response to my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth)? I believe that there is a need for a debate on the war widows pension for various reasons. The reasoning that the Prime Minister used in his response to the hon. Member for Thurrock (Mr. Mackinlay) was wholly different from that which he used in his response to me. It is inadequate to talk about what the Conservatives did. The Prime Minister made a promise to the House that he would do something about the matter, and a year later he has done nothing about it.

At a time when our troops are engaged in dangerous action, our support for war widows should be unequivocal. I therefore ask the Leader of the House to take a serious look at the issue, to stop trying to score political points, and to honour the Prime Minister's pledge.

Mrs. Beckett: I am not trying to score political points; the hon. Gentleman undoubtedly is. We had a conflict in the Gulf when the Conservatives were in office. Indeed, we had a conflict in the Falklands when the Conservatives were in office. It smacks of hypocrisy for the hon. Gentleman to purport to make a great fuss in the House about the fact that, after two years, the Government have not done something which Conservative Governments did not do in 18 years.

Mr. Jim Cousins (Newcastle upon Tyne, Central): I associate myself with the points made by my hon. Friends the Members for Bolsover (Mr. Skinner) and for Walsall, North (Mr. Winnick), but my question is on a different point.

My right hon. Friend will recollect that I drew to her attention, quoting another precedent, the fact that the Standing Committee on Regional Affairs had not met since 1978, and she was kind enough to say that she would review that matter. I understand that a proposal to recall that Standing Committee in some new form is before the Select Committee on Modernisation, and was referred to in a debate on Tuesday by the Under–Secretary of State for Wales, my hon. Friend the Member for Neath (Mr. Hain), as being part of the Government's constitutional reform programme. May I ask my right hon. Friend when she expects that it will be possible for that Committee to be recalled in some new form? She is well aware that there is considerable anticipation of that event among Members of Parliament from the English regions.

Hon. Members: Where?

Mrs. Beckett: As my hon. Friend will have observed from the noises off, our proposal to look again at the issue of the Standing Committee on Regional Affairs has met with some question, and the matter continues to be under discussion. I personally have great sympathy with my hon. Friend's point, and I can assure him that the matter is not dead. We are considering the implications, and whether we can put forward proposals that attract a good deal of support and common ground. We will continue that consideration. I hope that it will not take too long, and that we will be able to put proposals to the House in the not too distant future.

Mr. Andrew Rowe (Faversham and Mid–Kent): Is the Leader of the House aware that the high commission for South Africa has found it necessary to set up a special unit to deal with problems occasioned by the incompetence of the passport and immigration units? I do not believe that I am the only Member with constituents who are being oppressed by the inefficiency that results in passports being lost and applications mislaid. Nothing is being done to alleviate the distress caused to many people by sheer incompetence. After two years of the present Government, may we have an assurance that we will have a debate on the matter or, better still, a marked improvement in the service?

Mrs. Beckett: The hon. Gentleman is right—all hon. Members have had to deal with problems with the award and issuing of passports, as well as the handling of other immigration matters. Having had long experience of such matters, I can tell him that there is nothing new about the problems. He has clearly forgotten the time not long ago when a Home Office Minister had to admit that there were six months' worth of unopened applications for passports, never mind applications that were being dealt with. No one regrets that more than this Government, and no one is more determined than the Home Secretary to turn the matter round.

Mr. Rowe: When?

Mrs. Beckett: We inherited the problems from the Government whom the hon. Gentleman supported. We are trying to resolve them as fast as we can.

Mr. Forth: Two years.

Mrs. Beckett: Yes, it is a mere two years, and the right hon. Gentleman is well aware, as he was a Minister in the previous Government, that the problems have existed a lot longer than that.

Mr. Andrew Mackinlay (Thurrock): Does the Leader of the House recognise that there would be no need for a debate on war widows pensions and war disablement

[Mr. Andrew Mackinlay]

pensions, if only someone in high office would examine the matter and acknowledge the perversity, which should be remedied swiftly, in the application of disregard by a few local authorities?

My right hon. Friend the Prime Minister and the right hon. Member for Bromley and Chislehurst (Mr. Forth) have something in common, with all due respect to both of them: they are both mistaken. It is not a matter of public money and central Exchequer money. The vast majority of good local authorities offer a total disregard, but that is grossly unfair to the war widows and war disablement pensioners who live in a few local authorities that do not give a disregard.

The remedy is in our hands. At an early legislative opportunity we could put it right and ensure that there is parity of treatment throughout the United Kingdom for the beneficiaries of those pensions. Will my right hon. Friend ask the Prime Minister and our right hon. Friend the Secretary of State to consider the matter again? If they do, they will see that we should not get dug into a trench about it, but that we should remedy it at the earliest opportunity.

Mrs. Beckett: I know that my hon. Friend has a long and honourable record of campaigning on the matter, and is familiar with all the details. I understand his point: it is often a matter for local discretion. I sympathise with the passion with which he expressed his views. However, we are presented with a dilemma. In general terms, with whatever degree of sincerity and effectiveness, hon. Members in all parts of the House recognise the right of local authorities to exercise a substantial degree of discretion in the decisions that they make about the use of their resources.

As my hon. Friend rightly said, some local authorities have chosen not to make such a decision, and as a result the balance is wrong. I can assure him that the matter is kept under review. I will draw his further observations to the attention of my right hon. Friend the Deputy Prime Minister, who is the Secretary of State in the relevant Department. I cannot give him an undertaking, though, that a policy change is likely to follow speedily, or that I can find time for an early debate.

Mr. Robert Syms (Poole): Will the Leader of the House put some pressure on Education Ministers to make a statement to the House on student tuition fees? One can understand the possible outrage in England if there was a change in Scotland and tuition fees were abolished. That would create an unfairness, because English students would have to pay and students at Scottish universities would not.

Last week I talked to the vice-chancellor of Bournemouth university, where enrolment is an associated issue. If people think that they will not have to pay fees in Scotland, but will have to pay in England, many English universities will be disadvantaged in terms of recruitment and running courses.

Mrs. Beckett: I am confident that my right hon. and hon. Friends at the Department for Education and Employment will certainly keep the House informed on those matters. The hon. Gentleman is leaping a little ahead of himself in his assumptions, but no doubt time will tell.

Mr. John Healey (Wentworth): My right hon. Friend may recall the meningitis tragedy in Rotherham over Christmas and the new year: there were seven cases in nine days, and two students from a school in my constituency and one of their friends died from c-type meningitis. Can she find time for an early debate so that we can discuss recent reports that three new vaccines have completed their clinical trials, and the need for the Government to pull out all the stops in their own approval process so that we can at last begin to protect our children and young people from this deadly disease?

Mrs. Beckett: I recall the tragic events to which my hon. Friend refers and know how hard he and his colleagues worked to bring them to the attention of the House and to support those who were affected. I have seen reports of the potential of the new vaccines, but I must admit that I had not fully taken on board my hon. Friend's point that they are at such an advanced stage that they are now eligible for Government approval.

My hon. Friend will be as conscious as I am of how often such press reports are over-optimistic in their assumptions about the time that such approvals take. However, I will certainly draw his remarks to the attention of my right hon. Friend the Secretary of State for Health, who will wish to act with dispatch if that is possible.

Mr. Tim Collins (Westmorland and Lonsdale): May we find time next week for an urgent debate or statement on Government policy towards the British insurance industry following the devastating job losses announced on Monday by Axa Insurance? Is the Leader of the House aware that, for the small rural town of Kendal in my constituency, that announcement represents not only the complete loss of our largest single employer, but a doubling of local unemployment and the removal of £19 million from the local economy? Will she consult her Cabinet colleagues to see whether any urgent Government assistance can be provided to my constituents at this very sad time for our area?

Mrs. Beckett: Everyone in the House understands and sympathises with hon. Members and their constituents who find themselves in such circumstances because of the loss of a large number of jobs. I am aware of the scale and the impact of the changes to which the hon. Gentleman refers and I can assure him that my right hon. Friend the Secretary of State for Education and Employment and his colleagues do everything that they can to introduce the right kind of support and assistance to those on job search. I will certainly draw his remarks to their attention.

Mr. Michael Clapham (Barnsley, West and Penistone): Will my right hon. Friend find time for an early debate on safety and health so that the House might have an opportunity to debate an investigative report into the operation of the Capper pass smelting plant run by Rio Tinto? The report has been prepared by Towells solicitors and its senior solicitor, Mr. David Russell. It shows clearly that the community around Capper pass has been contaminated by arsenic, heavy metals and

radioactive materials and that its residents are suffering from cancer and leukaemia as a result. The report concludes that the operation of the plant has been a disaster for the community.

Mrs. Beckett: I am certainly very sorry to learn of the portent of the report to which my hon. Friend refers and the concerns that that must raise for his constituents and those of other hon. Members. I fear that I cannot undertake to find time for a debate on the matter in the near future, but he will be conscious that I have announced the date of the pre-recess debate and will be aware of other opportunities for Members to raise matters on the Adjournment. He may be able to catch your eye, Madam Speaker.

Several hon. Members *rose—*

Madam Speaker: I intend to call all hon. Members who are rising, but I am disappointed to note that, rather than putting direct questions, hon. Members are making long statements. As a result, business questions are going on for far too long.

Several hon. Members *rose—*

Madam Speaker: I will call all hon. Members, but I ask them to be brisk. They should not make long statements; they should ask the questions that they want to ask, and let us get on with things.

Mr. Huw Edwards (Monmouth): Will my right hon. Friend consider arranging a debate on early-day motion 636?

[*That this House expresses its alarm at the reported threat to organic farming in Britain posed by potential contamination from growing genetically-modified crops; notes the reports of the study commissioned by Government on organic farming and gene transfer from genetically-modified crops; further notes the Government's increased support for organic farming and the expanding consumer market in organic food; and calls on the Government to do everything in its power to protect this vital farming sector and the public's ability to choose organic food.*]

The motion deals with organic farming and contamination from genetically modified organisms, and also notes the Government's increased support for organic farming. As my right hon. Friend will recall, the Prime Minister said yesterday that under the present Government there had been an eightfold increase in support for organic farming, and a fivefold increase in the amount of land being devoted to organic production. That is extremely welcome in my constituency, but there is concern about contamination from genetically modified organisms.

Mrs. Beckett: I can reassure my hon. Friend that the Government are studying the matter very carefully. We will do as much as we can, with the assistance and support to which he has referred. I have no doubt that he will continue to keep us up to the mark.

Mr. Graham Brady (Altrincham and Sale, West): Can the right hon. Lady find time for an urgently needed debate on ward closures in the national health service, with particular reference to this week's announcement of the decision to close two of the three wards at Altrincham general hospital? The announcement was made following no public consultation whatever; it was made three days after local elections that were very closely fought; and the community health council is now seeking, possibly, to mount a challenge to it.

I understand from the chairman of the community health council that the chief executive of the trust made it clear that the closures were due to the need to find extra funds because of the Government's failure to finance the nurses' pay award. Given the circumstances, I suspect that we shall see more hospital closures around the country. It is vital for us to have a debate; may we have one soon?

Mrs. Beckett: I cannot undertake to find time for that special debate, but the hon. Gentleman can seek to raise the matter on the Adjournment. I advise him to remember when he does so that the Government did fully fund the pay award, which contrasts with the Conservative party's record on both the granting of awards and the funding of them. As for the notion that local authority elections in some way governed a decision made by a health authority, there is no relationship between the two. I should have thought that the hon. Gentleman would know that. Local authorities do not run hospitals.

Mr. Phil Hope (Corby): Will my right hon. Friend find time for a debate on NHS waiting lists? That might be a more fruitful subject.

Despite the financial pressures, Kettering general hospital, which serves my constituents, has met its targets in regard to waiting lists. It was announced this week that waiting lists had fallen by nearly a quarter of a million since May 1998. During the debate for which I have asked, Labour Members might like to reflect on the fact that we are only 15,000 short of the pledge made in May 1997 to cut waiting lists overall by 100,000. I should particularly like to hear the Opposition's views on waiting lists and the national health service: I should like to know exactly what their policies are on public spending and private health care.

Mrs. Beckett: My hon. Friend makes a strong case for a debate, which tempts me. He is entirely right: not only have waiting lists fallen substantially, but, as a result of tremendous achievements by health service staff, waiting times have as well. The Government clearly have a great deal to boast about.

I fear that I cannot promise my hon. Friend an extra debate, but he may have noticed that the Opposition have decided to debate these matters next week, and he may bear that in mind.

Mr. Howard Flight (Arundel and South Downs): In view of yesterday's particularly strident address to London by Commissioner Monti, will the Leader of the House please ask the Chancellor to make a full, clear and unequivocal statement about the Government's policy on the proposed European Union withholding tax?

Mrs. Beckett: I did not hear the Commissioner's statement, but "strident" does not sound like Commissioner Monti to me; he has always struck me as a remarkably quiet man.

[Mrs. Beckett]

There is no doubt—as the Chancellor has repeatedly made clear, and will go on making clear—that we are fighting hard to defend Britain's national interest, and will continue to do so.

Mr. John Bercow (Buckingham): The response of the Leader of the House to my hon. Friend the Member for Arundel and South Downs (Mr. Flight) was almost as risible as the Chancellor's response at Question Time.

Will the right hon. Lady reconsider, and arrange an early debate in Government time on the proposed withholding tax on savings income? Does she understand that such a debate would give the Chancellor an opportunity to declare unequivocally that he will veto—a word that he declines to use—any such proposed withholding tax, on which Mario Monti is insisting? Does the right hon. Lady recognise that no pathetic compromise whereby exchange of information between European Union member states is countenanced, or even whereby large-scale institutional investors are exempted, would be satisfactory to Conservative Members? We do not want this tax, which threatens 10,000 jobs including a number of my Buckingham constituents who work in the City. Say no, and veto.

Mrs. Beckett: I am not sure whether the hon. Gentleman was in for Treasury Questions, although I know he normally is, but my understanding is that my right hon. Friend the Chancellor of the Exchequer answered a question on the matter and made the Government's position plain, as he has repeatedly. The Government are, of course, sympathetic to the aim of dealing with tax evasion and are prepared to enter into discussions on those matters, but we have made it absolutely plain that we do not support the imposition of such a tax; that we are very concerned about damage to the national interest; and that we will defend that interest. As for the notion of accepting a pathetic compromise, the Conservatives were the experts at that.

Mr. Nigel Evans (Ribble Valley): Would it be possible to arrange for an early debate on local government and the denial of democracy, so that I could raise the issue of what is going on in Preston council? At the beginning of the year, two Labour councillors defected from the controlling group and the Labour party lost overall control. A few days later, a Liberal Democrat defected to the Labour party, by which the Labour party regained control.

At the elections on Thursday, the result was no overall control. On the night of the count—indeed, at the count—a Liberal Democrat defected to the Labour party and the Labour party regained control. The next day, the same defector became an independent and a Liberal Democrat joined the Labour party.

All I can say is that, at 11 o'clock today, the state of play was that Preston council was under no overall control, but I am conscious that more than two hours have elapsed, so anything could have happened. Is it not a denial of democracy to the people of Preston that their wishes are being totally ignored while their elected representatives are playing political musical chairs?

Mrs. Beckett: I sympathise with the hon. Gentleman over the fact that, after all his campaigning, the Conservatives did not succeed in taking control of Preston council. I am sure that he is terribly upset about that, but I fear that I cannot find time to debate it.

Mr. Keith Simpson (Mid–Norfolk): Will the Leader of the House please make time for either the Foreign Secretary or the Secretary of State for Defence to come to the House and to brief us on this morning's reports in the paper that the joint Liberal-Labour Cabinet sub-committee appears to be taking forward policy on European defence? That is not only a discourtesy to the House, but very strange when NATO is attempting to carry out military action against Serbia. Can we please have a statement as soon as possible on that matter?

Mrs. Beckett: I do not think that there is any need for a statement. There is no dispute that NATO must remain the bedrock of our security. Nothing in the announcement about how we should pursue European defence co-operation is in any way distinct from what was said, for example, in the recent Washington summit declaration. In consequence, the House will be conscious that that is a reaffirmation of the importance of joint work on the matter.

Mr. Owen Paterson (North Shropshire): Since the reality of the arrival of the new Assembly in Wales and the Scottish Parliament has sunk in, many people in the border areas who live near me have asked what the role of Members of Parliament for constituencies in Wales and Scotland will be? May we have a debate on the three Rs: the role, responsibility and remuneration of Welsh and Scottish Members of Parliament now that so many of their tasks have been handed over to the Members of those new institutions?

Mrs. Beckett: I am not sure where the hon. Gentleman was, but I think that his party had a debate on the matter—or some party had a debate on it—this week. I cannot offer to have another in the near future.

Dr. Julian Lewis (New Forest, East): The Prime Minister said yesterday that he is pondering the consequences of the electoral system that the Government have introduced in Scotland and in Wales. Does the Leader of the House think that she could find time next week for the Prime Minister—if he has completed his ruminations—to share his conclusions by explaining in a statement to the House what is fair, representative and democratic about a system that evidently is enabling the party that came first to abandon manifestos, shed commitments, carve up power and distribute ministerial posts not to the party that came second, or even to the party that came third, but to the party—the Liberal Democrats—that came a very poor fourth?

Mrs. Beckett: I understand the hon. Gentleman's strong feelings on the matter—he has frequently aired them in the House—but perhaps he did not notice that, if it had not been for the system introduced, the Conservative party would not have had any representation in those bodies. Various conclusions could have been drawn from such an outcome.

Mr. Desmond Swayne (New Forest, West): The right hon. Lady has announced another Opposition day for next

week. When considering future Opposition days, will she be able to take any action to ensure that those occasions are used for their proper purpose—to oppose the Government—and not to attack the official Opposition? Indeed, should not future Liberal Democrat Opposition days be in Government time, not Opposition time?

Mrs. Beckett: I am certainly not prepared to give an undertaking that I shall find extra Government time for such debates. Although I sympathise with the hon. Gentleman's feeling, it is a matter of private grief on which I feel disinclined to intrude.

Opposition Day

[12TH ALLOTTED DAY]

American Food Exports and European Trade Policy

Madam Speaker: We come now to the main business, and I have selected the amendment standing in the name of the Prime Minister.

1.21 pm

Mr. David Chidgey (Eastleigh): I beg to move,

That this House notes that the EU ban on hormonally-modified meat must end on Thursday 13th May 1999 under World Trade Organisation rules and that the USA is threatening massive retaliatory trade sanctions against member states unless this is adhered to; is concerned that the latest scientific evidence raises serious doubts over the safety of these and genetically-modified products, further undermining consumer confidence; deplores the failure of the EU and the USA to pursue agreed research criteria into the efficacy of introducing such products into the food chain, threatening established World Trade Organisation agreements and ignoring the impact on global biodiversity in the long term; and urges the Government to recognise its responsibilities at the forthcoming Millennium Round and ensure that food safety, the protection of biodiversity and assistance to the economies of developing countries are integral to negotiations on the liberalisation of trade.

Today is the day on which, under a World Trade Organisation judgment, Europe must either lift its ban on imports from America of hormonally modified beef or face massive retaliation in the form of trade sanctions. This morning's news has been that the Americans intend to press for sanctions against the European Union. Let us make no mistake about it: if the billion-dollar package of trade sanctions threatened by America starts to hit British exporters, the so-called banana war will seem to have been little more than a skirmish.

The trade war over hormonally modified beef is just a sideshow, however, compared with trade disputes looming over milk products from dairy cattle subjected to the hormone additive bovine somatotropin—or BST—and the proliferation of genetically modified crops and food products.

Unless the world's two major trading blocs—the United States of America and the European Union—start to take seriously their international responsibilities for sustainable trade liberalistion and the protection of global diversity, the trade war could go nuclear. We must not underestimate the seriousness of the issues—which affect consumer confidence in the food on supermarket shelves and the risk of cancer from the milk that we drink, and threaten the diversity of plants and wildlife in our countryside and the economic survival of tens of millions of subsistence farmers in the Indian sub-continent.

Mr. Dale Campbell-Savours (Workington): Will the hon. Gentleman reconsider what he has just said? He said that the trade war would go nuclear. Does he really mean that?

Mr. Chidgey: I am using a figure of speech to demonstrate the seriousness of the issue. A few weeks

[Mr. Chidgey]

ago, there was great debate and concern about the banana trade war, but this issue is massively more serious. I trust that the hon. Gentleman will accept that.

Britain is in a unique position to take a world lead in formulating new guidelines, forging new international agreements, and linking trade liberalisation with the protection of biodiversity and the support required in developing economies.

The Government claim the credit for the United States and European Union transatlantic economic partnership agreement, which was set up while the United Kingdom held the presidency of the EU. The Government claim to be leading EU policy from the heart of Europe. Considering the apathy that is oozing from the European Commission on issues relating to trade in modified food, Britain seems to be not so much at the heart of Europe as in Europe's back pocket. From their belligerent response, the American agrochemical giants seem to think that they have the Government in their corporate wallets. Until the Government set out clear policies and take a lead in resolving the conflicts and the concerns about international trade in genetically modified crops and hormonally modified meats and milk, as well as biodiversity and developing economies, the EU will continue to muddle along and the multinationals will use their muscle to dominate world markets.

The current hiatus over American beef imports is a case in point. It should be no surprise to anyone that the United States is threatening massive trade sanctions if the ban on beef with hormone additives is not lifted. The EU ban was introduced more than 10 years ago in the face of opposition from north America. Instead of putting its house in order and undertaking scientific research to justify the ban, the EU has marked time, dragging its heels while spinning out the Byzantine disputes procedure of the WTO. The EU was given 15 months by the WTO to conduct the additional scientific risk assessments. With only weeks to go before the deadline—today, 13 May—the best that the EU could do was produce an interim report on the 17 new studies that it found that it needed to prove its case. The upshot is that the EU is calling for a further extension of the WTO ruling until the end of this year, to complete its studies. Not surprisingly, the United States, Canada and Australia oppose any extension. The United States is threatening Europe with $1 billion of trade sanctions.

I do not know whether the situation is best described as a tragedy or a farce. The inept, laissez-faire actions of the EU are farcical. Should the massive trade sanctions threatened by America be imposed, it will be a tragedy for the hundreds of British firms whose livelihoods depend on exports to America.

Mr. David Drew (Stroud): I hope that the hon. Gentleman agrees that under the precautionary principle, delay is the best way forward. We do not know the harm that the products might cause. It is right to delay and look at how we could introduce them properly in the future.

Mr. Chidgey: The hon. Gentleman makes a valid point, which I strongly support. My criticism is that the EU allowed the situation to drag on without investing resources in the necessary scientific research. With food, public safety must come first. Europe has left itself with three options: to maintain the ban on imports and hope to be able to pay compensation to America and Canada through trade concessions rather than suffering sanctions; to transform the ban into a provisional one, which could be argued under WTO rules on the basis of the scientific evidence so far, although that would meet with a host of objections from the United States; or to lift the ban on imports and introduce a labelling scheme to allow consumer choice.

Lifting the ban is clearly not an option. That would ignore the risks to the consumer that the latest round of scientific studies is attempting to quantify and would set a precedent for the wholesale importing of milk products laced with hormone additives, and of GM crops and their products. We need strong action from the EU and strong leadership from the Government to reach agreement on the trade dispute under existing WTO rules. The rules of engagement should be over measures of compensation, not retaliation.

The dispute over the import of beef with hormone additives is merely a forerunner of more far-reaching trade issues coming down the track to meet us. So far, the Government have been singularly silent on their policy regarding consumer choice, food safety, biodiversity and economic developments in developing countries. When the Minister responds, I hope that he will take the opportunity to set out clearly where the Government stand on the issues, what their policies are and what action they propose to take—for example, on the monitoring and management of GM crop cultivation. What action are the Government proposing to allay public fears over the safety of such food products?

With no clear lead from the Government, the public have voted with their feet—or, more accurately, with their wallets. Ten days ago, Unilever—the most powerful player in the global food industry—capitulated to consumer pressure. The company announced that it would stop using GM ingredients in what have become known as Frankenstein food products. Over the following week, just about every other major food company withdrew support for GM food ingredients, removing them from their shelves. Just about the only support left for the products is from the bioscience companies—Monsanto et al—and the Government. The Government have failed to read the public mood, to show leadership and to gain the people's trust as an independent guardian of food safety.

Ms Sally Keeble (Northampton, North): The hon. Gentleman has said that the Government have failed to do anything on these issues. Could he explain what the proposals for the Food Standards Agency and the proposals on the labelling of GM foods are, if not the Government taking a lead and stating their view?

Mr. Chidgey: I am sure that the hon. Lady can look forward to an opportunity to develop her points later in the debate. However, it is my understanding that those measures have been recognised as totally inadequate, and certainly have not restored consumer confidence. If they had, why would the food producers have withdrawn the products from their shelves?

Ms Keeble: Will the hon. Gentleman give way?

Mr. Chidgey: No, I have given way once and I have made my point. No doubt the hon. Lady will have an

opportunity in due course to expand her thoughts and expose herself to interventions to test the validity of her arguments.

Not a day goes by without more horror headlines in the popular press, including warnings that GM foods could cause untreatable strains of killer diseases, such as meningitis. *[Interruption.]* The hon. Member for Northampton, North (Ms Keeble) may laugh, but I wonder if she laughs to her constituents when they come to her surgeries with their concerns. This is a serious issue, and these are the stories being carried by the popular press. It is the role of the Government to address them.

The Minister of State, Ministry of Agriculture, Fisheries and Food (Mr. Jeff Rooker): The hon. Gentleman has just linked GM foods with meningitis because the popular press issued such a statement. That was a totally and utterly fabricated story.

The Minister for Energy and Industry (Mr. John Battle): Will the hon. Gentleman withdraw?

Mr. Chidgey: It is not for me to withdraw a comment on a report from another source.

Mr. Battle: The hon. Gentleman should withdraw.

Mr. Chidgey: If I may, I wish to continue without the sedentary interventions from the Minister for Energy and Industry, who will have an opportunity to respond in due course.

I wish to address the valid point that was made by the Minister of State, Ministry of Agriculture, Fisheries and Food, which I accept. The point that I am trying to make is that, without a clear lead from the Government, such stories gather momentum—they become the issues that the public read and believe. I am looking to the Government to act to squash such stories in advance, rather than letting matters drift.

We not only have scare stories in the press, but warnings in a leaked report from the Government's own advisers that the contamination of organic crops will be inevitable if GM crops are grown on a commercial scale, leaving organic farmers facing ruin. I suspect that that is not a scare story [illegible] more likely to be the truth.

All the while, the bioscience companies are angrily protesting the safety of their products. However, the Minister for the Environment has admitted his concern that 12 of the 16 members of the committee advising the Government on GM products have links with the food industry. It is clear that if public concerns over the safety of GM and hormonally modified products are to be allayed, scientific research and advice must be independent and transparent. I am asking the Government to set an example by putting their own house in order first. Will they take the lead by pressing for the WTO international advisory panels to be staffed by independent scientists, and for their deliberations and research to be made public?

That must surely be the first step towards a proper understanding of the benefits and the dangers from GM and hormonally altered food and towards allaying public concerns that are being stoked up by the tabloids into something verging on panic. We need a public policy framework to ensure that public concerns are met before commercialisation takes place and that, once it has gone ahead, the technology is used responsibly.

We believe that a public policy framework should adopt a precautionary approach—I make that point to the hon. Member for Northampton, North—and that lack of scientific evidence to quantify risks should not be a reason for permitting the release of a GM product. The reverse should apply.

Central to the framework should be a five-year moratorium on the commercial growing of GM crops. We must allow time for current Government-funded research projects on the long-term environmental and health effects of commercial growing to be completed. How else can there be a full and informed debate on the issues, addressing public concerns?

Consumers must be given a clear choice about the purchase of GM products. Labelling regulations must be straightforward, to ensure that any GM ingredient is clearly identified. To prevent abuse, it should be mandatory to segregate GM crops at source. To give the regulations teeth, there should be a statutory legal liability, without time limit, on producers of GM products, for any adverse health or environmental effects.

The motion is concerned not only with the WTO ruling that the EU ban on hormonally modified beef must end today and with the need to manage and monitor GM products to restore consumer confidence. It goes to the heart of the matter—the competing interests of the WTO and the agencies concerned with international biodiversity agreements. That is a competition that the WTO invariably wins.

The WTO is one of the most effective and best-developed of all agencies involved in international relations. It has had major success in breaking down international trade barriers, but in pursuit of its purist trade liberalisation objectives, it is able, by the legal power of its rules, to subordinate the biodiversity protocols developed by the other agencies. In short, the power of the WTO rules gives open season to multinational companies whose commercial interests far outweigh any concerns for the environment or for the communities in which they operate.

It would be naive to presume that the bioscience giants are acting as global philanthropists. Their prime concern is, understandably, to maximise the dividends returned to their shareholders. Having invested billions of dollars in biotechnological research and development, their priority is to develop markets for their products in the developing as well as the industrial world.

It is in the poorer countries, where statutory controls are less well-defined and often—let us face it—less robustly enforced, that the risks are greatest. According to some projections, within three years, more GM crops will be planted in the southern than the northern hemisphere—crops that will still be banned in the United Kingdom.

Only this week, Christian Aid published its study on genetic engineering and farming. The report, "Selling Suicide", makes chilling reading. It argues that introducing GM crops to the world's poorest countries could lead to famine rather than feeding the 800 million people who go hungry every day.

Currently, 80 per cent. of crops in developing countries are from saved seed, but the 10 firms that control 85 per cent. of the agrochemical industry worldwide have

[Mr. Chidgey]

already taken out patents for seeds with terminator genes in 77 countries and are busily applying for patents for naturally occurring indigenous species. As a result, it will be illegal for subsistence farmers to save seeds from traditional varieties, in the time-honoured practice. They will be forced instead to buy suicide seeds with terminator genes and then buy and buy again year after year.

Christian Aid has raised the spectre that

"GM crops are creating classic preconditions for hunger and famine. A food supply based on too few varieties of patented crops is the worst option for food security".

By contrast, research in India shows that land reform and simple irrigation can boost crops by up to 50 per cent. That compares with increases of only 10 per cent. from GM crops.

It is clear that while the WTO rules concentrate only on the liberalisation of trade, to the exclusion of concerns for biodiversity and the environment, the commercial interests of the bioscience multinationals will hold sway. The WTO must be reformed to accommodate and recognise biodiversity protocols, multinational environmental agreements and an understanding of genetically modified organisms. The Government have the opportunity through the European Union to argue for reform when the WTO millennium round of negotiations starts in the autumn. I hope that the Minister will give the House an assurance that the Government intend to grasp that opportunity.

The motion before the House covers a wide range of issues related to trading policy between the United States of America and Europe over GM and hormonally modified foods. I have tried to set out the key concerns not only of the House but of the public at large. I hope that the Minister will tell us whether the Government will take a lead in resolving the beef ban crisis and press for reforms in the EU to shake officials out of their apathy; what the Government's policy is on GM foods and crop production; and whether they accept the need for a five-year moratorium on commercial growing. What are the Government's objectives for the millennium round? Do they include reform of the WTO as I have set out?

For too long, the Government have listened to the slick voices of commercial interests. It is time that they listened to the voice of the public and the growing concerns of the international community. It is time that they showed some leadership.

1.42 pm

The Minister for Energy and Industry (Mr. John Battle): I beg to move, To leave out from "House" to the end of the Question, and to add instead thereof:

'recognises the importance of open markets between the EU and the US, notes that in general the trade relationship is a good one; acknowledges the work being undertaken by the Government in seeking a solution to the banana disputes in a way that is World Trade Organisation compatible and is helpful to British industry and to those countries economically dependent on exports of bananas; welcomes the Government's commitment to find a solution to issues concerning US food exports that is good for the consumer, respects scientific research and avoids protectionism; welcomes the Government's commitment to consider sustainable development issues in its approach to trade issues as well as the interest of developing countries; and endorses the Government's support for comprehensive trade negotiations to be launched at the World Trade Organisation Ministerial meeting in Seattle in late 1999.'.

I know that it is not fashionable to read out the detail of a Government amendment to make sure that people are clear about what it says, but in the light of the speech by the hon. Member for Eastleigh (Mr. Chidgey), I am tempted to do so and to urge him to vote for it. It gives him some of the assurances that he seeks.

We recognise

"the importance of open markets between the EU and the US".

I would have thought that Liberals were in favour of open markets. We also note that in general—I will spell out how—our trade relationship with the US is successful and good. We have worked to find a way through the banana dispute, to which the hon. Gentleman referred, in a way that was

"helpful to British industry and to those countries economically dependent on exports of bananas".

The amendment also expresses our

"commitment to find a solution to issues concerning US food exports that is good for the consumer, respects scientific research and avoids protectionism".

We also take into account sustainable development, including biodiversity, in our approach to trade issues, as well as the interest of developing countries, as my colleagues throughout Government Departments have demonstrated. What is more, we certainly intend to grasp the opportunity late in the year to support comprehensive trade negotiations to be launched at the World Trade Organisation ministerial meeting in Seattle.

Mr. Chidgey: I make this point in all seriousness. The Minister will have heard my comment about concerns over the recognition of biodiversity protocols within the WTO rulings. Will he give a specific assurance that the Government intend to embrace that and press for recognition?

Mr. Battle: We are pressing for the inclusion of environmental concerns on the agenda. As I make progress I shall state in detail how.

I found some parts of the hon. Gentleman's speech uncharacteristic of him. He used extravagant, headline-chasing language which was not all that helpful. My hon. Friend the Member for Workington (Mr. Campbell-Savours), who is not in the Chamber now, referred to it. It is not helpful to talk of trade wars going nuclear. The hon. Gentleman said that that was a metaphor, but I class it as extreme hyperbole with a myopic focus.

The hon. Gentleman spoke of GMOs, but they are not a trade issue with America.

Mr. Chidgey: They will be.

Mr. Battle: The hon. Gentleman says that they will be, but I hope that he is not trying to talk up a problem. We believe that we should try to resolve disputes patiently and build an international trading arrangement that enables growth while respecting people and the environment. It is not necessarily what has been called by Lester Thuron a zero-sum game, and it ought not to be.

I accept that a few trade disputes exist; they centre on agriculture and food matters. By and large over the past 200 years, disagreements between Europe and the United States of America have been the exceptions to the rule.

Since the 18th century, there have been only a handful of intense disputes, and that includes the Boston tea party. Creating the impression that there is a trade war does not conform to the facts.

I shall give the House some figures, beginning with the EU's main exports to the US. Road vehicle exports in that direction total about 16.4 billion euros, with no disputes. Power-generating equipment exports are worth 9.5 billion euros, with no disputes. Specialist machinery exports are worth 8.9 billion euros, with no disputes. Other categories include electrical machinery, general machinery and organic chemicals, none of which has aroused a dispute.

European Union imports from the US include vehicles, office machines, and electrical and power-generating machinery, and are worth many billions of euros. However, EU agriculture exports to the US amount to only 2.8 billion euros, while EU imports from the US total 4.3 billion euros. Those figures show that trade in agriculture amounts to only a tiny fragment of the overall trade. By and large, there are no disputes in EU-US trade in the vast majority of goods. It is worth getting the matter in perspective.

Mr. James Gray (North Wiltshire): I want to pick up the Minister on a detail, about which I am sure that he would not want to mislead the House. He said that trade in electronic instruments was not the subject of dispute, but he will know that there is a trade ban on the import from America of electrothermic tea and coffee makers. Perhaps he would like to correct what he said.

Mr. Battle: I accept that there is a knock-on effect from the dispute about agriculture but, by and large, trade between the EU and America has gone along peacefully, calmly and without problems for generations. Although real and serious disputes exist, we should keep them in proportion.

The vast majority of trade and investment between the EU and the US takes place without difficulty. The relatively few disagreements that exist, although important, should not be allowed to discolour the nature of the relationship.

Mr. A. J. Beith (Berwick-upon-Tweed): That may be so, but I hope that the Minister will recognise that the US seems to have an uncanny knack of lighting on products that are the staple industries of small communities. The cashmere industry in the borders is an obvious example, but there are others. It is almost as if the US has rather better intelligence about which communities are most vulnerable to import tariffs than about the location of Chinese embassies.

Mr. Battle: Some of the headlines that have appeared—for example, suggesting that the US plans to "punish" British companies—are not accurate, as the secondary list of trade goods will not be available for a few days. I shall return to that matter in greater detail later, and suggest how it can be tackled, but there are bound to be occasional frictions in what is a substantial and complex trade relationship. I do not underestimate the problem, but the figures speak for themselves.

The EU and the US are the two biggest economies in the world, accounting for 54 per cent. of world income. Even excluding trade within the European Union, together they account for 38 per cent. of world exports, and 39 per cent. of world imports. In 1997, EU goods exports to the US were worth $160 billion, while US goods exports to the EU came to $156 billion. The US is easily the EU's most important external export market, accounting for about 20 per cent. of exports.

The trade figures are impressive, and the investment figures are too. In 1997, direct investment flows from the US to the EU amounted to about $24 billion. The US is the most important source of external investment into the EU, accounting for more than 50 per cent. of the total. Again in 1997, EU investment flows to the US came to $42 billion, with the US accounting for more than 40 per cent. of total EU direct investment overseas. I give those figures to demonstrate the perspective of our trade relationship, to keep that substantial relationship in focus and to show that the present disputes are far from totally undermining the relationship.

Bilateral relationships are not the only reason why the European Union and the United States of America matter in the world economy. They are the twin pillars of the world trade system, and they are co-operating to advance shared interests across the whole system. We must bear in mind the joint impact of the two trading partners on every part of the world. For example, we should consider the effect of the banana dispute on smaller nations—the African, Caribbean and Pacific countries that rely so much on the export of bananas to the EU.

I appreciate that other hon. Members have worked in other capacities during their lives. I have spent some of mine working on EU policies for third-world countries under the agreements of the Lomé convention, and I know how difficult it is to carry through detailed negotiations to make sure that people receive justice in a complex world. The EU and the USA have had several formal opportunities to do so, not least through the twice-yearly summits, including the last on 18 December 1998. The next will be on 21 June, giving the opportunity for dialogue that can minimise trade frictions and build co-operation and confidence. There is scope to enhance that dialogue further for better management of disputes.

Mr. Eric Martlew (Carlisle): The motion refers to the United States of America, but there is a problem with another north American country. Canada intends to put excessive duties on various products in the near future, and one of them will be the sweet biscuits manufactured in my constituency. There is no justification for the imposition of such duties. Will my hon. Friend take the matter up urgently with the Canadian Government in the hope of achieving a settlement soon? It would be wrong if my constituents and Carrs of Carlisle, a factory with a good reputation, were to suffer because of a trade war in which they have no involvement.

Mr. Battle: I agree with my hon. Friend. As the hon. Member for Eastleigh said, the impact on our constituencies is vital and it is important to resolve these disputes. We hold summits and conversations with Canada around the same sort of issues as those we discuss with the USA relating to the WTO. We shall do our best to ensure that we develop conversations in order to avoid disputes that might discolour our wider relationship at a crucial time for world trade.

Ms Joan Walley (Stoke-on-Trent, North): May I draw my hon. Friend's attention to the ceramics industry?

[Ms Joan Walley]

Particularly high tariffs are applied to catering china exported to north America. During his conversations, will he consider those extra tariffs and whether protectionism is being applied?

Mr. Battle: My hon. Friend makes an important point, although I did not appreciate that ceramics were on the list of items hit by the current disputes. I am more than happy to ask questions about the tariffs. Not all tariff barriers have fallen, and our purpose is to have the WTO develop a system to reduce tariff barriers to ensure fair trade everywhere. I shall be happy to take on board my hon. Friend's remarks and to raise the issue on her behalf.

The transatlantic economic partnership signed last May at the EU-USA summit in London enshrined an agreement for the two sides to develop an early warning system for potential disputes over agriculture, the environment, food safety and biotechnology, which have been sensitive issues recently. That agreement is vital if the EU and the USA are to avoid friction in the world trade arena, given the impact of their relationship on everyone else in the world economy.

Building open markets remains as vital and important today as it was when GATT was first founded. Of course, it is more than evident that protectionist pressures are growing. As the downturn in the global economy continues, it leads to such pressures, as we all know. That increases the urgency of the need to look for sensible ways in which to boost genuine, sustainable economic growth: that, not retreating behind protectionist barriers, is the key to the future.

We should at least thank the hon. Member for Eastleigh for raising this subject for debate. It is a timely opportunity to say something about the need to support the comprehensive round of trade negotiations that we hope will be launched at the WTO ministerial conference in Seattle at the end of the year—I think that it will take place between 30 November and the early days of December.

Yes, we will positively support a comprehensive round at those talks. Seattle will be the third ministerial conference, so let us consider how we have got where we are. The first meeting in Singapore, in December 1996, put in place a work programme on new issues, such as investment, competition, procurement and trade facilitation. The second meeting in Geneva, in May last year, agreed the process for the preparation for Seattle.

We believe that a comprehensive round will allow all countries, including developing countries, to get an overall package to reflect their broader interests too. It will allow us to get arrangements on to a sound, commonly agreed and stable footing. That must be the objective and our Government will work towards that.

Some people have questioned the wisdom of pushing ahead with opening trade at a time of difficulty in the global economy. Trade was not the cause of the south-east Asian crisis and trade would not provide a complete solution, but it can help the world on the road to recovery, and it can help economic and social development.

Most recently, the Uruguay round brought a significant boost to world trade, to jobs and, therefore, to incomes. One of the key lessons of history is that the protectionist response to the global crisis in the 1930s made matters much worse—it led to a protectionist backlash. There are some signs of growing pressures now, but it is essential that we keep pushing forward the momentum for opening markets and developing open trade policies throughout the globe. That is why the United Kingdom and the European Union have pledged to resist protectionism and, contrary to what the hon. Member for Eastleigh might suggest, to secure that new round of multilateral trade negotiations.

A huge number of subjects are of particular importance to the UK in those negotiations: the need for further tariff reductions, to which my hon. Friend the Member for Carlisle (Mr. Martlew) referred; reducing barriers to trade—for example, unnecessary blockages, such as technical regulations; opening up Government procurement markets in third countries; simplifying import and export procedures; seeking substantial reductions in support and protection for agriculture; deepening and broadening the opening of trading services; establishing an open rules-based framework for international investment; clarifying the interaction between environmental and trade policies; and tackling trade and competition issues. That is a huge agenda and we are keen to press ahead with it.

At the same time, we are also conscious that we are trying to build. I point out to the Liberal Democrats at this time of new politics, when we are working towards a consensus, that trying to achieve that consensus around the table of the WTO is not so easy. Not all the members support a comprehensive round, as I am sure the hon. Member for Eastleigh acknowledges. Many more want to focus on particular market access, rather than the new overall rules. Others stress the need to stick only to those negotiations to which we are already committed—that is, in agriculture and services—and will not shift from there.

Since we have referred to the American position, President Clinton recently signalled support in his state of the union address for a new round. That was a very welcome statement. He said:

> "I issue a call to the nations of the world to join the US in a new round of global negotiations to expand exports of services, of manufactures, and, most of all, farm products."

We should assent to that aim to try to build together a round that will open up markets internationally and fairly. It is too early to say what sort of package will emerge from the ministerial conference this year. Discussions in Geneva so far have been developing the agenda to get the context right for detailed negotiations.

It is probably fair to say that the new issues, including the new work on the environment, are likely to be the most difficult in the new round. We accept that. Some developing countries believe that those issues are not yet ready for substantive negotiation. While we need to be realistic about what is achievable in the circumstances, we see value in the inclusion of environmental issues on the agenda. Clearly, there will be much focus on agriculture which, as the hon. Member for Eastleigh said, is important for developing countries, too.

Concerns have been expressed in Geneva about the implementation of existing agreements. Greater and more coherent focus will be needed on technical assistance and capacity building. That is not something only for the WTO; the United Nations conference on trade and development, the International Monetary Fund and the World bank all have parts to play. Decisions in the WTO must be taken by consensus. There is every sign that

developing countries will articulate a clear agenda of their interests, including issues relating to implementation, anti-dumping and open markets in, for example, textiles as well as in agriculture. They will not be reduced to being silent observers. The United Kingdom is doing all that it can to encourage their active participation in detailed negotiations.

We are clear that free trade has never meant, and should not mean, a free-for-all. There is a crucial difference. There is plenty of scope for reflecting concerns about health, social questions and the environment, but a system of international rules must have objective reference points. That is precisely why we need to rely on independent scientific justification, which is crucial. My experience has been that people are resistant to independent scientific advice as well. When they get it, if they do not like it, they refuse to believe it. That is part of the problem of perception.

Sustainable development is crucial. Protecting the environment and maintaining an open, non-discriminatory, equitable multilateral trading system are essential to achieving the objective of sustainable development. There are many effective, internationally recognised measures that aim to protect the global environment. Of course, much more remains to be done, but progress has been made in the past 20 years, with several multilateral environmental agreements with which we can work. Opening trade will help to ensure that resources are used more efficiently, and generate the wealth necessary for sustainable development and environmental improvement. It will also enable the spread of new environmental technologies that will help to tackle the pollution problems that we have inherited. Cleaner technologies will provide the jobs and industries of the future globally.

All Governments must consider their trade and environmental policies together. I cover the industry brief in government and I am determined not to see industry set against the environment as if they are irremediably at odds and mutually exclusive for ever. They can be fitted together, and the best companies recognise that, build environmental practice into their business, and see it as beneficial and profitable to have a sustainable agenda. The two policies can fuse together. If we are to deliver sustainable development internationally, we need to build it into trade relations as well.

Governments have a duty to balance the objectives of protecting the environment and upholding an agreed, multilateral trading system, whether we are negotiating in trade or environmental forums. It is for parties to both new and existing agreements to ensure, individually and collectively, that they do not sign up to conflicting, mutually exclusive requirements. That is the challenge.

My hon. Friend the Minister of State, Ministry of Agriculture, Fisheries and Food will deal in more detail with some of the points on agriculture and food raised by the Member for Eastleigh. The European Union ban on hormone-treated beef has been in place for more than 10 years. In 1998, the WTO found that the ban was inconsistent with its rules because it did not follow from a properly conducted risk assessment. The EU was given a period, which, coincidentally, expires today, to comply with the ruling.

A helpful article in this morning's *Financial Times* stated:

"US trade officials said yesterday they were determined to exercise their rights in the WTO to retaliate, but were prepared to continue discussing with the EU proposals for a negotiated settlement."

I take heart from that. The article also stated that

"the scale of the possible sanctions was likely to be scaled down and that the measures were unlikely to take effect before early July, leaving another two months in which to seek a settlement of the dispute."

It continued:

"the EU ban to US beef exporters, originally set at $900m, to be cut to between $100m and $300m. That figure could be lowered still further."

In a way, it is fair for the hon. Member for Eastleigh to paint the worst picture and to suggest that there are £1 billion of trade sanctions around the corner. However, we are not yet in that position; negotiations can continue. Furthermore, the US Government have reacted by pointing out that the characterisation of the situation outlined to the European Parliament by the Commission's Vice President, Leon Brittan, was useful and appropriate. I think that that puts matters into context, because some alarmist press comments were made by the Commission, which may explain some of the tone of the current commentary. I should be more interested in trying to work towards a sensible settlement of the dispute.

Mr. Drew: Given my hon. Friend's previous portfolio, can he clarify the Government's position on the ban? Have they carried out an independent scientific investigation into the safety of hormones in beef?

Mr. Battle: The UK was one of the few countries that pressed for labelling to give consumers an option—that would make matters much clearer. I shall respond in detail to my hon. Friend's point later in my speech.

We understand from Washington that there will be an announcement—perhaps tomorrow—formally expressing disappointment that the EU has not complied with the WTO requirement to lift the ban, and stating an intention to exercise the right to retaliate under the WTO. The US will need to apply to the WTO in Geneva for authorisation to retaliate, but it is not clear exactly when it will do so. Canada is likely to take similar action—that relates to a point made earlier by my hon. Friend the Member for Carlisle (Mr. Martlew). The EU will then seek arbitration on the amount of retaliation due, which will delay authorisation until mid-July and may well reduce the overall amount. We shall not see the detailed list of retaliation for about 10 days, but the British position is widely recognised in the United States, as is the fact that we have played a helpful role in the matter. We hope that further negotiations can be undertaken to de-escalate the current problem.

Mr. Chidgey: The Minister has mentioned twice that negotiations are being pursued on retaliation. I press him to tell the House whether the Government's view is that we should seek a solution based on compensation rather than one based on retaliation.

Mr. Battle: That is precisely the position that Sir Leon Brittan took at the Commission; he is negotiating on that basis and I hope that that will prove to be a helpful step in the interim.

[Mr. Battle]

The WTO rules require that trade measures put in place to protect human, animal and plant health must have a scientific basis. That brings me to the point made by my hon. Friend the Member for Stroud (Mr. Drew). Governments can and do apply restrictions to protect their consumers, but they must be in line with international standards or justified by a risk assessment when they are more stringent than international standards. Obviously, if those rules were not in place, countries could simply impose restrictions—ostensibly on the grounds of consumer protection—but without any scientific back-up whatever. In reality, they would simply be protecting their own interests.

Miss Anne McIntosh (Vale of York): Will the Minister tell the House on what basis British beef was rejected from the US in the early 1980s, before the BSE crisis?

Mr. Battle: I am tempted to say that if I were allowed another half hour to speak, I would go through the history of the previous Conservative Administration on BSE, but I think that I should be ruled out of order. I gently point out to the hon. Lady that, when we came into Government, I was not allowed to go through all the details—other than what was in the press and in *Hansard*—of what was done by the previous Administration. However, I should love to spend my life in the Library digging through those murky papers to find out what happened. To the hon. Lady, I say simply that in the case of beef hormones, as in other cases, we must recognise the importance of sticking to scientific principles, as the hon. Member for Eastleigh pointed out.

Protection of the consumer, and the health and safety of people and the environment are of paramount concern to the Government—they are our starting point. We have always opposed the EU ban on beef hormones on the grounds that it is not justified by scientific analysis, but if genuinely fresh scientific evidence—not simply recycling of previous claims—were to emerge, we would reconsider the case for the ban. As the EU continues to carry out a new series of risk assessments, we should continue to engage in serious dialogue with the United States and Canada. We are encouraging the US to discuss compensation, as an alternative to retaliation, and labelling options, in which we led the way.

Mr. Gray: On the question of scientific evidence on the safety of hormones, how can Minister argue that no precautionary principle is in play and that we must allow the stuff because it appears to be all right, when the Minister of State, Ministry of Agriculture, Fisheries and Food has banned beef on the bone, which has been shown to pose a one in 2 billion risk of any form of infection? Beef hormones are a heck of a lot more dangerous than beef on the bone.

Mr. Battle: The hon. Gentleman says that, but he should check the evidence. Let me read to him the US Government's reaction to recent developments, in which they challenge the evidence that has emerged in the past few days on the ground that it is merely a recycling of previous claims. It states:

"From what our scientists have seen of DGXXIV's summary report so far, the summary does not have any new scientific data on which to base its claims that the hormones in question may be harmful. In fact, the data cited in the summary seems to be the same as that already reviewed by numerous scientists, including the Joint Experts Committee on Food Additives (JECS), two previous groups of scientists commissioned by the EU and five scientific experts who provided their advice to the WTO beef hormones panels."

We should occasionally remember that there are damn good scientists in the United States of America and that we cannot accuse the US of scientific indifference. There are going to be arguments about the science, so we have to do our best to obtain independent evidence. Notwithstanding all that, we are one of the few countries calling for labelling. Supermarkets are pulling GMOs and other products off their shelves in response to consumer pressure, rather than to detailed scientific evidence; therefore, our argument is that, if products containing beef hormones were labelled, consumers would be able make their own judgment.

Mr. Gray: American scientists would say that, wouldn't they? How can the Minister so lightly dismiss the many scientists who say that there is no possible link between beef on the bone and new-variant CJD? How can the Government ban beef on the bone and simultaneously permit the import of hormone-treated beef? That is the contrast I want the Minister to address.

Mr. Battle: The hon. Gentleman implies that, because they are American, the scientists must be biased and willing to jeopardise their professional and scientific integrity, but I shall not respond in kind. I know that, when he winds up the debate, my hon. Friend the Minister of State, Ministry of Agriculture, Fisheries and Food will respond in detail on the question of beef on the bone.

Our primary duty in respect of GMOs is to protect people and the environment, which is why, at EU and national level, we have a comprehensive framework in place to regulate and advise on biotechnology and to assess new products rigorously before they are approved for use. No product is allowed on to the market unless and until it goes through safety assessments. Those stringent assessments afford an extremely high level of consumer protection, so it would not be right for the UK or the EU to impose a unilateral ban on products that pass through those processes. However, if fresh scientific evidence on the safety of any GM product were to come to light, of course we would consider whether a ban was justified.

Dr. Peter Brand (Isle of Wight): I am interested in the Minister's reiteration of the need for fresh scientific evidence. We have many committees of scientists reviewing the scientific evidence available, but will he or his colleague, the Minister of State, Ministry of Agriculture, Fisheries and Food, tell the House what work we are initiating to produce fresh evidence? So far, most of the evidence comes from manufacturers of somatotropins, who clearly have an interest in maintaining the existing verdict in favour of their product.

Mr. Battle: It is not fair to say that all or even most of the scientific evidence comes from the companies. For some time, I have had the privilege of being responsible for science, which covers work on the environment and work within the EU such as the framework programme, whereby scientists in universities and institutions

throughout Europe, including the UK, develop expertise in biotechnology. I know that the work is not necessarily funded by biotechnology companies or any of the other companies mentioned by the hon. Member for Eastleigh. All the scientists carry out their work with integrity and I respect that.

My reason for using the word "fresh" is that, often, reports of a few comments or summaries by a researcher appear somewhat prematurely, before peer review and before proper publication in the usual form of authorised scientific papers. That prematurely delivered information is often recycled information which has been gleaned from other people's papers and re-presented—a practice which, in the days when I did research, would not have been accepted as research, because it involved no originality. We are looking for originality—that is what I mean by "fresh". We encourage scientists to explore developments in biotechnology and ensure that they are safe. My hon. Friend the Minister of State, Ministry of Agriculture, Fisheries and Food can spell out, in detail, the work that we have initiated. In addition, the House should recognise that, through the science budget, we fund some of that work.

I emphasise that, although the United States has expressed some concern about the European regulatory system because of the time it can take to grant approval for a new product, there is no trade dispute in respect of GMOs between the United States and us. The US also recognises that consumers need to be able to make an informed choice, which is why we label products containing GM ingredients.

Let me end on the general significance of trade disputes in the EU-US trade relationship. I know that the hon. Member for Eastleigh wanted to get the expression "American food imperialism" on the Order Paper, but encountered problems in the Table Office.

Mr. Chidgey: Nonsence.

Mr. Battle: I would suggest that, economically speaking, the term "mercantilism" might apply better to the problems that he has raised, but I, too, defer to the Table Office's judgment on the use of language. However, we must remember that, if we constantly heighten the language, we make diplomacy harder. We should look for common points of contact on which we can build a world trade system that enables the vast majority of the substantial trade and investment flows to proceed fairly between us.

Disputes are rare and, without wanting to minimise their individual importance, I have to say that there is a danger that if we over-emphasise them, we risk discolouring the overall relationship and jeopardising the future. It is possible for trading partners to resolve differences if there is a willingness to work patiently towards practical solutions. It is all the more important to do that when the two trading partners are the European Union and the United States, not only because of the massive and dynamic bilateral trading relationship that exists between us, but because of the impact of that relationship on the development of the world trading system as a whole.

We have a good trading relationship with the United States of America—one that has existed since the 18th century. We should carefully, sensibly and patiently work on developing that relationship as a dynamic and fair economic model for the whole world in the 21st century. I believe that that can be achieved, if we have the will to do so.

2.19 pm

Mr. Christopher Chope (Christchurch): We welcome the opportunity to debate United Kingdom trade policy and the World Trade Organisation, and we agree with many of the constructive sentiments expressed by the Minister. We deplore the woolly wording of the Liberal Democrat motion, and some of the scaremongering and irresponsible statements by the hon. Member for Eastleigh (Mr. Chidgey), which disclosed some of the muddled thinking that we have come to expect of the Liberal Democrats. I have read the motion on the Order Paper for the second half of this afternoon, and if this is supposed to be an example of how the Liberal Democrats hold the Executive to account, it carries about as much punch as a bowl of overcooked noodles.

When the Minister said that the original wording of the motion made reference to American food imperialism, the hon. Member for Eastleigh said that he thought that nonsense. I was in the House this time last week, when the Leader of the House announced that this afternoon there was to be

"a debate entitled 'American Food Imperialism and European Trade Policy'."—[*Official Report*, 6 May 1999; Vol. 330, c. 1089.]

I presume that that title was not invented by the Leader of the House, but emanated from the Liberal Democrats.

If the references to American food imperialism were meant to be the soundbite that would motivate plenty of people to vote for the Liberal Democrats in my constituency last Thursday, which was polling day, it manifestly failed, because the Conservatives were returned in 36 of the 44 district council seats, gaining no fewer than 13 seats from the Liberal Democrats and reducing their number in my constituency to a mere five.

Conservative Members recognise and support the importance of the World Trade Organisation as a body committed to promoting global free trade and the reduction of trade barriers. We, as a global trading nation, have more to lose from protectionism and trade barriers than does any other member of the European Union. I think it fair to say that some of our European partners are instinctively more protectionist than we are, and given attitudes to British beef exports, too many European Union countries have shown a willingness to appease protectionist lobby groups rather than defend the virtues of open markets, sound science and the leadership of the World Trade Organisation.

We last debated this subject on 22 March 1999, before the World Trade Organisation's April ruling on the banana regime. During that debate, I and several other hon. Members asked the Minister a series of questions about what would happen if the World Trade Organisation endorsed the United States' trade sanctions against the EU for failure to comply with the WTO rulings on bananas. We did not receive any answers, and we now realise why. It is obvious from what has happened since that the Government had failed to ensure that the European Union drew up prudent contingency plans. The consequence is that the legally authorised WTO sanctions, amounting to $131 million a year, are now in place, and several United Kingdom niche businesses are suffering very seriously as a result.

[Mr. Christopher Chope]

What action are the Government taking? What is the European Union doing? If ever there was an issue that demanded immediate answers from the Government, it would be this one. It is a pity that the Liberal Democrats did not even mention that in their long-winded motion.

On 29 April 1999, I tabled a question to the Secretary of State for Trade and Industry, asking on what date he expected the European Union to introduce a banana regime that was in compliance with the ruling of the World Trade Organisation. By 11 May, following a holding reply, I received the answer. It is a matter of great regret to Opposition Members that, on an issue of such sensitivity, it took the Secretary of State the best part of a fortnight to reply to such a question. The reply, from the Minister for Trade, said:

"It is unclear how quickly the European Union can amend the banana regime to bring it into compliance with the ruling of the World Trade Organisation. The Council has asked the Commission to provide proposals by the end of May. However, the forthcoming elections to the European Parliament are likely to delay their approval of a new regime until at least September. In the meantime, we are pressing the Commission to find an interim arrangement which could be agreed quickly and which would displace US retaliation against EU industries."—[*Official Report*, 11 May 1999; Vol. 331, c. *84-5*.]

What a farce; what a state of affairs. Anyone would think from that reply that the World Trade Organisation ruling or the date of the European elections came as bolts from the blue. All along, the European Union approach has been one of indecision, prevarication and delay—of hoping that the problem would go away. It did not go away, and when the European Union was confronted with the decision and the authorisation of the World Trade Organisation, it gave all the appearance of having made no arrangements to deal with it. It is now claiming the European elections, the chaos in the European Commission and various other factors as explanations for not addressing the issue with greater urgency.

When the Conservatives were in government and the Minister of State, Ministry of Agriculture, Fisheries and Food, the hon. Member for Birmingham, Perry Barr (Mr. Rooker), was an Opposition Member, Secretaries of State were several times found by the courts to be acting unlawfully. The hon. Gentleman was very quick to say how appalling that was, and to say that the Government should immediately comply with those rulings. That is a perfectly legitimate line to take; compliance with the rule of law is fundamental to any regime that commands respect.

The WTO has made its ruling and the European Union is saying, "We shall comply, but we are not quite sure when." In the meantime, sanctions against innocent firms in the European Union are biting. This is not an academic debating point. As we speak, the sanctions are costing British jobs and successful British businesses. So far, the Government have given all the appearance of being pretty indifferent to the plight of those businesses.

On 11 May 1999 the Minister for Trade gave a written answer to my question, tabled on 29 April 1999, containing his estimate of the number of jobs put at risk by the trade sanctions of the United States authorised by the World Trade Organisation:

"In terms of the historical levels of exports to the US in each sector, it is not possible to say what the overall impact on British jobs might be. Much depends on how long the retaliatory measures remain in place, the ability of affected businesses to find alternative customers for their products, the extent to which orders have been brought forward before these measures took effect and local market conditions."—[*Official Report*, 11 May 1999; Vol. 331, c. *85*.]

That may well be correct, but it ignores the fact that, as the Minister knows, many niche firms very much depend on their export trade to the United States, and they have lost business which they cannot replace in other markets.

One such firm, to which I drew attention in oral questions last week, is called Beamglow. It had invested heavily in the US market—about £2.5 million. It is quite a small business, employing only 100 people. About 25 per cent. of its turnover is with the United States, and it has lost all that business as a result of the sanctions. The firm has communicated with Ministers, but has had no satisfactory response.

When I raised the matter with the Secretary of State in oral questions last week, he made it seem as though it was everyone else's problem but his. He said that

"the real solution is to resolve the trade disputes."

Fine.

"The Government are committed to achieving that long-term solution to the problems."

Fine.

"The solution to the problems that companies such as Beamglow face lies in the Government using our best efforts to ensure that the trade disputes with the United States are resolved"—

fine—

"and that free trade and commerce are able to flourish."—[*Official Report*, 6 May 1999; Vol. 330, c. 1072-3.]

But what will happen in the meantime? By the time the dispute is resolved—the Minister for Trade estimates that that will be no earlier than September, and some people say that it might drag on beyond the turn of the year—Beamglow will have been obliged to lay off a very significant number of its employees.

Beamglow is not the only firm affected. Carrs of Carlisle, a much larger firm, and Woods of Windsor, a niche business with which the Minister for Energy and Industry will be familiar, are suffering very seriously as a result of the sanctions. Those firms are asking, "What will the Government do to help us? We are the innocent victims of the European Union's failure to respond positively and quickly to a ruling of the World Trade Organisation."

Mr. Gray: Has my hon. Friend noticed that despite the Government's general lack of concern about the industries that he describes, they have been extremely concerned about one particular area? In the politically sensitive and delicate area of the Scottish borders in the run-up to the parliamentary elections last week, the Government have gone out of their way to help the cashmere industry. Would not Beamglow and other firms wish that they were in that area?

Talking of lack of concern, has my hon. Friend noticed that there are now only two hon. Members on the Liberal Democrat Benches? Although this is the most crucial debate in their parliamentary month, only two of them have stayed to listen to my hon. Friend.

Mr. Chope: I am grateful to my hon. Friend for his intervention.

We as much as anyone supported the Government initiative to help the cashmere industry. The threat of the sanctions being applied prior to authorisation by the World Trade Organisation put the cashmere industry in particular difficulty. The Government offered up to £40 million in guarantee payments.

Since the ruling went against the European Union, however, the Government have done nothing. No doubt through the diplomacy of the Prime Minister in conversation with the President of the United States, the Government managed to exempt cashmere from the list of products that would be the subject of 100 per cent. tariff—*[Interruption.]* I give way to the Minister.

Mr. Rooker: I asked the hon. Gentleman why he kept talking about cashmere, when he knew that it was not on the list.

Mr. Chope: I am sorry that the Minister does not understand the point made by my hon. Friend the Member for North Wiltshire (Mr. Gray). Cashmere was originally on the list, but it has now been taken off. Before the issue was resolved in favour of the cashmere industry, the Government had agreed to give up to £40 million in assistance. They are not prepared to put a similar sum or any compensation regime in place for equally innocent and deserving victims of the dispute.

Mr. Battle: Two things—first, the cashmere industry is not located only in Scotland. I come from Yorkshire, and the industry exists also in Bradford, a city next to mine. Secondly, there was a particular difficulty with cashmere. If you knew anything about the textile industry, you would know when the buying season was in America—

Mr. Deputy Speaker (Mr. Michael Lord): Order. The hon. Gentleman must use the correct parliamentary language.

Mr. Battle: I apologise, Mr. Deputy Speaker. If the hon. Member for Christchurch (Mr. Chope) knew anything about the textile industry, he would know when the buying season was. That was the reason for the extreme difficulty at the time. We worked to resolve the dispute, to get cashmere textiles and other items off the list, and to reach a sensible solution within the EU. The hon. Gentleman's comments come rich from him. Thousands of jobs in manufacturing went in my constituency. The answer that I got when I was in opposition was that that was due to world recession and I should not worry about it.

Mr. Chope: I am gobsmacked by the Minister's attitude. I would have hoped for considerably more sympathy for the innocent victims of a trade dispute in which the European Union was found guilty by the World Trade Organisation. In his speech the Minister spoke about the desirability of introducing a compensation regime in favour of the United States. Why are not the Government prepared to introduce a compensation regime for British firms that are the innocent victims of the European Union's failure to deal with the issue?

Mrs. Caroline Spelman (Meriden): The mock anger displayed by the Minister will cause deep frustration among those in west midlands manufacturing who have difficulty understanding why other regions of the United Kingdom should receive easement and compensation, and why firms manufacturing such important products as bath preparations, with a total export value of £7.2 million, should still be on the list of products that are not relieved. Midland Cosmetics in the west midlands has £2 million of orders on hold because of the Government's failure to provide the same sort of compensation as they have provided in other parts of the country.

Mr. Chope: I am grateful to my hon. Friend for that intervention. If the Minister wishes to intervene to answer the point, I shall give way to him.

Mr. Battle: We have been trying to get the list down and to ensure that companies are not jeopardised by sanctions. That is the whole point. To avoid further sanctions, we are encouraging negotiations. Of course there will be financial penalties, but we do not want more companies to pay them. Is the hon. Lady suggesting that the Government should buy and store all the products of the companies affected? What sensible proposals does she have, other than direct grant and Government intervention? In the case of cashmere, it was not grant; it was a loan system to back firms up during the short-term buying season.

Mr. Chope: I shall allow my hon. Friend the Member for Meriden (Mrs. Spelman) to make her own speech. In response to the challenge from the Minister, I would say that if the Government of which he is a senior member had anticipated the ruling of the World Trade Organisation, they would have had a proper contingency plan in place, which would have been a compliant regime to take effect immediately.

If the Government and the EU had done that, no penalties would have been imposed on firms such as the one referred to by my hon. Friend. Those firms are now suffering as a result of the 100 per cent. tariff barrier. They are losing business and some of them will be threatened with bankruptcy. In any event, many will have to shed a large number of jobs.

The Government should have anticipated the situation, and even now they should be getting on and ensuring that a compliant regime is introduced. *[Interruption.]* Instead, we get much delayed ministerial replies to our questions. The Government shrug their shoulders and say, "There is nothing we can do. We are waiting for the European parliamentary elections."

Mr. Battle: We are doing things—

Mr. Deputy Speaker: Order. The Minister must not keep intervening from a sedentary position.

Mr. John Hayes (South Holland and The Deepings) *rose—*

Mr. Chope: I give way to my hon. Friend.

Mr. Hayes: Does my hon. Friend agree that it does the Government no good to display such a lack of contrition and humility? The Minister sits there barking and shouting in response to a legitimate claim on the part of

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Conservative Members in the interests of hard-pressed companies. That tells the whole story about the Government's attitude to those industries, those businesses and the people who work in them. I invite my hon. Friend to suggest to the Minister that he calm himself a little, and display a little more humility and compassion about the damage that is being done to those hard-pressed companies.

Mr. Chope: I am grateful to my hon. Friend. He gives wise advice to the Government. They get hysterical and say that they are doing all they can, when it is apparent that they are not. If they were doing everything that they could, they would have sorted out the problem already. They are relaxed about the problem and say that it may go on beyond September till the end of the year.

The Government were quick to help the cashmere industry and rather slow to help firms such as those that we have mentioned. We suspect that the Government are rather indifferent because a number of those firms are situated in the constituencies of Conservative Members of Parliament—for example, Woods of Windsor, and Beamglow, which is in the constituency of my right hon. Friend the Member for Huntingdon (Mr. Major). That suspicion, which several of my right hon. and hon. Friends share, as do some of the people who work for such firms, is given credence by the extraordinary attitude of the Minister, who seems totally unconcerned about the plight of those businesses.

Mr. Battle: Name a Conservative Member of Parliament in Bradford.

Mr. Chope: I cannot name a Conservative Member of Parliament in Bradford, but I can name an increasing number of prominent Conservative councillors there.

The Minister needs to take the issue much more seriously than he has hitherto. I hope that he will introduce a compensation package for firms that are the innocent victims of the banana dispute. As members of the EU, we obviously take our share of the responsibility, but the EU's failure to comply with WTO rules has meant that people are losing their jobs and are suffering financially in those businesses. All that is happening is that the Government are shrugging their shoulders, which is not good enough.

Mr. Rooker: We have been discussing bananas for 20 minutes.

Mr. Chope: I do not know how long we have been discussing that issue, but I know that we are discussing real jobs and real businesses—often family businesses that have been built up over generations and have entered and successfully competed in a very difficult United States market. They are finding that all that investment and effort are being completely destroyed as a result of the Government's behaviour and the failure of the Government and the EU to address this issue sensibly. As far as I am concerned, this subject is worthy of an Adjournment debate in its own right.

The good news is that we are making progress in some other areas. During our debate on 22 March, I raised the issue of hushkits and the growing dispute over them. The steam seems to have been taken out of it as a result of sensible co-operation and discussion between the EU and the United States. However, Emma Bonino recently said that, whatever the scientific position, there is no question of the beef ban ever being lifted—which is provocative.

Mr. Battle: Who is she?

Mr. Chope: Emma Bonino is one of the Commissioners—a temporary Commissioner who is about to lose her job, I think, although we are not sure about that. She said on behalf of the EU that there is no question of the beef ban ever being lifted. That sort of comment causes a number of people to think that provoking the United States into a trade war is on the agenda of some members of the EU, to assist them in their own protectionist objectives. I hope that that is not correct.

There is talk of temporary solutions. The report in the *Financial Times*, to which the Minister referred, gives us hope that the hormone-treated beef issue will not now result in any direct trade sanctions, at least until July, and we hope that it will be resolved before then.

Mr. Rooker: Now that the hon. Gentleman has got on to the issue of hormone-treated beef, I invite him to confirm that the current position of the Conservative party is exactly the same as that which it took in government. It has changed its policy on genetic modification since then. We have continued the policy on hormone-treated beef because it is based on the science. I should like confirmation that the position remains the same as far as he is concerned.

Mr. Chope: As the Minister knows, I was not a member of the previous Government; I was not even a Member of the House, so I will not get drawn into a discussion about that. I would support what Ministers have been saying about the importance of sound science, which is absolutely fundamental. If we are not committed to supporting sound science, any country in the world will be able to say, "We don't want your products because we've got some people who say that they do not really like them." That would be quite at odds with any principle of free trade, which Conservative Members promote very strongly.

Mr. Rooker: I do not want to labour the point, but I recall that the hon. Gentleman was a member of the Government until 1992. The ban on hormone-treated beef has been in place for 10 years and he was a member of the Government when that ban was introduced on behalf of the EU. I am asking my question simply to avoid any doubt and because of the Conservative party's change of policy on genetic modification.

We take a different view from the rest of the EU on hormone-treated beef, but we have operated the policy as good members of the EU. We want to operate on the basis of sound science, and I invite the hon. Gentleman to say whether the Conservative party's position remains the same as when it was in government—that is all.

Mr. Chope: If there was a change in Conservative party policy, the Minister would soon hear about it. I have set out the position as I understand it to be and I have nothing to add on that particular subject.

We are pleased that it looks as though some of the heat has been taken out of the hormone-treated beef issue. However, if we find in July that nothing much has been done to resolve the scientific issues and the United States has in the meantime drawn up a list of targeted firms—as the Minister has said, that might be announced in the next 10 days—I hope that the Government will not have allowed the EU to be as slack in preparing a contingency plan as it has been found to have been in respect of bananas. I condemn the EU and I condemn the Government for the part that they must have played or not have played in this; but let us learn something from the experience—if we are given a couple of months, we should draw up some sensible contingency plans.

Does the Minister think that the approach taken by the Government to hormone-treated beef—standing out from other members of the EU—will result in a differential regime for the imposition of sanctions? The Netherlands and Denmark publicly opposed the EU banana regime and the United States said that it would not introduce sanctions against them for what was effectively an EU decision. Have the Government had any intimation from the United States on whether that might be used as a precedent and on whether this country would be less vulnerable to sanctions than other member states because of the line that we are taking in the EU on hormone-treated beef?

The Minister said that we had spent 20 minutes talking about bananas; I do not know whether it was as long as that, but this is an important debate and we welcome the opportunity to hold the Government to account. A more constructive way of doing that, which we on the Opposition Front Bench pursue, is tabling pertinent questions and asking the Government for answers, rather than tabling muddled motions, as the Liberal Democrats do, and trying to justify them in speeches that leave much to be desired. People want clear thinking brought to bear on these important issues, which affect our country, our trade and our prosperity.

2.48 pm

Mr. David Drew (Stroud): I am delighted to take part in this debate on an interesting and important topic; the politics of food creates considerable interest, if not alarm, among the wider population on occasions. Conservative Members seem to be suffering from collective amnesia about their role in the evolution of various food policies, but I do not want to waste time on that. No doubt the result of the change in policy will be put around in a brown envelope, like most Conservative policies at present.

We approach the debate with some trepidation. It is easy to raise alarms and, to be a little critical, although I agree generally with what the hon. Member for Eastleigh (Mr. Chidgey) said, some of it was on the alarmist side. This is an emotive subject. People are understandably worried by any accusations about links between this and that, and what may seem to be a perfectly good way to improve choice and the quality of our food can lead to alarming statements being made in the press, if nothing else. Nevertheless, we must recognise that consumer choice, if not paramount, is very important in this context. What we are discussing is the essence of why we engage in trade. It is through specialisation that we are able to obtain the best products from various parts of the world, and we must try to avoid any action that would prevent that from happening.

A chord has been struck. I feel strongly about this, as, I think, do others on both sides of the House. People feel that they have been disempowered by the way in which globalisation has made the providers of food unaccountable, in the sense that decisions are made not through the natural—dare I say, national—process that most people want, but by unaccountable individuals in multinational companies, American agrochemical companies or other multinational companies in other parts of the world.

We are, in fact, particularly able to point the finger at American agrochemical multinationals. I make no apology for taking all possible opportunities to talk about genetically modified organisms. I hope that Ministers do not think that I will launch into a full-scale attack on them, but I do not think that we would be where we are today were it not for Monsanto's—in my view—dreadful and disastrous decision not to segregate soya, which has led to a lack of consumer confidence. Consumers feel that foodstuffs have been imposed on them.

I was glad to hear confirmation from Ministers that we are demanding consumer choice, as we always do. There should be segregation, and there should be effective labelling; but it is not an easy matter, because decisions are being made elsewhere. We are discussing an aspect of that today: we are discussing a further racheting up of the apparent ability to impose decisions from outside. I think that we are well within our rights to say what we feel about that. In this respect, I am thankful that we are part of the European Union, because we can make a much bigger impact as part of a group of nations than we could as an individual nation. Let us not fool ourselves: as an individual nation, we would find it much more difficult to restrain the multinationals from securing a global marketplace in which they can determine what is provided and at what price it is provided, and regulation can be undermined, if not circumvented.

Mr. Gray: Does the hon. Gentleman favour the commercial planting of genetically modified crops, or not?

Mr. Drew: My views may differ somewhat from those of the Government, but in terms of degree rather than perspective. I believe, at the moment, that the precautionary principle is such that the benefits of genetically modified organisms are not proven, although I see every reason to conduct more tests—for instance, by means of farm trials. The Government have upheld the view that we should not currently be allowing commercial exploitation—unlike the last Administration, who allowed more products through without the necessary monitoring and regulation, and without truly believing that people should have a choice. Labour Members will not take any lessons about licensing and regulations: we are doing things properly, and it is a pity that that did not happen before our election.

We understand that the international trading position presents another side of what most people are concerned about—their right to choose, to know what they are eating, to know that it is safe and wholesome and to know that they can obtain it in as environmentally friendly a way as possible. There is a very sad aspect of what has been happening. The debate provides me with an opportunity to say that, although we understand that the interests of different nations are likely to be paramount in

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their decision making, we should all like to avoid disputes such as this if that is at all possible. We would not like it to be exaggerated, although that is always a danger in the lead-up to negotiations; but, more particularly, we do not want the matter to be subject to innuendo that could be taken out of context. That might lead to a much more serious situation.

Other hon. Members may, like me, have received a letter from the Food and Drink Federation stating that food and drink exports accounted for £732 million last year—slightly less than imports. I always think that those who cause problems by threatening retaliation may have more to lose than they stand to gain. Anyway, the letter listed the products that might be affected: beef, pork, poultry, tomatoes, onions, peaches, pears and, dare I say, chocolate. Such a degree of retaliation takes us on to the slippery slope leading to something that none of us wants—a full-scale trade war.

Everyone would lose out from such a trade war, but, as has been made clear by Conservative Members, those who would lose most are the smaller producers—the producers of specialist lines, who cannot diversify because their methods of production relate directly to their markets. We can only argue on behalf of producers, but, as we know from the banana controversy, the biggest loser is the third world. To an extent, we have been willing to fight alongside the third world to ensure that its countries have access to world markets. It is not right for large global companies, perhaps working through one Government or another, to be able to impose a different way in which products can reach the market if it is unfair, biased and clearly opposed to the greater access to the world market of third-world countries that most of us want.

That is linked to other issues, such as the multilateral agreement on investment. I was pleased to note that that had been kicked out initially; it may return in a different form, but I hope that its new form will enable us genuinely to believe that it is for the right purpose, and that investment streams will be made more accountable, rather than being driven by companies that are motivated by selfishness and are able to impose their will and influence the third world much more than is healthy.

We should improve the processes whereby we agree on the stabilisation of world trade. People may make suggestions about how we can learn from our mistakes. It has been alleged—I cannot confirm or deny the allegation—that, to an extent, the current problem has been caused by, in particular, the Americans, who have been testing World Trade Organisation processes to see how far the disputes mechanism can be pushed. If we take that allegation to its origins, we must ask who has been testing the process—and, again, we would tend to point the finger at some of the larger companies, which may feel that, if they get their way now, they may be given further opportunities in the future.

There is a lot to be played for. As the Government have said, we must cool this down. We must find a way of putting world trade back on track. If the dispute escalates, we shall all lose out, including those who are taking retaliatory action.

If I point the finger again at the European Union, I do so because some of the processes whereby agreements are reached are pretty Byzantine, and lacking in transparency. Whether we agree with the science is one thing, but I think that we should be happier if the mechanism for agreements were clarified to some extent. We could then hold our heads high when talking to the Americans, Canadians or whoever and say, "We have done it by the book. We know what we are about. We have been clear with our own multinational companies about the way in which they can influence the processes that we are engaged in." As a result, world trade would, I hope, be in a stronger, more stable position and we would all be gainers.

Although Labour Members have some sympathy with some of the words and phrases in the Liberal Democrat motion, the only way forward is the Government's approach, which is to negotiate, to consult and genuinely to try to bring the parties together, whether nationally, or, more particularly, supranationally, to ensure that the people who would lose out more than anyone—small specialist producers, the third world and, eventually, the consumer—are protected. There is no future in a retaliatory regime, which could be the way that some countries, or some companies, would want us to go. We have to square that with consumers' demand for safety, which is paramount; their demand to know what they are eating, and whether it is GM food; and their demand that, if they do not wish to eat GM food, they do not have to. As a result, the world would be a better and, indeed, safer place.

3.2 pm

Mr. James Gray (North Wiltshire): It is an honour to take part in what is an important debate and to follow my near neighbour, the hon. Member for Stroud (Mr. Drew), although, having heard his thoughtful speech, I am not entirely clear about whether he agrees with Ministers' decision to allow the commercial growth of GM crops. Nor am I clear about whether he is in favour of the continuing import of hormone-improved beef. If he is, I wonder whether he has consulted the Gloucestershire National Farmers Union on the subject, and considered the damaging effect that it would have on beef farmers in his rural constituency.

Incidentally, the Labour party makes great play of the fact that it represents more rural constituencies than the Conservative party. That is statistical nonsense, but I pay tribute to the hon. Member for Stroud, who does indeed have a rural constituency and should always be listened to on rural matters. I am certain that the Gloucestershire National Farmers Union will get in touch with him about his opinion on hormone-modified beef.

I am grateful to my hon. Friend the Member for Christchurch (Mr. Chope), who accurately summed up Conservative Members' significant concerns about the imminent trade war, and made some good points about Liberal Democrat Members' general woolliness and lack of clarity. This is the most important day in the Liberal Democrats' parliamentary month, but, for most of the debate, far more Conservative than Liberal Democrat Members have been present. At one stage, only two Liberal Democrats were present, although, admittedly, there are a limited number of Liberal Democrat Members. The Liberal Democrats have raised a subject that has attracted few of their Members and I suggest that, the next time they secure an Opposition day debate, they think up a subject that actually attracts the attention of their Members and voters, rather than something that is of peripheral interest to them.

I am glad that one or two more Liberal Democrats have drifted into the Chamber. No doubt, seeing the name of a Conservative Member on the screens, they have come to find out a thing or two about the subject that they themselves proposed to discuss. We will no doubt hear more about that in the next debate, which, in the view of all Conservative Members, is a particular waste of time.

The lack of interest among the Liberal Democrats in the subject of the debate has been mirrored throughout England by their appalling results in last week's local elections.

Mr. Paul Tyler (North Cornwall): Will the hon. Gentleman give way?

Mr. Gray: I will in a moment, if I may just finish my train of thought.

I think, in particular, of constituents of mine in the town of Wootton Bassett. Until last week, they had a Liberal Democrat town councillor, district councillor and county councillor. They now have a Conservative-controlled town council, Conservative district councillors, Conservative county councillors, a Conservative Member of Parliament and a Conservative Member of the European Parliament. That shows what the country thinks of the Liberal Democrats and today's debate shows why they think it.

Mr. Tyler: In the almost complete absence of all his Conservative colleagues, I wonder how the hon. Gentleman has the nerve to get up at all, but why does he think that his views on the local government elections have anything to do with genetic modification, unless he himself has been genetically modified, which may be possible?

I wonder whether the hon. Gentleman has noticed that, in 1995, his party lost more than 2,000 seats. Therefore, to regain their 1995 position and to have had any hope of forming the Government again, his party should have won 2,000 seats last week, which it patently did not.

Mr. Gray *rose—*

Mr. Deputy Speaker: Order. Before the hon. Gentleman addresses the House again, perhaps we can return to the subject of the debate.

Mr. Gray: You are, of course, right, Mr. Deputy Speaker. The hon. Member for North Cornwall (Mr. Tyler) has highlighted two things. First, he has not been here throughout the debate; he walked into the Chamber and thought to make a cheeky intervention. Secondly, he has not even read his motion, which has nothing to do with GM crops. The fact that he thinks that I should be talking about GM crops shows how little he knows about the debate.

Mr. Tyler: Will the hon. Gentleman give way?

Mr. Gray: I am sorry. The hon. Gentleman has just walked into the Chamber. He has already made one particularly inane intervention; I am not prepared to take any further interventions from him.

Mr. Tyler: On a point of order, Mr. Deputy Speaker. I attended the opening speech in the debate and I listened to much of the Minister's speech. I was called away on my parliamentary duties elsewhere. I should remind the hon. Member for North Wiltshire (Mr. Gray) that I and my colleagues and I actually went to the WTO to discuss the matter long before his party woke up to the concerns that were being expressed.

Mr. Deputy Speaker: That is not a matter for the Chair.

Mr. Gray: We are glad to see the hon. Gentleman back in his place.

We are not talking about GM crops. That is a peripheral issue. We are talking about the real possibility that the world and our nation face a very damaging trade war. It is a trade war that damages not the European Union, our Government or us in this place, but businesses throughout Britain. That is what we are talking about. Today, there has been much peripheral talk about all kinds of things, but we must concentrate on the possibility of a full-scale trade war, which represents a threat to global prosperity—and, my goodness, global prosperity already has enough to worry about with the cold wind coming from the far east and Russia. One thing that we do not need is a trade war across the Atlantic between, as the Minister correctly pointed out, two of the oldest trading friends in the book: the United States and United Kingdom. We have been trading partners for centuries. That has nearly always been the case: there have been a few little local difficulties such as the Boston tea party, which the Minister mentioned. Apart from that, we have always been the best of trading partners.

If there is an outcome to today's debate, it must be the reiteration of our determination to maintain those trade links across the Atlantic, and not to allow some of the current disputes to interfere with that. We must reiterate our determination that, where we see trade disputes on the horizon—for example, a dispute over air freight is definitely coming our way—rather than allowing them to develop into a gigantic trade war, we will find ways in which to smooth them over, to come to some agreement with our American partners as well as involving our European partners.

In that context, I find the history of the recent banana dispute worrying. The Labour Government go to great lengths to tell us of their strong links in Europe and with President Clinton. The Government had the presidency of the European Union when the banana dispute was breaking. As far as I am aware, the Government never even mentioned the dispute in any of their public announcements during their presidency. They certainly took no steps to do anything about it.

The Government wasted an opportunity during their presidency by not addressing the dispute. The net result is the $191 million worth of sanctions that the WTO has now allowed the United States to apply against the European Union. Of course, those sanctions have not been imposed on EU banana businesses but EU businesses in entirely unrelated trades and industries.

The suggestion that that came as a surprise to the Labour Government during their presidency is nonsense. We know that, for six years, the battle has rumbled backwards and forwards and that the EU has consistently failed to comply with GATT and WTO regulations. The EU has said, "No, no, no—the United States action was

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unauthorised". Although the EU is probably technically right that the US took action before the WTO had authorised it, the facts remain that the dispute has continued for six years, that we saw it coming, and that the United Kingdom, in leading the EU, took absolutely no action to see it off. The Labour Government have to answer for that omission.

If the Government are so close to the European Union; have such good links with the WTO; and are leading in European matters, in WTO matters relating to the United States and in international affairs—although their recent lead in international affairs does not fill me with great confidence—they will have to tell us why they allowed bananas, of all things, to wreak the consequences described by my hon. Friend the Member for Christchurch. Although the banana dispute has been partly resolved, as current contracts have not yet expired, the dispute's effects will continue to be felt for at least another nine months.

Conservative Members have already alluded to the dispute's consequences. We know, for example, that the cashmere industry has been helped out. Far be it from me to use the dreadful expression "pork-barrelling" in the Chamber, but it seemed quite extraordinary that a Labour Government who were terribly concerned about the outcome of the forthcoming Scottish parliamentary elections should go to such huge lengths to help out the border industries.

A moment or two ago, in justifying the action, the Minister said that cashmere products are manufactured also in Bradford. Perhaps he thinks that that justifies the Government's action. Fine; if they think that that makes it all right, I apologise for having cast any aspersions on the Minister. Nevertheless, it is particularly peculiar that the Government should have gone to such great lengths to help the cashmere industry—even if there is one in Bradford—but ignored other industries, about which I shall speak.

Mr. Battle: The hon. Gentleman's allegation was that the cashmere industry was helped in certain areas to damage the Conservatives' electoral prospects in the Scottish parliamentary elections. However, such a charge is manifestly untrue, as the industry is located beyond Scotland. I tried earlier to explain that there had to be intervention in the cashmere industry because—unlike in the other affected sectors—the sanctions were imposed right in the middle of that industry's buying week, which is a specific annual event.

Mr. Gray: The allegation was not that the Labour Government were helping Conservative areas—we all know that there are no Conservatives in the Scottish borders—but that the Government were very concerned about the outcome of the imminent Scottish general election. In retrospect, they were right to be so concerned. They went out of their way to help Scottish industries, but not English ones.

I should mention a few of the industries that will continue to be damaged by the US sanctions. They include the handbag industry; the uncoated felt paper industry—*[Interruption.]* Hon. Members may laugh and think that those are only small industries, but other damaged industries include those that manufacture folding cartons, boxes and cases of non-corrugated paper, and lithography. All those who make cardboard boxes, or any paper product, are being hurt, as are those who manufacture bed linen and other linen—of whom the Minister has made so light—lead-acid storage batteries, and electronic tea and coffee makers.

All those British industries are highly profitable and are composed largely of small businesses. Entrepreneurs have established those businesses, often exporting their products to the United States. Now—because the Government were unable to resolve the banana problem during their EU presidency—those businesses face bankruptcy, redundancies and other problems.

My hon. Friend the Member for Christchurch mentioned Beamglow, which is a very good example of the type of company being affected by the sanctions. It is a family company, employing 100 staff, with a £6.5 million turnover. It has just opened a new New York office, at a cost of £250,000. It has also invested £2.5 million in new plant, specifically so that it might be able to export to the US. However—because of the muck-up over bananas—Beamglow is being denied the right to export to the US. People precisely like those at Beamglow are the ones who are being damaged by the trade war. They are exactly the type of people to whom the Labour Government have failed to pay any attention. Ministers went out of their way to look after cashmere, but what about Beamglow, in Cambridgeshire?

Mr. Drew: Will the hon. Gentleman give way?

Mr. Gray: Of course; I am happy to give way to my next-door neighbour.

Mr. Drew: Is my near neighbour suggesting that some of the American tariff policies are of recent origin? As he may know, traditionally, American policy has blocked foreign aerospace industries from entering the United States. The latest policy is therefore not new, but only more specific. We should lay the blame where it belongs: the Americans should not be imposing the sanctions.

Mr. Gray: I am grateful for that intervention—although it was wide of the mark. Beamglow, of course, has absolutely nothing to do with the aerospace sector. The dispute to which the hon. Member for Stroud may have meant to refer is the one on air freight, which I foresaw. As the hon. Gentleman will undoubtedly know, the Americans are currently claiming that it is reasonable that American air freight companies should be allowed to fly to the United Kingdom, offload freight and then go on to Europe—which the Americans believe is one entity—whereas British air freight companies may not go to America, offload and go on to another American airport. Therefore, America is not only proposing a form of protectionism for its own air freight industry, but arguing that we cannot contest it.

As I told the Minister a moment ago, the Government should not simply wait for the air freight dispute to come along and hit them in the face, but take action now to try to put it right. Ministers will say that they are taking action on it, but, as they know—although they have been ready to meet Federal Express, the largest American importer, and hold interesting talks on how it might be

accommodated—they have refused to meet the British Air Freight Transport Association. No meetings with Ministers have been possible, because they have been so busy talking to Federal Express.

The Government must not take that type of attitude to dealing with international trade. They must realise that various issues are just about to come along and whack them in the face. They should meet representatives of the British industry and the American industry and find a solution to the problem that favours neither one side nor the other. I suspect that Ministers are at least partly culpable in not foreseeing some of those trade disputes, which have the most damaging consequences.

Mr. Battle: Early-warning arrangements are now in place, and the Government played a part in their establishment.

Mr. Gray: I am grateful to the Minister for that intervention, and am glad that arrangements are in place. I very much hope that they work. This time next year, when we have another debate on trade disputes, I very much hope that it will be held in a spirit of cross-party congratulation on the arrangements.

Mr. Battle: I doubt it.

Mr. Gray: I hope also that no such trade disputes will have arisen. The Minister doubts it, but I doubt it, too. I fear that, in the next 12 months, it is unlikely that the Government will perform any better than they have in the past 12 months. But—who knows—this time next year, when we again debate the subject, we might be pleasantly surprised.

I should like briefly to deal with the central issue of the debate—hormone-treated beef—and whether we should allow it to become a huge problem. I should say first that I am speaking as a Back Bencher, and as an hon. Member representing a beef-producing area in Wiltshire. I have not discussed my remarks with my own Front-Bench spokesmen on agriculture and trade. I should not in any shape, size or form claim to be speaking for the Conservative party.

My own view on the issue of hormone-treated beef is a very plain. I find it curious that, of all the European Ministers discussing the matter, only one—the British Minister—took a different view on the issue. Only the British Minister chose to ignore the available scientific evidence on allowing imports from the United States of hormone-treated beef.

The Minister of State, Ministry of Agriculture, Fisheries and Food grins knowingly, as if he is about to tell me that he has no evidence that there is something wrong with hormone-treated beef. I shall quote to him from no less an institution than the Parliamentary Office of Science and Technology, which has produced a very learned paper on the subject of hormones and their dangers. In words very much of one syllable, the report says that POST is extremely concerned about the health effects of such hormones.

The report states that oestrogens generally are

"linked with increased risk of endometrial and breast cancers in women and to reproductive disorders in men; they have also been shown to be carcinogenic in animal tests.

Progesterone increases the incidence of ovarian, uterine and mammary tumours in experiments in laboratory animals.

Testosterone may be carcinogenic in humans, having been linked with prostatic tumours in men; it has also been shown to be carcinogenic in animal tests."

That is pretty clear evidence that there may be a danger in humans eating hormone-treated beef. Regardless of that, there seems to be a reasonable presumption that there may be some dangers in eating hormone-treated beef. Compare that evidence with evidence from the Government's own scientific advisers on beef on the bone—which they have chosen to ban.

Mr. Battle: Will the hon. Gentleman give way on that point?

Mr. Gray: I shall, in a moment, give way on that specific point. Many scientists, quoted extensively in the paper, say that there may be health dangers associated with eating beef fed on hormones. The Government's scientific adviser went to some lengths to say that he thought that there was not much evidence of health risks from eating beef on the bone, but, like any scientist, he could not swear blind that there would never be any risk. Most scientists now reckon that there is a one in 2 billion chance of contracting a disease through eating beef on the bone. Whatever the Minister may be about to say about the POST note from which I quoted, the scientific evidence is clear that people are by no means convinced that eating hormonally modified beef is safe.

Mr. Battle: People may not be convinced, but we should read the full report, not quote selectively from it. The hon. Gentleman is quoting scientific evidence of health effects from the POST note. He stopped reading before the following paragraph:

"While few question the academic credentials of the evidence cited by the EU, much of it refers to levels of exposure many times higher than those likely to be encountered via hormone residues in meat. The key question is whether similar effects occur at these lower levels of exposure. Here the EU's position on the risks posed by hormone residues in meat seems somewhat out of line with the views of other national and international bodies."

I do not have time in an intervention to read the following three columns that spell out the counter-evidence. The hon. Gentleman should give both sides.

Mr. Gray: I am grateful to the Minister for his further quotation from the POST note. Those who are interested will doubtless be able to look at it in the Library. My main point was not that it gave convincing evidence of a health risk. My goodness, if we knew for sure, as the Minister seems to suggest, that hormone-improved beef was definitely bad for human beings, no Government of any complexion in any country would ever allow it to be sold. At no stage have I suggested that it is definitely bad. All I am saying is that the Parliamentary Office of Science and Technology says that it might be dangerous and other scientists say that it might not be. There is a scientific debate about it. Almost nobody in their right mind—with the honourable exception of the Government—would suggest that beef on the bone was harmful, whereas many eminent scientists suggest that hormonally modified beef might be.

More importantly, British beef farmers are facing the worst time that they have ever had. They are unable to sell their beef overseas because of the ineptitude and

[Mr. Gray]

inadequacy of the Minister of State at MAFF. Our beef farmers cannot export perfectly healthy beef, but the Government are saying that we should allow the Americans to export beef that many scientists believe could be very damaging to human health. There is something wrong with that. On behalf of the beef farmers of north Wiltshire, I find that worrying and disturbing. I am sure that they will have some powerful comments to make in the aftermath of the debate.

Leaving aside the medical and scientific discussion, the Conservative party is wholeheartedly committed to free trade, in contrast with the Liberal Democrats, and perhaps the Labour party, given some of the comments that we have heard this afternoon. Freer trade in Britain means solving the disputes over beef and bananas. It means foreseeing disputes such as that over air freight. It means using influence in Brussels and Washington, not just talking about it, setting up a committee or putting out a press release. Too often, the Labour Government's approach to international problems is to do whatever will look good in the papers tomorrow. It is not about winning the battle of spin, but about addressing the difficult questions, not just in public, but behind the scenes. That requires careful, quiet diplomacy over long periods to solve disputes, not the headline-grabbing, "I'll have a go at them" approach to which the Government too often resort.

From what I have seen of the Government's priorities on the issue so far, they are more interested in currying favour with Mr. Clinton and now with Mr. Prodi than in pulling off the gloves and sticking up for British industry, British jobs and the British consumer.

3.24 pm

Mr. Colin Breed (South–East Cornwall): The motion and the Government amendment refer to the interests of the developing world. I should like to focus on that. Less-developed countries are just as vulnerable to the new biotechnology and to the way in which WTO rules will be interpreted. Genetically modified food has been heralded by many as an answer to famine and starvation in the developing world. It is said that enormous quantities of food from genetically modified crops could be produced in areas that are currently infertile. Apparently, drought-resistant crops could allow farmers in some of the poorest areas of the world to grow food to sustain themselves.

That is laudable and I am sure that we all wish that it were true. However, I am sure that many hon. Members agree that some GM crops come at a dangerously high price. First, GM food is produced by a relatively small number of multinational companies. Ten companies control around 85 per cent. of the global agrochemical market. Secondly, the so-called terminator or suicide seed technology involves a gene that makes seeds infertile. In a GM world, farmers could no longer store the seed produced by the previous season's crops, but would have to buy new seed each year. That is clearly to the advantage only of the seed producers and the companies that own the patents and will increase the costs to poor farmers in third-world countries. Thirdly, GM crops are designed mainly for the intensive farming prevalent in western agriculture, which is inappropriate for the delicately balanced ecosystems of less-developed countries.

One of the other so-called advantages claimed for GM food is that it will reduce the world's damaging over-reliance on pesticides, allowing pest-resistant crops to flourish. However, far from relieving agriculture of the need to pour a dangerous cocktail of chemicals on to the crops, genetic engineering is tailored to reinforce farmers' dependence on certain chemical herbicides and fertilisers. GM crops are designed to work in tandem with specified pesticides, having the pest-resistant gene as part of the process of genetic modification. When the field is sprayed, all the weeds will die, leaving only the crop. The farmers have to buy not only the seed, but also the relevant pesticide. For example, Monsanto crops will be resistant only with Monsanto pesticides. That probably comes as little surprise to any of us.

The proponents of GM food accuse those of us who may be more cautious of denying food to the hungry. However, there is a growing fear that the sated and wealthy are making money out of the hungry and poor, then threatening action through WTO rules to enforce the largely unproven and potentially dangerous science on unsuspecting third-world farmers. They argue that genetically engineered crops will feed the growing third-world population. However, this week's Christian Aid report on GM food and the developing world showed that to be a false and deeply misleading claim. There is already enough food to feed everybody in the world. According to the UN world food programme, there is one and a half times the amount required, but one seventh of the world's population—around 800 million people—still go hungry.

Our supermarket shelves are stacked high with exotic products of all shapes and sizes from all parts of the world. Certainly, there is no shortage of food in south-east Cornwall—or, I suspect, in any other constituency in the country. There seems to be no problem in bringing food from far-flung places to our supermarket shelves. Yet there seems to be a distinct problem the other way round.

In 1984, at the time of the Ethiopian famine, some of the prime agricultural land in the Horn of Africa was used to produce linseed cake, cottonseed cake and rapeseed meal for export to Britain and other European nations as feed for livestock. That was clearly ridiculous and, as a result of the famine, the EU—including this country—pumped millions of pounds of aid back into Ethiopia.

The west has enough food to feed itself many times over. The problem is not quantity, or even quality, but distribution—getting the food that can be produced in ordinary circumstances to those who need it. Unfortunately, there appears to be very little profit in distribution, so few commercial concerns are interested and little interest is shown by Governments in tackling properly the problem of distribution.

The very fact that those poor countries cannot afford the food to feed themselves adequately will not be changed by the introduction of genetically modified crops. If anything, it will widen the gap between the well-fed haves and the hungry have-nots. The developed countries can afford expensive biotechnological crops in combination with equally complex pesticides, whereas the developing world simply cannot.

The Ethiopian representative to the bio-safety protocol negotiations, which were part of the convention on biological diversity, said:

"There are still hungry people in Ethiopia, but they are hungry because they have no money, no longer because there is no food to buy."

The biotechnology industry's claim that its research is motivated by a need to feed the hungry is clearly unsubstantiated. Few of the foods so far produced are likely to benefit poorer people in the developing world.

One of the main genetically engineered crops grown commercially in the United States is soya. Some 90 per cent. to 95 per cent. of the soya bean harvest and 60 per cent. of traded maize are consumed not by people but by livestock. The argument by multinationals in favour of GM foods—that they eliminate hunger—is simply wrong.

The answer to the problem of feeding the burgeoning world population is not GM foods, or increased fertiliser use. Green techniques can adequately cope with the increased demand. For instance, in southern Brazil, 250,000 farmers using green techniques doubled both maize and wheat yields, while 200,000 farmers in Kenya increased productivity by 50 per cent. However, in India, to increase the grain yield by four times since 1950, fertiliser use has had to increase more than 200 times over.

GM crops are being designed for western intensive farming techniques, and the impact on the delicately balanced environment of the scale of factory farming needed to justify GM crops is immense. For instance, Jules Pretty of Essex university cites evidence from 20 countries of 2 million households farming 5 million hectares in a more sustainable manner. They all use techniques that have stood the test of time, such as multi-cropping, reduced chemical input, local seed and using the knowledge, skill and experience of local farming. Those techniques are sustainable and suit the local environment.

The introduction of single GM crops would necessitate immediately the greater use of fertilisers and pesticides, damaging the delicately balanced local ecosystem. Many farmers in poorer countries will be encouraged to grow cash crops. That is happening already, with supermarkets contracting growers in third-world countries to grow vegetables such as carrots—using cheap labour and huge amounts of water—and encouraging them to use GM seed where there are no restrictions.

Those crops are not available or eaten by the indigenous population and contribute nothing to relieving hunger there. They only enable the foreign currency earned to pay the interest on the country's foreign debt, which is unsustainable, both environmentally and economically.

A combination of aggressive seed producers and the purchasing power of western supermarkets is forcing GM crops on to less-developed countries, causing potentially catastrophic damage. With ever-growing public apprehension, particularly in Europe, more attention will be given to those less-developed countries. All of this is being reinforced by so-called free trade obligations under WTO rules, which I believe serve more the greed of western commercial interests than balancing and promoting proper trade which is fair and environmentally sustainable.

It has been argued that genetic modification is merely an extension of selective breeding, something that has been used for thousands of years to influence which genes are passed between generations of plants and animals. However, the advent of GM crops is completely different. There is no longer a DNA river flowing and branching through geological time with steep banks confining each species. GM crops are the bursting of those river banks, with such absurdities as tobacco modified with genes from the Chinese hamster. The DNA river is beginning to flood. Only prompt action and rigorous scientific testing can prevent as yet unknown damage occurring to the animals and plants of the world.

It is essential that future negotiations on the liberalisation of trade fully take into account food safety, the protection of biodiversity and assistance for the economies of less-developed countries, rather than promoting the interests of greedy commercial companies that use their dominance not only in their trading practices but through political lobbying of the worst kind. Developing countries must be taken into account in the WTO millennium round negotiations in discussions on matters of so-called free trade.

As this is Christian Aid week, it is an ideal opportunity to let people in some of the poorest developing countries take precedence, for once, over the agrochemical super-giants and commercial operations such as Monsanto.

Mr. Norman Baker (Lewes): Does my hon. Friend agree that it is entirely wrong that the Department for International Development is not represented on the Cabinet committee dealing with biotechnology? Should not the Government correct that omission?

Mr. Breed: I am sure that the Minister will take that on board.

It is clear that the WTO negotiations go wider than their original purpose of a few years ago. Unless the negotiations take into account the wider aspects of the way in which trade takes place—particularly between large, multinational companies—they will fail to understand what we will need to examine in future. Biodiversity, its affect on less-developed countries and the way in which some companies will use WTO rules to drive through their commercial interests will be the central features of what we need to tackle in the millennium round of negotiations.

3.38 pm

Miss Anne McIntosh (Vale of York): It gives me great pleasure to participate in this debate, as I have taken a great interest for months in the looming trade war. I am bemused by what I gather will be the Labour party's campaign slogan for the forthcoming European elections. Labour is talking about "Leading in Europe." This debate has shown that the Labour Government have woefully missed an opportunity to lead from the front in the EU on this matter—in particular, on food safety and our relations with third-world countries.

I wish to make a personal comment about the next motion on the Order Paper. The House will know that I am still a part of the Conservative group in the European Parliament, which is referred to in the motion. I have been called many things in my time, but I do not think that I have been called "complacent" before. Nor do I think that the word "antipathetic"—or, as the Spanish would say, "antipatico"—refers to me. I much prefer the word "sympathetic", or "simpatico."

My hon. Friend the Member for Christchurch (Mr. Chope) took a lead in showing that Conservative Members are much more in sympathy with the businesses

[Miss Anne McIntosh]

in this country that are concerned about the Government's lack of leadership, especially in the banana debate, and failure to give any reassurance to the Caribbean countries concerned, which are members of the Commonwealth.

There is clearly an uneven playing field for our producers. I am deeply concerned because the Government appear to be all over the place on food safety. My hon. Friend the Member for North Wiltshire (Mr. Gray) referred to the fact that the Government readily banned the sale of beef on the bone, without conclusive scientific evidence, yet still allow in imported pork that we know comes from animals fed on meat and bonemeal. A complete assurance has been given to the British public that none of the meat produced and sold here is from such animals, but the imports continue, and that is deeply worrying. The imports also place our producers in an uncompetitive position.

The failure to lift by 15 June the ban on US beef produced with hormones means that further sanctions will have to be negotiated. There will be 100 per cent. import duties on a wide range of products, including pigmeat, poultry and tomatoes, corresponding to the estimated $500 million loss of earnings for the US cattle men. Have the Government considered the impact on UK producers of pigmeat, poultry and tomatoes, especially in the Channel Islands? What compensation might be offered?

I pay tribute to Sir Leon Brittan, who has led the negotiations in Brussels. The Minister was right to say that the European Union will rely on scientific evidence. That is being considered as we speak. If there is conclusive scientific evidence—which I believe there is—that hormone-produced beef is bad, I hope that the Government will show some leadership for once in Europe and move to ban the imports.

I would find it difficult to explain to both producers and consumers in the Vale of York that beef imports will be allowed in even though we know that there is conclusive evidence that the meat can be damaging to health. The motion refers specifically to food safety, but we must also consider what unfair competition there may be for beef producers. We do not have many in the Vale of York, but they will be very badly affected.

I pay tribute to my noble Friend Lord Plumb, who for the past few years has chaired the parliamentary assembly between the African, Caribbean and Pacific countries and the European Union, especially when it meets under the auspices of the European Parliament. We owe a great deal to that body for its efforts to bring the two sides together, especially in the banana debate.

The ACP agreements, through the first Lomé convention, considered sugar as a staple produce for many of the developing countries. We respect and admire the role that those countries play in the Commonwealth. Bananas are the only practical crop on which they can rely. We must not lose sight of the fact that the Canary Islands, within the European Union, produce the small, rather tastier and more delicate bananas that are preferred by the British consumer. I regret the fact that the Government have shown a distinct lack of leadership.

A wider trade war is looming. My hon. Friend the Member for North Wiltshire referred to the air freight agreement. It is most unhelpful that Ministers have found no time to meet the British companies involved. No British or European Union carrier is given access to United States routes—known as cabotage—for either freight or passengers, or is allowed to buy more than 49 per cent. of shares. The Government should take the opportunity to consider the fly America policy, whereby any US Government official must by law fly only on an American carrier.

My hon. Friend the Member for Christchurch referred to the hushkits agreement. It was reached only on the basis of postponement for a year. There was a strong British interest at stake: we would have lost our Concorde flights to the US because the Americans refused to accept that their reconditioned aircraft are simply too noisy. Anyone living near or representing an airport with those noisy aircraft will understand the problem only too well.

There are problems with bananas, beef produced with hormones, genetically modified organisms, hushkits and air freight. I yield to no one in my support for free trade between the EU and third countries such as the US, and I regret the increasingly protectionist moves by the US Government in their economic relations with the EU.

I regret the fact that—contrary to the slogan that we will no doubt hear over the next three weeks, in the context of the European Parliament elections, that Labour is "leading in Europe"—there has been gross lack of leadership and the Government are reluctant to apply the right to ban hormone-produced beef, which is enshrined in law under article 36 of the original treaty of Rome.

I urge the Government to show the House, the country and our partners in the European Union some leadership.

3.47 pm

Dr. Vincent Cable (Twickenham): I make no apology for the fact that we have, for the second time in a short period, introduced a trade debate in the House. That reflects our recognition of how much our manufacturing and agriculture depend on an open trading system and the rule of law in trade; our concern about the threat posed by the current cycle of retaliation—there have been two major disputes—to large parts of our economy, including vulnerable constituencies; and our belief that the Government have a role and responsibility in the matter, because of our country's bipartisan tradition of support for liberal trade and because the Government, who, like previous Governments, are close to the Americans, can bring more influence to bear on the disputes than other European countries.

The issue is important, as the Minister acknowledged, and we are glad to have the opportunity to debate it. We begin to part company with him on the seriousness of the problems. The hon. Member for Vale of York (Miss McIntosh) captured very well the exact nature of the threats that we face. The Minister was right to say that there has been some scaremongering. Some have cried wolf, and whenever a trade dispute breaks out, some people prophesy the imminent collapse of our trading systems. The Uruguay round went through two years of trauma, but eventually the disputes were resolved.

It is possible to put a positive gloss on what is happening, but I urge the Minister to accept that the problems are serious, for several reasons, one of which is the fact the European Union and the United States, for very different reasons, are both behaving irresponsibly. The European Union is, to some extent, dragging its feet.

The hon. Member for Christchurch (Mr. Chope) accurately chronicled the history of the dispute. The foot dragging was partly for administrative reasons involving the slowness of getting 15 countries into line. There is also a highly reprehensible unwillingness to accept the rules of the dispute settlement procedures. That is unforgivable. On the other side, the United States, instead of waiting to see how the rules of dispute settlement can be implemented, rush in unilaterally, threaten sanctions, raise the temperature and make the problems worse. So there is blame on both sides, but it is a serious problem.

There is a deeper issue here. The international trading system now has to cope with more difficult and irreconcilable problems than those that faced early generations of trade policy makers. In the past, disputes were about tariffs and quotas. We are now dealing with something much more subtle—with what happens when, in opening up the trading system, we run into national health, hygiene or technical regulations. We are familiar with that in the European Union. Quotas and tariffs disappeared long ago, and there is now a long-established practice of harmonisation and mutual recognition to get over the problems. At global level, we do not have that framework.

It is easy to understand where the World Trade Organisation is coming from and why it tends to take a sceptical view of health restrictions. The classic case was Japan. The Japanese argued for many years that they could not possibly have imported beef because Japanese stomachs and intestines worked in a different way from ours. It was never clear whether they believed that scientific nonsense, but it was sustained none the less for many years. That provided the background to the somewhat sceptical approach to health standards that is often taken. The real danger is that genuine concerns about health are not taken sufficiently seriously. We are now seeing a generation of genuine health problems that have to be dealt with much more sensitively through international trade negotiations.

The underlying principle of international trade agreements is that they must be based on sound science. The problem with that is that it is a slogan. The slogan is right, but science constantly evolves, there is no settled scientific consensus and scientists in different countries say different things. Genuine public anxiety may not always be scientifically based. That is our difficulty in responding to the real issues of trade policy and the World Trade Organisation has not come to terms it.

My hon. Friend the Member for Eastleigh (Mr. Chidgey) rightly sketched out how we could extract ourselves from the beef hormone dispute, but a succession of other disputes is coming. It suffices for the purposes of this debate to sketch out the principles for handling disputes. The first is one with which the Government should feel comfortable because they are setting up a Food Standards Agency. The Minister of State, Ministry of Agriculture, Fisheries and Food is the architect of the agency. All major trading countries will have to have agencies independent of Government and the private sector to make credible scientific assessments.

A second principle is labelling. The Minister for Energy and Industry has sketched out the Government's commitment on labelling. It is surely a matter of fundamental principle that people should know what they are eating and make an informed decision about it. That may require a strict labelling regime. We have seen that, in the case of GM food, that is not easy, but we must insist on it as a matter of principle. It is a principle that the Americans have so far resisted. So a combination of independent standards agencies, labelling—in some case, obligatory labelling, but often it can operate on a voluntary basis—and international agreement backed up by dispute settlement procedures is the basic ingredient for preventing disputes from getting out of control.

The Liberal Democrats have tried to press the environmental agenda over the years. One issue that is looming is the inability of the international system to enforce multilateral environmental agreements. My hon. Friend the Member for Eastleigh has already referred to that. There is no reason why such enforcement should not be carried out within a set of multilateral trade rules. Many people who believe, as I do, in a liberal, open, free trade system believe that the WTO can adapt to the problem and build a set of safeguards into the rules without enormous difficulty. I hope that the Minister will tell us that the Government are committed to the process and will take the lead in finding answers to the problem.

My hon. Friend the Member for South–East Cornwall (Mr. Breed) referred to the problems posed by developing countries. In the past decade, there has been a big change in the way in which the developing countries see trade. Until the mid-1980s, many of them, especially the biggest such as China and India, maintained largely siege economies. It is now generally accepted that that was contrary to their interests. Many of them have now embarked on liberalisation, which is welcome from both their standpoint and ours. There are barriers to the continuation of that process, one of which is the fact that the western world is often highly hypocritical. We demand market access to developing countries, but we present serious barriers to their products, especially agricultural and manufacturing items. The developing countries then ask why they should comply with demands for, for example, social legislation that could be used as a barrier to their products.

The concern of developing countries that is more relevant to the debate is that many demands for access are driven by narrow commercial interests. What my hon. Friend the Member for Eastleigh said about GM foods needs repeating. It may well be that in the long term, GM seeds will be beneficial to a country such as India. I have an open mind about it. Certainly 30 years ago, the introduction of new agricultural technology transformed the economies and agriculture of the Indian sub-continent for the better. Perhaps the same thing will happen again. However, there is a crucial difference between then and now.

Thirty years ago, agricultural research was carried out independently. For example, research was done at the rice institute in the Philippines. That provided confidence for Governments and private farmers to introduce seeds on a voluntary basis. That process will not happen for GM technology if it is forced through by western Governments at the behest of some of their corporate clients. If developing countries are to be helped to maintain a broadly liberal approach to trade, which is in their interests, it will have to be done in a sensitive way. The way in which the United States is approaching the matter is not helpful.

In conclusion, I reiterate that the British Government have a responsibility and an opportunity to lead the international debate on trade policy. Britain has a

[Dr. Vincent Cable]

creditable record. Whatever our differences with the previous Government, the right hon. Member for Huntingdon (Mr. Major) played a distinct and positive role in helping the Uruguay round to reach its conclusion. One of the unsung achievements of the late John Smith was that at a crucial stage in the Uruguay round, when he was Secretary of State for Trade, he pushed through key negotiating points that made it possible for the international agreement to be signed. We start from a broad consensus in Britain in favour of a liberal trading system. We now have an opportunity to address the issues of food safety and environmental standards in a way that is compatible with an open system.

3.59 pm

The Minister of State, Ministry of Agriculture, Fisheries and Food (Mr. Jeff Rooker): I shall do my best to respond on behalf of the Government to what has been an important debate. I have the biggest audience of the afternoon, but I am not sure whether that is out of interest in my reply or because people are getting their seats for the next debate, which is obviously much more important, between the Liberal Democrats and the Conservative party.

Mr. Gray: Tickets are being sold.

Mr. Rooker: I understand that that is the case.

First, on the central issues regarding aspects of trade, I wish to make it abundantly clear that the rules of the World Trade Organisation do not stop the United Kingdom—or any country—from protecting public health through trade measures, where necessary. However, covert protectionism—the theme of some speeches this afternoon—is not allowed. If measures to protect public health or the environment are to succeed, the arguments must be based on some firm science.

Secondly, the WTO rules allow countries to take a precautionary approach by adopting provisional measures where there is insufficient information, provided that a serious attempt is made to establish a more informed basis for action within a reasonable period. Those two points are crucial. They are the foundation of the policy and underpin our negotiations in the WTO.

Mr. Chidgey: Does the Minister agree, in the light of his second point, that insufficient information is one of the EU's key failings over modified beef?

Mr. Rooker: Of course it is. I shall come to the three elements featured in the debate—beef treated with hormones, bananas and genetic modification.

I shall deal with the hormone problem first. The present dispute has lasted a decade, as I have made clear. In addition, I made it clear—and I was not playing party political games with the hon. Member for Christchurch (Mr. Chope) when I said it—that the present Government have continued the previous Government's policy in respect of hormone-treated beef. We have not received any information or advice to cause us to change that policy. Nevertheless, we have gone along with the wider European Union decisions on the matter, and we have done our best to facilitate a solution. We take extremely seriously, the responsibility to protect consumers and we attach paramount importance to their safety and that of the environment.

The World Trade Organisation rules do not prevent us from taking action in that area, but that action must be based on science. The United Kingdom voted against the European Union ban on hormone-treated beef, on the ground that it was not justified by the science. Last year's WTO ruling came to the same conclusion. The Government will examine very closely the new studies released last week, and we will take independent advice as to whether they contain any new evidence that might alter the United Kingdom's view. That is consistent with our approach so far.

It would be useful for me to make it clear that there has been no ban on US beef as such, only on hormone-treated beef. In 1996, imports into the UK of bovine carcase meat amounted to 2,847 tonnes; in 1998, the figure was 1,580 tonnes, worth just under £4 million. The trade exists, but it is very small and concentrated on the high-quality end of the market.

It has recently been alleged that some of that beef was not hormone free, and the European Union has been in discussion with the Americans about that. Nevertheless, we have made it clear to both the US and Canadian Governments that retaliation against UK products is wholly unjustified. We want to deal with the matter calmly and objectively. Labelling is not the answer to everything, because labels would be attached only to products that were considered safe.

Labelling would not excuse unsafe products: we would not allow products to be sold that we thought were unsafe and posed a risk. Labelling exists to give consumers an informed choice about whether they wish to purchase hormone-treated American beef, non-hormone-treated American beef, or any other beef. That is one of the reasons why the beef labelling scheme operates on a voluntary basis in this country.

Mr. Gray: If it is so important that consumers can choose whether to eat carcinogenic American hormone-treated beef, or American beef that has not been treated with hormones, why does the Minister ignore consumer choice over beef on the bone in the United Kingdom?

Mr. Rooker: The hon. Gentleman has raised the matter of beef on the bone in about three interventions in the debate. I should be happy to defend the Government's position with respect to beef on the bone, but the interest evident in the next debate means that insufficient time is available. We have scientific and medical evidence that justifies the ban on beef on the bone.

The chief medical officer's lengthy and considered report, published in February, stated that the matter would be revisited in six months. Given that no beef is sold that is more than 30 months old—to which must be added the gestation period of the calf—and that the only known cause of bovine spongiform encephalopathy is maternal transmission, it is highly likely that there will be some advances in the policy. There is nothing new in that: we have said as much before. However, it is abject nonsense to argue that the existing ban is not based on scientific and medical evidence.

I shall turn, briefly, to bananas. The allegation has been made more than once in the past few hours that the Government took no action during our presidency of the EU on bananas. That is simply untrue, and I invite hon. Members to check the record.

European Standing Committee A met on 25 March 1998. I was the Minister dealing with the matter for the Government, and the hon. Member for South-East Cambridgeshire (Mr. Paice) led for the Opposition. He said:

"The Opposition support in principle the path that is being taken. Clearly, it is right for the EU to respond to the WTO ruling. It should be recognised that, as the Minister said, the Americans have very much driven that result."—[*Official Report, European Standing Committee A*, 25 March 1998; c. 18.]

He went on to say that the Opposition "support the Government's approach."

Indeed, in our time in the presidency, the Government succeeded in getting amendments to the banana regime from January 1999. Those amendments were challenged in the World Trade Organisation, and were found not to obey the WTO rules in all respects. That matter is now under active negotiation and discussion with all the interested parties, because we are not prepared to ignore the fragile economies of the African, Caribbean and Pacific countries.

We have a moral and economic obligation to ensure that we can find a solution to this difficult matter. I agree with some of the points made by Opposition Front-Bench Members about the level of American retaliation, which the arbitrator reduced from $520 million—with which the Americans had been proceeding unilaterally—to less than $200 million. As has been noted—and it is in line with the arbitrator's ruling—the United States has reduced the list of European Union products on which sanctions are imposed.

We are proceeding as fast as we can to solve a problem that is very difficult, but surely not intractable in a civilised world. We want to establish a trading relationship that is satisfactory for banana producers.

Mr. Chope: Will the Minister say what the Government will do to help the innocent victims of the banana dispute?

Mr. Rooker: All the victims of the banana dispute are innocent, especially the ACP countries. *[Interruption.]*

Mr. Deputy Speaker: Order. May I ask the House to come to order. There are far too many private conversations going on in the Chamber.

Mr. Rooker: After the discussions have been concluded, we shall bring to the House our proposals for a solution to the problem. Beyond that I cannot go this afternoon.

Many hon. Members have made points about genetic modification, trade and the Government's policy. Our policy on genetically modified organisms could have implications for our trading relations with the United States, but that is not so at present. Our primary duty is to protect people and the environment, not to take risks. People are not being used as guinea pigs, and we are satisfied that a comprehensive science-based framework is in place to regulate biotechnology and provide advice.

On 17 December, we announced a Whitehall-wide review of the regulatory process for biotechnology across the fields of human health, agriculture and food. I have told the Select Committee on Agriculture that we shall act on that before the end of the month.

GM crops have the potential to contribute to sustainable agriculture, provide environmental benefits and possibly enhance the competitiveness of UK industry. Some people do not like that idea, but it is true, and we are not prepared to walk away from science that could do all that. We are satisfied with the rigorous safety assessments, although we always seek ways to tighten them or to make them as transparent as possible.

Many hon. Members, particularly the hon. Member for Eastleigh (Mr. Chidgey), referred to the Christian Aid report. I want to record some comments made by Dr. Philip Dale, a senior research scientist at the John Innes centre in Norwich, in his response to that report. Dr. Dale has worked in the area for a considerable number of years, advising Governments in the third world and more modern Governments. He thought that the Christian Aid report

"read like a tabloid newspaper."

The same could be said about the opening speech by the hon. Member for Eastleigh. Dr. Dale added:

"I find it a useful rule of thumb that if an article is entirely negative or entirely positive it is more about propaganda than informing people in a balanced way."

The same has sometimes been true of today's debate.

Dr. Dale also said that concerns exist about the influence of multinationals, arguing that they must be watched carefully by Governments where necessary. The idea that a Government can never be trusted and that big business is always corrupt, while non-governmental organisations and campaign groups are always honest is highly prejudicial. It is ludicrous to base a policy on that position, but that was the thrust of the speech by the hon. Member for Eastleigh.

Dr. Dale—like, to be fair, Christian Aid—points out that more than 800 million people in the world are hungry although there exists one and a half times the food needed to feed the world. The problem is that the food is in the wrong place. We have to grow food where the starving people are, not distribute it to them as if they were refugees. It is possible that GM technology may provide the answer to that problem, once it has been checked out.

In workshops in which Dr. Dale has been involved, people have told him that

"agonising over the application of GM pest and disease resistant crops is a luxury of an overfed society. They argue that they are losing substantial amounts of their food to pests and diseases, and in some instances are trying to control them by using cheap chemicals that have been banned in many developing countries."

That is how it is in the third world where people are trying to grow crops, often using second-hand chemicals that we would not allow. New technology may make it possible for them to grow enough food without having to pour chemicals on to it. We have to discuss and investigate that possibility, not dismiss it with tabloid headlines.

Dr. Dale makes a final point about terminator crops, and we have made the same point before. No one ever mentions that the use of a terminator crop

"in agricultural terms . . . is little different from high yielding hybrid varieties which also cannot be used to save seeds."

[Mr. Rooker]

In those cases, too, seeds have to be purchased every year. Terminator technology may be an advance, particularly in northern Europe where we would not have to spray chemicals on people out in the fields in the following year.

Mr. Chidgey: Do the Government support the sale of terminator seeds to the third world, and do they support the ability of commercial companies to take out patents on indigenous crop varieties?

Mr. Rooker: There are no terminator crops at present. One would think that seeds were being planted. They are not.

Throughout the debate, it has been implied that Governments cannot be trusted and that companies are interested only in the benefits to their shareholders, as if it were likely that companies would gain from planting crops that poisoned people. We are determined to make sure that technology is controlled and that consumers have choice. I wish that segregation existed, and crops grown in the UK will certainly be segregated. We will proceed with farm-scale trials. No free-for-all is planned. In fact a moratorium has been placed on that, as we have made clear in previous debates.

Labelling and transparency will be ensured right down the chain. We are the only country in Europe in which, from September, labelling will be required even in restaurants and the catering industry. The Labour Government took that decision last August, not because it was requested in any parliamentary question and not because of any campaign in the newspapers. Indeed, our decision was not even commented on by the Consumers Association. We took that decision because we thought it right that consumers should have choice, and full labelling and transparency all along the GM food chain.

Question put, That the original words stand part of the Question:—.

The House divided: Ayes 38, Noes 300.

Division No. 173] **[4.17 pm**

AYES

Allan, Richard
Baker, Norman
Ballard, Jackie
Beith, Rt Hon A J
Bell, Martin *(Tatton)*
Brake, Tom
Brand, Dr Peter
Breed, Colin
Bruce, Malcolm *(Gordon)*
Burnett, John
Burstow, Paul
Cable, Dr Vincent
Campbell, Rt Hon Menzies *(NE Fife)*
Chidgey, David
Cotter, Brian
Davey, Edward *(Kingston)*
George, Andrew *(St Ives)*
Hancock, Mike
Harris, Dr Evan
Harvey, Nick
Heath, David *(Somerton & Frome)*
Hughes, Simon *(Southwark N)*
Jones, Nigel *(Cheltenham)*
Kennedy, Charles *(Ross Skye)*
Kirkwood, Archy
Livsey, Richard
Maclennan, Rt Hon Robert
Michie, Mrs Ray *(Argyll & Bute)*
Oaten, Mark
Öpik, Lembit
Rendel, David
Russell, Bob *(Colchester)*
Smith, Sir Robert *(W Ab'd'ns)*
Taylor, Matthew *(Truro)*
Tonge, Dr Jenny
Tyler, Paul
Webb, Steve
Willis, Phil

Tellers for the Ayes:
Mr. Adrian Sanders and Mr. Paul Keetch.

NOES

Abbott, Ms Diane
Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Ashton, Joe
Atherton, Ms Candy
Austin, John
Barnes, Harry
Barron, Kevin
Battle, John
Bayley, Hugh
Beard, Nigel
Begg, Miss Anne
Benn, Rt Hon Tony
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry, Roger
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Brinton, Mrs Helen
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Butler, Mrs Christine
Byers, Rt Hon Stephen
Cabom, Rt Hon Richard
Campbell, Mrs Anne *(C'bridge)*
Cann, Jamie
Caplin, Ivor
Casale, Roger
Caton, Martin
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Clapham, Michael
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Coleman, Iain
Colman, Tony
Connarty, Michael
Corbett, Robin
Corston, Ms Jean
Cousins, Jim
Cranston, Ross
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cunliffe, Lawrence
Cunningham, Jim *(Cov'try S)*
Dalyell, Tam
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Drew, David
Drown, Ms Julia
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Fisher, Mark
Fitzpatrick, Jim
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Fyfe, Maria
Galloway, George
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Dr Norman A
Godsiff, Roger
Goggins, Paul
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Win *(Bridgend)*
Gunnell, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Heal, Mrs Sylvia
Healey, John
Heppell, John
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Hood, Jimmy
Hope, Phil
Hopkins, Kelvin
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Ingram, Rt Hon Adam
Jackson, Ms Glenda *(Hampstead)*
Jamieson, David
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Mrs Fiona *(Newark)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jowell, Rt Hon Ms Tessa
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keen, Ann *(Brentford & Isleworth)*
Kelly, Ms Ruth
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Khabra, Piara S

Kidney, David
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Kumar, Dr Ashok
Ladyman, Dr Stephen
Laxton, Bob
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Linton, Martin
Livingstone, Ken
Lloyd, Tony *(Manchester C)*
Lock, David
Love, Andrew
McAvoy, Thomas
McCafferty, Ms Chris
McCartney, Rt Hon Ian *(Makerfield)*
McDonagh, Siobhain
McDonnell, John
McGuire, Mrs Anne
McIsaac, Shona
Mackinlay, Andrew
McNamara, Kevin
McNulty, Tony
Mactaggart, Fiona
McWilliam, John
Mahon, Mrs Alice
Mallaber, Judy
Mandelson, Rt Hon Peter
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Martlew, Eric
Maxton, John
Meacher, Rt Hon Michael
Merron, Gillian
Michie, Bill *(Sheff'ld Heeley)*
Miller, Andrew
Mitchell, Austin
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Ms Julie *(Cardiff N)*
Morley, Elliot
Morris, Ms Estelle *(B'ham Yardley)*
Mountford, Kali
Mullin, Chris
Murphy, Rt Hon Paul *(Torfaen)*
Naysmith, Dr Doug
Norris, Dan
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
O'Neill, Martin
Organ, Mrs Diana
Osborne, Ms Sandra
Palmer, Dr Nick
Pearson, Ian
Pickthall, Colin
Pike, Peter L
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quin, Rt Hon Ms Joyce
Quinn, Lawrie
Radice, Giles
Rammell, Bill
Rapson, Syd
Reid, Rt Hon Dr John *(Hamilton N)*
Roche, Mrs Barbara
Rooker, Jeff
Ross, Ernie *(Dundee W)*
Roy, Frank
Ruane, Chris
Ruddock, Joan
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Rt Hon Chris *(Islington S)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Snape, Peter
Soley, Clive
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stewart, David *(Inverness E)*
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Stoate, Dr Howard
Stott, Roger
Strang, Rt Hon Dr Gavin
Stringer, Graham
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, David *(NW Leics)*
Temple-Morris, Peter
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Vis, Dr Rudi
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Wood, Mike
Woolas, Phil
Worthington, Tony
Wray, James
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Mr. David Hanson and Mr. Jim Dowd.

Question accordingly negatived.

Question, That the proposed words be there added, *put forthwith, pursuant to Standing Order No. 31 (Questions on amendments) and agreed to.*

MR. DEPUTY SPEAKER *forthwith declared the main Question, as amended, to be agreed to.*

Resolved,

That this House recognises the importance of open markets between the EU and the US, notes that in general the trade relationship is a good one; acknowledges the work being undertaken by the Government in seeking a solution to the banana disputes in a way that is World Trade Organisation compatible and is helpful to British industry and to those countries economically dependent on exports of bananas; welcomes the Government's commitment to find a solution to issues concerning US food exports that is good for the consumer, respects scientific research and avoids protectionism; welcomes the Government's commitment to consider sustainable development issues in its approach to trade issues as well as the interest of developing countries; and endorses the Government's support for comprehensive trade negotiations to be launched at the World Trade Organisation Ministerial meeting in Seattle in late 1999.

Mr. David Maclean (Penrith and The Border): On a point of order, Mr. Deputy Speaker. Have you received any request from the Home Secretary to make a statement on the extraordinary answer that he has given this afternoon on the Macpherson leak inquiry? As you know, the head of the Government's listening centre at GCHQ has been investigating the leak for two months. He concluded that the leak emanated from the Home Office, either from the Home Secretary, his Minister of State, their political advisers or a small number of civil servants. I think that we would all take the word of the Home Secretary, as an honourable man, that he did not do it. I do not believe for one moment that one of those few senior civil servants in the Home Office leaked it. We need a statement from the Home Secretary so that the House can question him about the involvement of the political advisers and his Minister of State and clear absolutely the few senior civil servants who are inadvertently fingered by this scandalous answer. I believe that the Home Secretary has today been making a statement on access to open government. The answer today is the biggest cover-up that we have seen.

Mr. Deputy Speaker (Mr. Michael J. Martin): The right hon. Gentleman cannot use a point of order to make a speech. There has been no request from any Minister to make a statement. *[Interruption.]* Order. I can only state the facts as I have them. Perhaps the right hon. Gentleman's words will be noted by the Home Secretary.

Mr. Peter Bottomley (Worthing, West): Further to that point of order, Mr. Deputy Speaker. Thank you for that ruling. It is a matter of record that the Home Secretary rightly made a statement on the Macpherson inquiry itself and rightly reported to the House when he interfered with the printing of *The Sunday Telegraph* when the leak was published. When the leak was clearly designed to destabilise the Commissioner of Police of the Metropolis,

[Mr. Peter Bottomley]

for whom the Home Secretary is the police authority, it is not satisfactory for the matter to be left as it is. I hope that our words will reach the Government and that they will make a statement.

Mr. Eric Forth (Bromley and Chislehurst): Further to that point of order, Mr. Deputy Speaker.

Mr. Deputy Speaker: Order. There is no further point of order because I have explained the situation. The hon. Member for Worthing, West (Mr. Bottomley) has not raised a point of order that I can deal with but made a comment. Points of order should not be used to make speeches.

Mr. Forth *rose—*

Mr. Deputy Speaker: Order. I hope that this is a point of order.

Mr. Forth: On a point of order, Mr. Deputy Speaker. May I seek your guidance? I understand that matters of such importance can be difficult at this time of day. As the House is sitting tomorrow, can you confirm that hon. Members could seek for Ministers to come to the House tomorrow to give account of themselves, thus giving them more notice than we can today?

Mr. Deputy Speaker: The right hon. Gentleman knows as well as any hon. Member the opportunities for Back Benchers to make such requests.

Parliamentary Democracy

Mr. Deputy Speaker (Mr. Michael J. Martin): Madam Speaker has ruled that there will be a 10-minute allocation for Back Benchers. The amendment in the name of the Leader of the Opposition has been selected.

4.34 pm

Mr. David Heath (Somerton and Frome): I beg to move,

> That this House affirms that effective parliamentary democracy in the United Kingdom and effective scrutiny in Europe depend on competent, coherent and constructive opposition; regrets the failure of the disunited Conservative Parliamentary Party at Westminster and the antipathetic and complacent Conservative group in the European Parliament to provide that necessary check on the executive, especially given their confusion over the future funding of education, policing, the NHS and other public services, Britain's positive role in Europe, and the achievement of necessary reforms of the institutions and policies of the European Union; and considers that the British taxpayer gets inadequate value for money from the Official Opposition.

Even before I say a word, this motion has served a useful function because it has attracted an unprecedented number of Members to the Chamber on a Thursday afternoon.

Mr. Graham Brady (Altrincham and Sale, West): Will the hon. Gentleman give way?

Mr. Heath: Let me say at least one or two sentences.

The motion may serve a further useful function, however unlikely it may seem, by uniting Conservative Members behind a common position for a fraction of a moment. The previous motion failed to do so; they were here but did not feel able to express an opinion.

Several hon. Members *rose—*

Mr. Heath: I shall give way to many hon. Members later, but I would like to make some progress.

I want to quote a Conservative of some historical significance. I think that he is still kosher in Conservative circles. Benjamin Disraeli said:

> "No Government can be long secure without a formidable Opposition"

He was right. Some have affected to say that this motion is unimportant and inappropriate. That is wrong. I challenge those who say that opposition in this Chamber is unimportant or trivial because it is only by the quality of the Opposition that we can test the mettle of the Government.

Mrs. Eleanor Laing (Epping Forest) *rose—*

Mr. John Bercow (Buckingham) *rose—*

Mr. Heath: I have a choice. I give way to the hon. Lady.

Mrs. Laing: If the hon. Gentleman considers that opposition is important, about which I agree, why is he not today opposing the Government?

Mr. Heath: The hon. Lady poses me a conundrum. I have just gone through the Lobby to oppose the Government. She sat on her Bench not opposing the Government. Which of us was acting as an Opposition and which of us was omitting to perform our function?

Mr. Bercow: Will the hon. Gentleman give way?

Mr. Heath: The hon. Gentleman is eager, and will have his turn, which I shall enjoy, but he must wait.

Regret has been expressed by some outside the Chamber that our motion did not specifically refer to the right hon. Member for Richmond, Yorks (Mr. Hague). They were looking forward to a debate on his performance as leader of the Conservative party. There are several reasons why we should not do that. First, in discussing the performance of political parties, we should deal with policies and the way in which they present their case and not with individuals.

Mr. Desmond Swayne (New Forest, West): Will the hon. Gentleman give way?

Mr. David Heath: I cannot resist the hon. Gentleman.

Mr. Swayne: Is the hon. Gentleman aware that all opinion polling evidence reveals that most Liberal Democrat voters agree with my right hon. Friend the Member for Richmond, Yorks (Mr. Hague) on the single currency? Is not this motion really about the Liberal Democrats' fear of their voters and their attitude to the single currency?

Mr. Heath: The hon. Gentleman is always entertaining and has lycanthropic tendencies that amuse us all. If he wants to discuss opinion polls, he will find it instructive to consider the popularity of his leader, that of the leader of my party and that of the Prime Minister, even with their own voters.

It is not right to criticise the Leader of the Opposition personally, nor do I want to provoke yet another of his relaunches. We had many from the right hon. Member for Huntingdon (Mr. Major) and now many from the right hon. Member for Richmond, Yorks. They have had more relaunches than the Padstow lifeboat. They are getting to be tedious.

Mrs. Angela Browning (Tiverton and Honiton): I am grateful to the hon. Gentleman for giving way to another west country Member. My memory of the west country goes back a long way. I remember debating with the leader of his party when he spoke on behalf of the Campaign for Nuclear Disarmament in Yeovil in 1983. He puts forward the leader of his party as a model parliamentarian but how can he defend this quote from "Breakfast with Frost" on 15 May 1994 when the right hon. Member for Yeovil (Mr. Ashdown) told David Frost:

"I was in favour of a referendum on Maastricht. Why? Because I do not believe in the sovereignty of Parliament."

Mr. Heath: I have to say—*[Interruption.]*

Mr. Deputy Speaker: Order. The House is very noisy indeed this afternoon. I am enjoying the hon. Gentleman's speech and I want to hear it.

Mr. David Heath: Conservative Members are doing half my job for me. *[Interruption.]* The Liberal Democrats have for a long time been in favour of a referendum on key European issues; we have always made that plain. Our party was the first to say that. I do not understand why the hon. Member for Tiverton and Honiton (Mrs. Browning) has a problem with that. My right hon. Friend the Member for Yeovil (Mr. Ashdown) is the third reason why I must not attack the leader of the Conservative party; it is the policy of the Liberal Democrat party not to do so. We do not wish to undermine the Conservative leader; we leave that to those who are much better qualified to do so.

Mr. Bercow: I am grateful to the hon. Gentleman for giving way, although, in listening to his speech, I fear that the odds are lengthening on his leadership bid.

If the Liberal Democrats take their responsibilities in the House as seriously as the hon. Gentleman would have us believe, will he explain why the hon. Member for North Cornwall (Mr. Tyler), who spoke for the Liberal Democrats from their Front Bench at Business questions this morning, was accompanied by only one other Liberal Democrat Member on the Back Bench?

Mr. Heath: The hon. Member for Buckingham (Mr. Bercow) is assiduous in his attendance. He is always jumping up and down; he wags his finger and does a marvellous job in personal opposition.

Mr. Tony McNulty (Harrow, East): Make him the leader.

Mr. Heath: I fear that the hon. Member for Buckingham has no chance of getting on to the Front Bench, if he continues to be effective. Let us put his question in another way. On Wednesday morning, we held an important debate on the Prison Service. Why was not one Back-Bench Conservative Member in the House to discuss the Prison Service?

I must make progress on the main matter: the lamentable job that the Conservatives are doing as the official Opposition. We can excuse them during their first few weeks; they were in shock and they were new to opposition—apart from those Members who had been opposing the right hon. Member for Huntingdon (Mr. Major). They had to learn the job. We accept that; opposition does not come naturally to everyone. When you are used to the ministerial Rover, it may take a little time to adjust.

I excuse their collective amnesia. If one is responsible for 18 years of disastrous government, you can understand why you want to put it out of your mind and why you want to forget all the things that you have done. It is understandable that they wanted to forget and move on. There is also a logical inconsistency at the heart of the Conservative Opposition; it is not easy to defend public services when you have spent nearly two decades running them down. It is not easy to portray yourself as the friend of the education service, the health service or whatever, nor to position yourself as the champion of local

[Mr. Heath]

determination when you have presided over the most centralising Government that the country has ever seen. Like the over-enthusiastic reveller at the office party, you dimly remember what happened; you want to forget, but, unfortunately, the rest of the office—

Mr. Deputy Speaker: I certainly do not want to forget anything. The one thing that I have not forgotten is that the hon. Gentleman should not use the word "you", which implies that he is involving the chair.

Mr. Heath: It was a hypothetical "you", Mr. Deputy Speaker. Of course, I would not suggest that you had attended an office party or that you were an over-enthusiastic reveller, in any circumstances.

I accept that some individual Conservative Members, such as the hon. Member for Buckingham, show great assiduity in their personal opposition. They have been consistent in opposing. The only regret is they have been consistently opposing different things at different times and are mutually incompatible in their opposition. That is the real charge and our real problem with the current official Opposition. The Conservative party at Westminster—*[Interruption.]*

Mr. Brady: I am most grateful to the hon. Gentleman—I am almost flattered. He talks about inconsistency. Will he talk about the inconsistency between the manifesto on which his party stood in Scotland last week and his party's preparedness to renege on a key pledge on tuition fees only a week later?

Mr. Heath: I have heard nothing about reneging. *[Interruption.]* I have heard the Parliament of Scotland going about its business on Scottish affairs, quite separately from this place—quite rightly too. If we are going to talk about the Scottish Parliament, the hon. Gentleman may care to reflect that if the voting system that he and his colleagues advocated had been in place, there would not have been one Scottish Member of Parliament from the Conservative party. They have made not one ounce of progress since the general election. Furthermore, if there were a Conservative Member in the House who represented a Welsh constituency, we could talk about Wales and point out that there would be only one Member in Wales and that he would certainly not be the leader of the Welsh Conservatives. Not only did he lose his personal seat, but his vote has gone down since the general election.

The real charge is that the Conservative party at Westminster is so divided, so incoherent and so unable to maintain a consistent position on almost anything that its Members are giving the Government an easy ride. That is the greatest failure—*[Interruption.]*

Mr. Simon Burns (West Chelmsford): I am extremely grateful to the hon. Gentleman for giving way on the question of consistency in giving the Government an easy ride. Two months ago, the House held a Third Reading debate on a relatively small piece of legislation, dealing with blocking up a loophole relating to business rates. The Liberal Democrats voted against the Bill on Second Reading, in Committee and on Report and their spokesman, the hon. Member for Sutton and Cheam (Mr. Burstow) told me that he and his party would be voting against the measure on Third Reading. When the Government thought that they were going to lose the vote—indeed they came within 24 votes of losing—why did the Liberal Democrats abstain, on the instruction of the hon. Member for North Cornwall (Mr. Tyler)? Where is the consistency in that?

Mr. Heath: I am sure that my hon. Friend the Member for North Cornwall can make his own points. *[Interruption.]* The uniform business rate system was introduced by the Conservatives, maintained by the Conservatives and it is now maintained by the Labour Government. Only one party has been consistent in its opposition to the uniform business rate—the Liberal Democrat party.

The performance of the Conservative Opposition so concerned members of the press that, after six months, *The Sunday Times* concluded that the Tories had simply given up on Westminster—I think that was right. I have seen very little reason for *The Sunday Times* to revise its opinion. *[Interruption.]*

Mr. Christopher Fraser (Mid–Dorset and North Poole): Will the hon. Gentleman give way?

Mr. Heath: I have been giving way almost consistently. This must be the last time.

Mr. Fraser: In a bid to help the hon. Gentleman out of the hole into which he is digging himself, and because it is the Liberal Democrats who instigated the debate, may I ask him to confirm how many times the Liberal Democrats have voted in the House in the past year, how many times they have voted off their own bat, how many times they have abstained and how many times they have voted with the Government, so that we can judge their record?

Mr. Heath: The hon. Gentleman has the same access to parliamentary facilities as I do and I really do not see why I should do his research for him. Curiously enough, I do not know the answer to all of his questions and I suspect that not a single hon. Member present does.

To return to the subject of the Conservatives' consistency, let me point out that, when in government, they were against labelling genetically modified foods and they did everything they could to speed up the introduction of GM crops, but now they are against them. The Conservatives have done the most remarkable U-turn on the fuel duty escalator: they introduced it, they agreed to it, but now that a few lorry drivers have arrived on their doorstep, they purport to oppose it. Their Home Office team calls for more police spending, but their Treasury team asks for less spending on public services, and they then try to reconcile the two demands. Simultaneously, in separate Standing Committees, Conservatives argued for capping in respect of the Greater London Authority, but against capping for authorities in the rest of the country.

Consistency is not the Conservatives' strong point, even on serious matters, on which the House and the country have the right to expect a degree of consistency from Conservative Front Benchers. I accept that hon. Members have strongly held and differing views on matters as important as the crisis in Kosovo, but I have to

ask the Conservatives what their official position is. Is it the one stated by the Leader of the Opposition on 23 March, when he said:

"Although we support the use of ground troops to implement a diplomatic settlement, we shall not support their use to fight for a settlement."—[*Official Report*, 23 March 1999; Vol. 328, c. 163.]?

Or is it the stance the right hon. Gentleman adopted yesterday, when he pressed the Prime Minister for precisely that use of ground troops and criticised him for delaying the decision to deploy them?

That brings me to the subject of Europe. There are 162 Conservative Members in the House and there are at least 162 different opinions on Europe among them. No amount of papering over, no heavy-duty camouflage and no ducking and diving can disguise that brutal fact, which is why they get themselves in such an amazing tangle. Let us take the example of fisheries policy—a matter debated on several occasions in the House. Tory policy tosses and turns with every tide: it has drifted from the impossible to achieve to the impossible to define. On 15 December 1998, the hon. Member for Teignbridge (Mr. Nicholls) said:

"We need to bring back under national control our own fishing grounds".—[*Official Report*, 15 December 1999; Vol. 322, c. 844.]

and he later said:

"We shall be as resolute in demanding and obtaining those requirements as Baroness Thatcher was many years ago."—[*Official Report*, 15 December 1999; Vol. 322, c. 847.]

Setting aside the question of whether Baroness Thatcher was quite as resolute as the hon. Gentleman says, is that a policy that commends itself to the rest of the party? It would appear not, because James Provan, the Tory Member of the European Parliament who is the Tories' fisheries spokesman there—there are two fisheries spokesmen, one in Westminster and one in Brussels—said:

"Leaving the common fisheries policy is not an option that Britain can consider."

That appears to be the view of the former fisheries Minister, the right hon. Member for Fylde (Mr. Jack), who advocates a form of zonal management. The Conservatives have a shoal of fisheries spokesmen, each dangling from a different hook.

Mr. Deputy Speaker: Order. It is most unfair that conversations are continuing throughout the Benches—that cannot be allowed. It is not good that I keep having to stand up to ask for order.

Mr. Heath: Something Conservative Members might find interesting is what appears to be a definitive statement of Conservative fisheries policy on 11 March. The hon. Member for Teignbridge said:

"Let me make it clear, yet again: in our defence of the British fishing industry, we rule nothing in and nothing out."—[*Official Report*, 11 March 1999; Vol. 327, c. 492.]

There we have it—the Conservative position on Europe is that they rule nothing in and nothing out, because some would rule it in and others would rule it out and they cannot agree among themselves.

Miss Anne McIntosh (Vale of York) *rose—*

Mr. Heath: The same is true of the Conservative group in the European Parliament, with the possible exception of the hon. Member for Vale of York (Miss McIntosh), who is trying to catch my eye and who is unique in representing part of Yorkshire in this place and part of Essex in the European Parliament—I am sure that she reconciles those two functions admirably. I shall be happy to give way to her.

Miss McIntosh: I am grateful to the hon. Gentleman for giving way, because I hope that he can help me to understand the motion. The word "antipathetic" is not well known in the English vocabulary; does he mean it in the Spanish sense of "antipatico"? When he criticises the Conservative group in the European Parliament for failing

"to provide a necessary check on the executive",

is he expressing a wish that the Conservative group in the European Parliament should provide a brake on the Executive in this country? I doubt that that is the desire of the majority of Members of this House.

Mr. Heath: Obviously, I shall have to help the hon. Lady with her English. I must disappoint her: antipathetic is not the opposite of pathetic. It is possible to be pathetic and antipathetic at the same time, and the Conservative group in Europe does it so well. If the hon. Lady looks in her dictionary, she will find that antipathy is defined as incompatibility and mutual opposition. I cannot think of many words that better sum up the position of the Conservative group in the European Parliament.

What are the three issues on which we might expect that group to adopt a coherent approach? The first issue is changes in the policies of the European Union. As we have seen, members of the group cannot agree among themselves, so how can they influence even other conservatives in the European Parliament? The answer is that they cannot, because they are completely ineffectual. Let us take an example.

Mr. Anthony Steen (Totnes): Will the hon. Gentleman give way?

Mr. Heath: I will recognise the hon. Gentleman in a moment. Let us take this example first, and then he can react to it.

Irrespective of what one thinks of the euro, the debate on the launch of the euro, on 2 May 1998, was a historic one for the European Parliament. What was the position of the British Conservative group in Europe? Two voted for, three voted against, nine abstained and four did not bother to turn up.

Mr. Steen: Now that we are on the question of definitions, does the hon. Gentleman agree that the Liberal Democrats are the I Can't Believe It's Not Butter of British politics—yellow and easily spread?

Mr. Heath: The hon. Gentleman had obviously been preparing that intervention for a very long time and it would be wrong for me to try to top it, so I will not.

On the European Commission, the second major topic for the European Parliament, where were the Conservatives when we held the essential debate on the conduct of the two Commissioners in question—when the European Liberals, Democrats and Reformers, led by that excellent man, Pat Cox, were leading the charge against Mrs. Cresson and Mr. Marin? They were all over the

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place, as usual. They were split, they were unable to persuade their colleagues and, eventually, they went along with the fudge put together by Mr. Santer and the Socialist group on the European Parliament. The result was that the opportunity passed, and the chance to identify and get rid of the people who had abused their position in the Commission passed with it. I believe that the European Parliament will come to regret that.

The third issue is that of MEPs' pay and allowances. On 18 June 1998, MEPs were asked—it is an important question, because that was the point at which we could start the process of getting MEPs' pay and allowances into line—whether a system should be established

"whereby all allowances for MEPs reflect actual costs".

That is not an unreasonable request, one might think—not something that one would oppose easily. Well, the Conservatives in Europe managed it. Four voted for it, eight voted against it, two abstained and four could not be bothered to turn up. I do not know whether it was the same four who could not be bothered to turn up.

Mr. Stephen Pound (Ealing, North): Perhaps they were arrested at customs.

Mr. Heath: I could not possibly comment on the hon. Gentleman's suggestion.

On 3 December, we had the introduction of the "statute for MEPs", setting pay and conditions and allowances. What was the reaction of the Conservatives in Europe to that? Two Conservatives were for it, 12 abstained this time, and four did not bother to turn up. [HON. MEMBERS: "The same four."] I have my worries about those four.

Mr. Andrew Robathan (Blaby): Since we have reached December, may I tell the hon. Gentleman that he is doing a very good impression of the man with the nice white beard who gave my young son a gift at Christmas? *[Interruption.]* Not, indeed, the right hon. Member for Holborn and St. Pancras (Mr. Dobson). Are the Liberal Democrats seriously trying to be an Opposition at all? What gifts does the hon. Gentleman expect from Ministers? Does he expect the reward received by the Liberals in my local council, Blaby district, who ran the district in a Lib-Lab pact for four years and, as a result, were thrown out in last week's election?

Mr. Heath: One of the most memorable things ever said to me by a Conservative was in the chamber of Somerset county council, when I was accused of being a cross between David Lloyd George and Father Christmas. I have rather liked that ever since.

Mr. Keith Simpson (Mid-Norfolk): Which part?

Mr. Heath: That is for the hon. Gentleman to discover. His briefing notes are clearly inadequate.

Let me give one last example of the Conservatives' inadequacy in the European Parliament. On 13 April, for once, the Tories all voted the same way—all those who turned up. I suspect that four were absent. They voted en masse to support an independent report on the "Corpus Juris". Unfortunately, they voted en masse the wrong way. Edward McMillan-Scott, the leader of the Conservatives in the European Parliament, had to come to the BBC later to say:

"Having discovered what it said, I changed my vote."

He had not read the document before telling the Conservative Whips which way to vote, so the Conservatives all trooped into the Lobby to vote for something that was the opposite of what they thought.

That is a measure of the consistency, the coherence and the ability of the Conservatives to do their job properly in the European Parliament. The Tory party is not a party that can provide proper scrutiny in Europe or persuade others to embrace the reform that is essential in Europe. It is a confused disgrace.

The Conservative party no longer knows what it is for. Over the past week we have seen how confused it is about funding public services. It is in denial over its record in government. It cannot understand that others have longer memories than it does. It is chronically disordered and incoherent in its response to Government policy. It cannot muster the slightest pretence at a united policy on Europe.

The Conservative party has elevated expediency to an art. Its answer to any question of policy is to ask the relevant Minister to resign. One day we will want a Minister to resign—possibly as a result of the revelations made in a point of order earlier—but no one will take the slightest notice when Conservatives call for that, because they do so every week. The Conservative party is, as we have seen, ineffectual to the point of peripherality in the European Parliament. It is failing in its duty as an Opposition—a duty that we believe to be important. I commend the motion to the House.

5.3 pm

Mr. Michael Ancram (Devizes): I beg to move, To leave out from "opposition" to the end of the Question, and to add instead thereof:

"notes with contempt that the Liberal Democrat Parliamentary Party considers it to be a constructive use of specially allocated opposition time to indulge in a petty and vindictive attack on Her Majesty's Opposition rather than to challenge the executive and hold it to account; and points out that, in so doing, a Party whose record of attendance and willingness to sacrifice principle for party advantage shows that it has no constitutional claim to the position and privileges which are rightly accorded to opposition parties in the parliamentary system."

I shall deal first with the motion that we seek to amend. We owe a debt of gratitude to the Liberal Democrats today. They have given us half an hour of enormous fun. In their incredible motion, they have shown a way of raising hypocrisy to a new height. They have shown how to take the science of sycophancy to new frontiers, and they have broken all records in arrogance and sanctimony.

I use those two words carefully. The right hon. Member for Yeovil (Mr. Ashdown), the leader of the Liberal Democrats, has made a lifetime career of perfecting the arts of sanctimony and arrogance, yet even he has not had the gall to lead the debate today. He knows that there are

limits to the credulity of the British public, and he has left the jester's role today to the hon. Member for Somerton and Frome (Mr. Heath).

Mr. McNulty: The hon. Member for Somerton and Frome (Mr. Heath) has done very well as a jester.

Mr. Ancram: The hon. Gentleman's appreciation of parliamentary debate needs a little improving. I have never heard such a load of synthetic rubbish as we heard over the past half hour.

The hon. Member for Somerton and Frome got quite carried away and even sat in the seat of his rather more senior namesake, who is at least listened to with great respect when he addresses the House, but we should not be surprised that we find ourselves facing this motion today. We know that the Liberal Democrats, in their increasing desperation for recognition, have for many years been prepared to abandon all their principles, and even sell their grannies, to get a part share in the back seat of a ministerial car.

Today, the Liberal Democrats have left their grannies far behind and gone one further. In an attempt to curry favour with the Government, they have quite simply abused an Opposition day. It is worth recalling that an Opposition day gives the opposition parties the chance to choose and debate a motion which holds the Government to account on the vital issues of the day.

Opposition days, as we know and appreciate, are valuable and rare. There are many matters of great moment which we might have thought the Liberal Democrats would have chosen for debate today—Kosovo, the situation in Northern Ireland, or education, which they are always telling us they are so interested in. We might have debated health or we might even have had a proper debate on their European dream—but which, of all those important topics, have they chosen? None. Instead, they seek to launch a half-baked, ill-informed, misdirected and totally ineffective attack on us.

The motion talks about

"competent, coherent and constructive opposition",

but the Liberal Democrats have launched this debate, which shows clearly that they are no Opposition at all. All I have learned from today's debate is that Liberal Democrats can be pathetic and antipathetic at the same time.

The Liberal Democrats have been caught in a quandary. At this very moment, they are working out a coalition deal with Labour in Scotland, even at the expense of having to abandon pledges made in the recent election. They are, rather tragically, in mourning—I suppose that we should have some sympathy for them—because they have not even been invited to join a coalition in Wales. They long for Cabinet participation in England; indeed, I understand that they and the Government have published today their joint vision on a further sell-out of British sovereignty in Europe. They have not come to the House to tell us about that; they did not even bother to give us any indication of it in the debate.

No wonder the Liberal Democrats have tried to deploy the smokescreen of this synthetic attack on the Conservative party in opposition. They did not dare take the Government on because they want to get into bed with them, but that will not work. Everybody knows that the motion has been tabled because they are no longer, in reality, an opposition party or even part of the Opposition. The motion comes from a party that is now so firmly in bed with the Labour party that it has become little more than a shapeless lump under the Government's duvet.

The Liberal Democrats talk about effective parliamentary democracy and competent opposition. What a time for them to choose to do so—they are effectively leaderless. Their leader has announced that he is going and I cannot say that his absence will be noted, because he is rarely here. His potential successors are at sixes and sevens on the direction that their party should take. [HON. MEMBERS: "Where are they?"] Even when the hon. Member for Somerton and Frome was on his feet, less than half the parliamentary Liberal Democrat party was here to support him.

We are told that the Liberal Democrat leadership campaign has not started, but I have never seen such manoeuvring as is going on at the moment—it gives a totally new meaning to the phrase "a fluid situation". There is even a chance that a Scottish Member of Parliament will become the leader of the Liberal Democrats; imagine the coherent and effective leadership there would be then. Such a leader would be preaching the Liberal Democrat mantra of more public spending on education in England, but would not even be in a position to influence education in his own constituency after the Scottish Parliament has taken over.

Such a leader would be a part-time Member of Parliament who would be cut off from the normal day-to-day problems of our constituents, which the rest of us have to deal with. It would be very like having a party leader appointed from the House of Lords. Yet this is the party that seeks today to lecture us on coherence, competence and effectiveness. Let me make it absolutely clear that we will take no lectures on competence from the Liberal Democrats.

Last week, the electorate gave their verdict where the Liberals have been in power, and where that competence has been tested. Worthing gave them the order of the boot, as did Horsham, Waveney, East Dorset and New Forest. The Liberals lost control of 19 of the 32 councils that they were defending; we gained 48. Last week, overall, the Liberals lost 160 seats in England and Wales, while we gained more than 1,300. That is the real test of competence: that is the electorate's verdict on Liberal competence compared with ours. Where the Liberal Democrats had a real track record on which to base their judgment, the electorate found that competence wanting.

Mr. A. J. Beith (Berwick-upon-Tweed): I am interested in the right hon. Gentleman's thesis that that is the real track record. Four years ago, when the seats were fought, the party of which the right hon. Gentleman is chairman lost 2,000 seats. The fact that it gained 1,300 on this occasion is a result of its winning back the seats that it lost when its Government were among the most unpopular in the modern history of Britain. Was that the correct verdict of the electorate?

Mr. Ancram: I am glad that the electorate saw the error of their ways in the recent elections, having been taken in four years ago by the Liberal Democrats' pretence that they could be competent administrators in local government. After four years, the electorate have

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now discovered—in the case of more than half the councils that the Liberals used to control—that, far from being competent, all they produced was indecisiveness and drift; and the electorate have taken the first possible opportunity to get rid of them.

The Liberal Democrats know this. We have heard the excuses for the lack of a motion relating to my right hon. Friend the Leader of the Opposition; but for days the Liberal Democrats have trailed with the media the idea that today's debate would constitute a personal attack on my right hon. Friend. After last Thursday, they suddenly realised that they would look more foolish than they normally do, and—if I may use a current expression—they have degraded their motion into the pathetic specimen that is now before us.

Mr. Steve Webb (Northavon): I hesitate to return the right hon. Gentleman to an issue of substance, but may I pursue the question of the consistency of the official Opposition? The deputy Leader of the Opposition made a speech in favour of public services in the context of health and education, and a few days later, sitting next to me on a public platform, repeated his plans to privatise pensions. Which of those views does the right hon. Gentleman think is consistent?

Mr. Ancram: The hon. Gentleman should examine the facts more closely before making statements like that. He ought to take a little account of what is happening at this moment in the Standing Committee considering the Finance Bill. In the words of the Paymaster General herself, the Committee is debating matters of vital importance to British industry. I understand that for most of the afternoon no Liberal Democrat has been present in the Committee, and that while the Minister was making her statement about the vital importance of the matters being discussed, one Liberal Member wandered in. That is the test of opposition. The test is whether the Liberal Democrats are prepared to get down to the grind of opposition, and to take part in Committee debates.

For the Liberal Democrats to attack our record in opposition really takes the biscuit. The disparate bunch sitting on the Liberal Benches today represent the party that was so "coherent", to use their own word, that last September it turned turtle on the Floor of the House. Hon. Members will recall the embarrassing climbdown of the hon. Member for North Cornwall (Mr. Tyler), who is present now. During the emergency debate on the Criminal Justice (Terrorism and Conspiracy) Bill, dealing with the Omagh terrorists, the hon. Gentleman had to withdraw publicly his support for the Government's position when his attempt to ingratiate himself with the Government fell foul of his leader's arrogance. No doubt hon. Members recall his immortal words:

"I am sincerely sorry if I have in any way led"

the Government

"to expect my full support for the whole motion."—[*Official Report*, 2 September 1998; Vol. 317, c. 728.]

That expectation was based on the fact that the hon. Gentleman had appended his name to the motion. I suppose that he is going to tell us now that we should not regard the fact that the names of his colleagues are on today's motion as any indication that they support the motion.

This is the party that was so coherent before Christmas that, having spent the whole of the previous year demanding open list systems of voting for proportional representation elections, voted consistently against our attempts to achieve that for the European Parliament elections. It is the party that is so coherent that it continues to talk about its education policy in terms of 1p on income tax, which does not sound very much, as opposed to telling the truth: it would mean that each average family would pay £150 extra in tax. The Liberal Democrats know that that would not go down too well.

The Liberal Democrats are the party that is so coherent and honest that, even now, it is negotiating to make a deal with Labour in Scotland which will compromise the pledges that the Liberal Democrats made to the Scottish people during the recent election. Far from coherent or constructive opposition, that is a betrayal of those who voted for them in the Scottish elections. It is Liberal Democrat politicians behind closed doors cocking a snook at their voters, while abdicating constructive opposition, or indeed any opposition at all.

The hon. Member for Somerton and Frome says that he does not know what is going on. He must be the only person who is not reading today's newspapers. One of the Scottish newspapers describes it as a sell-out. *The Guardian* describes it as a "fudge" by the Liberal Democrats, saying that they must have compromised on their position on tuition fees, when they gave a clear pledge to the Scottish people at the election. The ink is hardly dry on the ballot paper before their coherent, consistent and courageous party starts to change its position.

What is clear is that no one is sure of the outcome of the negotiations in Scotland except in one respect: the Scottish people will not get the policies for which they voted. They will get a fudged compromise, which will be a mixture of the agreements arrived at behind closed doors to give the hon. and learned Member for Orkney and Shetland (Mr. Wallace) a seat in the Cabinet of the Scottish Administration.

Mr. Andrew Rowe (Faversham and Mid-Kent): My right hon. Friend is being awfully unfair. The Liberal Democrats have been absolutely consistent for about 10 years: they will do anything, go anywhere and make any deal provided that they can get themselves the semblance of power which being in the Cabinet would give them.

Mr. Ancram: I am grateful to my hon. Friend. He sums it up well.

What is worrying is that, having discovered in the elections in Scotland and Wales that, if they have the right sort of voting system, they can come fourth in the elections and still get a share of power in government, the Liberal Democrats now support proposals by Lord Jenkins of Hillhead to change our national electoral system. They are not satisfied with just trying to opt out of opposition in Scotland and Wales: they are trying to abdicate responsibility for opposition nationally as well. They seek to do that not by winning the support of the British people, but by creating a system that will keep them permanently in coalition without any great support. We will find that Scotland and Wales's instability today will be this part of the United Kingdom's tomorrow.

Mr. David Heath: Will the right hon. Gentleman confirm that the Conservative party as represented in

Westminster has opted out of Scotland and Wales completely and that, in terms of council representation, it has opted out of Liverpool, Sheffield, Newcastle, Manchester, Wigan, Gateshead, Knowsley, Salford, South Tyneside; in fact, out of almost every major city in the north of England?

Mr. Ancram: I am sure that the hon. Gentleman has deliberately left out Carlisle, which, after many years of being a Labour council, is under Conservative control. He talks about our position in Scotland and Wales. I assure him that my party in Scotland and Wales will keep its election promises in the way in which it conducts itself in the Scottish Parliament and Welsh Assembly. The Liberal Democrats have already start to break theirs in both.

Mr. Christopher Gill (Ludlow): Before my right hon. Friend moves from his theme about the way in which the Liberal Democrats wish to gerrymander the voting system, is he aware that, in every general election since 1983, the total number of votes cast for the Liberal Democrats has gone down?

Mr. Ancram: I am very grateful to my hon. Friend for making that point, which speaks for itself.

Mr. Paul Tyler (North Cornwall): Will the right hon. Gentleman give way?

Mr. Ancram: I shall give way once more, then make progress.

Mr. Tyler: Will the right hon. Gentleman confirm two points of Conservative policy? First, is it now Conservative Members' position that, despite opposing the method of election to the Scottish Parliament and the Welsh Assembly, they now accept it; their Members will take their seats in those bodies; and they recognise that it is a perfectly legitimate method of election? If so, and secondly, does the Conservative party now guarantee that, if it were ever again elected to power, that election system would remain in place?

Mr. Ancram: On many occasions since the referendums and passage of the legislation, we have said that we do not like the electoral system created in Scotland and Wales. However, those are the rules of the game, and we play the game by the rules that we find. We still believe that first past the post is the right way of conducting elections in the United Kingdom.

In their motion, the Liberal Democrats mention the word democracy—which is normally understood to mean rule by people—yet, in everything that they seek to do, they are attempting to create "Libocracy", which means unrepresentative rule by the Liberal Democrat party itself.

Liberal Democrats lecture us on effective and constructive opposition, but I should put a few facts before the House. Liberal Democrat Members are such an effective opposition that, since November 1998, they have spent a grand total of 42 hours and 41 minutes speaking on main business. That contrasts with the official Opposition's 150 hours spent on main business.

The Liberal Democrats are so effective in opposition that, in the 1997-98 Session, on major Bills, they voted with the Government two out of every three times. As my hon. Friend the Member for West Chelmsford (Mr. Burns) has said, the Liberal Democrats are so effective in opposition that, earlier this year, having already voted against Second Reading of the Rating (Valuation) Bill—and realising that the Bill could be defeated without their abstention, for which Labour would subsequently smack their bottoms—they abstained on the Bill's Third Reading.

The Liberal Democrat party is such a constructive opposition that, until February 1999, it allowed the right hon. and learned Member for North-East Fife (Mr. Campbell) to sit on the Defence Committee, scrutinising the Government, while he was simultaneously working with the Government on their much vaunted Cabinet Joint Consultative Committee. If by "constructive" they mean simultaneously being both the scrutiniser and scrutinised, they have certainly achieved it. However, it hardly matches their pious words in today's motion about providing

"that necessary check on the executive".

The Liberal Democrats preach to us about opposing, but we have opposed, questioning the Government every step of the way. We warned of the anomalies that devolution would throw up, which we are now seeing with each passing day. We fought against the raft of regulations and burdens that the Government have imposed on business. We have opposed the tax increases that have been introduced by stealth. We warned about the dangers to the health service resulting from Labour's wrong priorities. We have spoken up for farmers, fishermen, road hauliers, parents, and small businesses. We have stood up for the people of the United Kingdom who are suffering because of the Government's actions. In short, we have opposed.

Where have the Liberal Democrats been? They have been all over the place, except on one issue. To be fair to them, they have shown a coherent position on one subject—Europe. Their motion criticises our position on Europe and the conduct of our Members of the European Parliament. They accuse us of failing in several respects, particularly in reforming the European Union's policies. The easiest way of understanding what they mean by that criticism is to examine what they have done and are doing in practice.

We know that the Liberal Democrats ignore the views of the British people and call for us to join a single currency now. We know that they want a fast track to integration. We know that they want a common European foreign policy, a common European defence policy and a common European social policy. Their ultimate aim is a common European Government. It is strange to say, but on Europe, they almost make Romano Prodi look like a reactionary.

Liberal Democrat MEPs have voted for a common asylum and immigration policy and a common visa policy. They also voted for abolishing all border controls, and for ending the veto in justice and home affairs.

What about social Europe? On 19 January, Liberal Democrat MEPs voted for

"a genuine European social area to be established".

It was to be based on the European social model, with social legislation

"binding and to apply throughout the Union."

[Mr. Ancram]

The motion continued:

"Rather than allowing a certain trend towards deregulation, legislation must remain the essential instrument for enshrining social rights".

Liberal Democrat MEPs have also voted for tax harmonisation. They want more environmental taxes and taxes on energy products. They want to harmonise European education systems. They want a pan-European electoral system and have voted for a motion calling for "a genuine European executive" with a view to promoting a union acting as an integrated, united and coherent body. In short, they want a United States of Europe.

Presumably that is what the Liberal Democrats mean by being a constructive opposition in Europe. We want no part of it and neither do the majority of the British people. If they criticise us for not pursuing their Euro-integrationist dream, let them have the courage to come out openly in the coming European election and defend the policies that they have voted for in the European Parliament. Let them ask the British electorate for their verdict. We shall argue for Britain in Europe, but not run by Europe. Let them argue for a Britain submerged and subsumed by Europe, which is the logical outcome of their policies. But I am probably hoping for too much. I suspect that, as usual, we shall see the unedifying sight of Liberal Democrat candidates hiding their European light under a bushel for fear of being seen too clearly.

We shall place our position on Europe clearly before the British people and we shall show how our MEPs have worked for that position. Conservative MEPs have fought a strong rearguard action in favour of a free market Europe, securing important successes. They prevented the quotas on non-European television programmes that the Commission had wanted. They frustrated socialist attempts to impose impossible burdens on business, including a policy last week on the distance selling of financial services. Those meat and potato issues are the work of the European Parliament and the Conservatives have been defending the interests of the people of this country.

On fraud, the record of Conservative MEPs has been second to none. Two of them—Edward McMillan-Scott and James Elles—have done more than anyone else in the European Parliament to make the fight against fraud and mismanagement such a big issue. The hon. Member for Somerton and Frome was wrong about the record of Conservative MEPs in the votes on the Commission. The Conservative MEPs said no to signing off the 1996 accounts in the first move that set off the recent events. Conservative MEPs sponsored the motion to sack the Commission in January. Conservative MEPs went into alliance with the Commission's auditor-turned-whistleblower, Paul van Buitenen, to expose the scale of mismanagement in the Commission. Conservative MEPs pushed for Edith Cresson to step down immediately. Conservative MEPs are leading the campaign to ensure that the so-called caretaker Commission—better referred to as a cling-on Commission—packs its bags and clears out as soon as possible.

We have a clear position on Europe. It is the position of a responsible Opposition. The motion is a sham. It is put forward by a party that is leaderless, rudderless and without principle—a party that has been rejected in the country by those who have experienced its "effectiveness", its "coherence" and its "competence". Not only have the Liberal Democrats failed for years to oppose: today they seek to promote and join the Government whom they were elected to oppose.

Many of us have known for a long time that Liberal Democrat politics and straight dealing have never been easy or close companions. The motion is a second-rate motion from a second-rate party. It does nothing for democracy and even less for the party's reputation. If I am ever again asked to define the words "rank hypocrisy", I should be hard pressed to find a better example than the motion. I ask the House to reject it with the contempt that it deserves and to support our amendment.

5.29 pm

Mr. Tony Benn (Chesterfield): I hope that I shall not give offence by saying that I have never heard a more inconsequential set of speeches made in the House of Commons on the subject, allegedly, of our role as a Parliament in our system of government. I say that without offence because I do not want to join in the exchange of abuse.

I hope that the *Hansard* of today's debate is not made available to our troops and airmen involved in the war in Kosovo. Most hon. Members know that, over recent years and for a variety of reasons, Parliament has become less and less relevant to decision making in our society. To avoid following the pattern of the previous speakers, I should point out that the process of bypassing Parliament; the centralisation of power; the use of patronage; and the use of the royal prerogative to avoid serious debate began under earlier Governments and is being continued under the present Government.

I wish to speak about the relevance of this debate to next Tuesday's debate on Kosovo. My hon. Friend the Member for Linlithgow (Mr. Dalyell) and I have asked on a number of occasions—the request has been echoed by Opposition Members—for the House of Commons to be allowed to express its view on this major war, which is involving not only our service men but their families, and which will cost the people of this country a great deal. The Government have consistently refused to allow that.

I asked my right hon. Friend the Leader of the House—whom I have known and worked with closely over the years—whether we could have a vote. In reply, on 22 April, she said that

"although I well understand the express wish of Members on both sides of the House for a decision-making procedure of the type that he describes and suggests, there is no precedent for that in the House."—[*Official Report*, 22 April 1999; Vol. 329, c. *1053*.]

That is to say that the present Government, who are committed to modernisation, are basing their decisions on the mediaeval principle that the question of going to war is a matter of royal prerogative—and so indeed it is.

I looked back to the journals of the House for 1621—a month or two before I got here—when James I sent a direction to the House of Commons that it had no business discussing foreign or defence policy. The House passed a protestation, and the King then dissolved Parliament. The question whether the legislature has any role in the conduct of foreign and defence policy must concern people who take different views in this House.

Some of my hon. Friends are in favour of the deployment of ground troops and of stepping up the bombing, and should be allowed to express that view in the Lobby. Others, such as myself, think that the venture was ill judged, ill thought out and has failed. I should be allowed to express that view, on behalf of the people who elected me. A vote could then take place. If we are to discuss parliamentary democracy—as distinct from this debate between the Conservative and Liberal Democrat parties, which may have been fun for them but was not for me—we ought to discuss that matter.

For our children, we describe ourselves as a democracy. I always attend state occasions and, in this House, we talk about a parliamentary democracy. When the Queen makes a speech, she does not mention either word—she says that we are a constitutional monarchy. There is all the difference in the world between a democracy, a parliamentary democracy and a constitutional monarchy. The reason why the Queen says that is that Parliament cannot be called without a writ inviting the returning officers to return Members. When we meet, I have to tell a lie to sit in this House—I must say:

"I swear by almighty God that I will bear faithful and true allegiance".

I do not believe that—I am a republican. Every Minister must swear an oath of allegiance. The Privy Councillors's oath is even worse. They must say that they will defend the monarch from "foreign prelates, potentates and powers". When they go as Commissioners to Brussels, Privy Councillors take another oath, and say that they will take no notice of any nation that might put pressure upon them. These may not seem to be significant questions, but they become so when a war occurs and we are not consulted.

I wish to refer to the growth in patronage. All Prime Ministers appoint all the bishops; why cannot the Church of England have the confidence to choose its own leaders? Why cannot we select or vet judges in the way that the Senate does in the United States? The Prime Minister has just appointed a new Commissioner to Brussels who, I understand, is not even the choice of the Conservative party. He has used his patronage to appoint a Conservative representing a different view, but that is the practice. All Ministers are appointed and dismissed by the Prime Minister.

If the Labour evidence given to the royal commission on the reform of the House of Lords is to be believed, all the House of Lords is to be appointed. Some wonder whether it is not the intention to appoint the whole House of Commons, but we have not reached that stage yet. It is certainly true that the use of party patronage in choosing a First Minister in Wales or a mayor in London, or disposing of my hon. Friend the Member for Falkirk, West (Mr. Canavan), shows a desire to control everything.

Everyone with power wants to do that, so we must ask not why they do it but why we accept it. The House has the capacity to do something about it. I introduced the Crown Prerogatives (Parliamentary Control) Bill—

Mr. Crispin Blunt (Reigate): On a point of order, Mr. Deputy Speaker.

Mr. Benn: I hope that this will not cut into my time.

Mr. Blunt: The right hon. Gentleman is debating parliamentary democracy, but he is not speaking to the motion. I seek your guidance, Mr. Deputy Speaker, on whether we should be debating the motion or the short title, as chosen by the party that chose the motion. I agree with the right hon. Gentleman that the short title is most misleading.

Mr. Deputy Speaker (Sir Alan Haselhurst): First, let me reassure the right hon. Gentleman that there is injury time, so he has not lost out as a result of the point of order.

I have not heard anything out of order so far. There is a broad title to the debate, and I shall naturally listen to all hon. Members to ensure that they stay within it.

Mr. Benn: It would be difficult for me if discussing parliamentary democracy in a debate under that heading were itself ruled out of order. If I ever left Parliament it would be to devote more time to politics, because it is very difficult to be in the House and have any political role.

The Crown Prerogatives (Parliamentary Control) Bill was supported by my hon. Friends the Members for Linlithgow, for Preston (Audrey Wise) and for Nottingham, South (Mr. Simpson); by my hon. and learned Friend the Member for Medway (Mr. Marshall-Andrews); by my right hon. Friend the Member for Bishop Auckland (Mr. Foster); by the hon. Members for Lewes (Mr. Baker), for North Antrim (Rev. Ian Paisley), for Aldridge-Brownhills (Mr. Shepherd) and for Billericay (Mrs. Gorman); and by the right hon. Members for Haltemprice and Howden (Mr. Davis) and for Caernarfon (Mr. Wigley). That is broad support. Even the former Prime Minister, the right hon. Member for Huntingdon (Mr. Major) signed an early-day motion calling for the Commissioners to be approved by the House of Commons.

Trying to be constructive, I consulted the 17th-century precedents, when the abuse of Executive power had reached similar proportions, and decided that we should send a humble address to Her Majesty. I have drafted it, and I would be grateful for support from all parties. I have written to certain Privy Councillors.

The draft reads:

"To Move:

That a Humble Address be presented to Her Majesty praying that the Royal Prerogatives relating to the making of war and the commitment of the Armed Services to the present military operations in the Balkans be now placed at the disposal of the House of Commons for the purpose of permitting Members of Parliament to debate and vote upon a substantive Motion on the merits of that policy and any alternative Motions that might be moved designed to lay the foundations of a just and peaceful settlement in line with Britain's international obligations."

I wish that this debate was about our role. The media have taken over. The governor of a central bank, not elected by proportional representation, although one might have expected that from those who favour it, is coming along, as is Rupert Murdoch. They are squeezing us. They do not report us. I hope that they do not report the early speeches in this debate, because they did the House no credit. I say that from the depth of my feeling.

We must restore parliamentary democracy in Britain before it is ultimately squeezed out. I genuinely fear that, so I hope that the speeches that follow will not be a further exchange of hustings schoolboy abuse but will try

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seriously to address the question that must concern us all: have the House of Commons and the people whom we represent any role whatever in the decisions that matter in our lives, or are we merely spectators of our fate, and not participants in the future that we want to shape?

5.39 pm

Mrs. Virginia Bottomley (South–West Surrey): It is an honour to follow the right hon. Member for Chesterfield (Mr. Benn). Although I do not share his view on Kosovo, he expressed precisely the concern that I have felt in the two years that I have been on the Back Benches in opposition. I have been a Minister for almost my entire parliamentary career. I was determined to retain my seat in Parliament and act in a constructive and responsible way in opposition. I have been appalled that many of the conventions that were familiar when the Conservative party was in government have been eroded and that the role of Parliament has been diminished. I have been appalled by the use of patronage, the culture of the control freak, the manipulation of the media and the abuse of the House of Commons to the extent that statements are leaked and consideration of legislation is taken away from this Chamber. Patronage has moved to a new level.

The Liberal Democrats' motion comes at a time when there is a greater need than ever before to check the tyranny of the Executive. The Labour party was understandably desperate for power after 18 years. The disciplines of the control freaks have been applied ruthlessly in government. The activities of the No. 10 policy advisers around Westminster and Whitehall are legion. It has been embarrassing to behold the Liberals, who officially believe in parliamentary democracy, using their motion for a childish attack on the official Opposition when they themselves have sold out the role of opposition because they are so desperate for government. They have played a sycophantic, embarrassing charade in breaking through and joining a Cabinet Committee. The people who most despise that behaviour are the Liberal voters.

I was moved to respond directly to the right hon. Member for Chesterfield because I have a growing appreciation of his concern that Parliament will become progressively more irrelevant. I am extremely alarmed by the use of referendums bounced through without proper debate. I support and endorse the Neill committee's condemnation of the Government for so tilting the argument about, and the funding of, the Welsh referendum. It is the duty of the Opposition to hold the Government to account and scrutinise in whatever ways we have left to us the way in which they make decisions and the probity of their behaviour.

Last weekend, many important articles appeared which got to the heart of what motivates the new Labour team. Andrew Marr talked not about the politics of contentment, which apparently is a way of stirring up apathy—the real winners of the elections last week were the apathetic and disinterested—but about prozac politics: the refusal of the Government to expose issues to honest and open debate. The Government walk into things without knowing what to do next. The launch is the product. It is all about the launch. Whether it is devolution or, tragically, the situation in Kosovo, reform of the House of Lords or whatever, we have the launch but then no one seems to have any idea about what happens next or how to take the issue forward. We should be able to look to the Liberal Democrats to assist us in our work of rigorous examination of the Government's behaviour and policy-making processes.

The debate has been called by the Liberal Democrats on a most curious occasion. It is one week since a great number of us joyfully took control of previously Liberal Democrat-controlled councils. My council is one of the six in which the Conservatives took control from the Liberal Democrats. I am delighted that Worthing was another such council. Eight of the 75 Liberal Democrat seats that were lost last week were in Waverley; 12 of the 1,345 Conservative seats that were gained were in Waverley.

I felt that the House would want to know what Liberal Democrats were like in government. In Waverley, they could not have been described as coherent, constructive or responsible. Indeed, there was an overwhelming desire there to be rid of the Liberal Democrats, who were wasteful, profligate and, above all, secretive. The more they spoke about openness, the less openness they provided. They engaged in empire building, and the management of their different projects was deplorable.

The irony for me, in following the speech of the hon. Member for Somerton and Frome (Mr. Heath), is that the Liberal Democrats in my constituency go around saying that they blame Labour for losing the election. However, those same Liberal Democrats made no effort to resist the appalling treatment that the home counties have received at the hands of the Government. There have been vindictive and deplorable settlements on local government and health spending, but apparently they have been supported by the Liberal Democrats. In my constituency and others, their approach to expenditure on roads is different from what they profess elsewhere when they ignore the appalling transport problems of the A3 at Hindhead.

I urge the Liberal Democrats, at this time above all others, to take up the obligations and duties of opposition and help us to hold the Government to account. This Government want their members to be on pager control and to speak on-message on all possible occasions. In an extraordinarily ruthless and professional way, the Government insist on placing their spokesmen—and their friends and cronies—in positions of responsibility and influence. The Minister shakes her head, but I shall be happy to give her a number of examples, the most glaring of which involves a person who time and again was rejected for a health appointment. When he made it clear that he had been a lifelong Labour supporter and party member, he was given an appointment at a local health trust within a fortnight.

Mr. Phil Woolas (Oldham, East and Saddleworth): How does the right hon. Lady square what she has said with the appointment of Chris Patten to the European Commission?

Mrs. Bottomley: It is not remotely difficult to square the two propositions. I was Chris Patten's Parliamentary Private Secretary, and I think that he is an excellent appointment. The Opposition may submit names for the post of European Commissioner, but it is for the Government to select one. Chris Patten, as chairman,

guided the Conservative party to victory at the 1992 general election, when the party gained a million more votes than the Government managed in 1997. I believe that he will conduct his duties with great distinction.

The task now is to ensure that, before Britain and its national interests are eroded beyond repair, the Conservative Opposition secures the co-operation of the Liberal Democrats, who at present show only sycophancy towards the Government. We must build on our successes of a week ago.

5.49 pm

Mr. Hilton Dawson (Lancaster and Wyre): I am pleased to follow the two previous speakers, who have greatly elevated the debate. I was disappointed when the debate began, as I had expected a debate on parliamentary democracy to be a grand occasion, with stirring speeches being made. I am glad that my right hon. Friend the Member for Chesterfield (Mr. Benn) and the right hon. Member for South–West Surrey (Mrs. Bottomley) have raised the tone of the debate considerably. That said, I disagree with each of them almost equally, but that is parliamentary democracy.

If there is a serious point in the motion—it is difficult to detect one—it is about effective scrutiny. We have heard something of Kosovo, and I shall say more later, but I was impressed by my right hon. Friend the Prime Minister's generous and principled response yesterday to the right hon. Member for Bridgwater (Mr. King), in which he affirmed the importance of questioning, even in war.

When I hear the right hon. Member for South–West Surrey and read newspaper reports about Labour Members being enslaved to their pagers, I wonder whether they are facing reality. I have a pager. In fact, it is vibrating away as I speak, which is quite delightful. It usually tells me that there is a Division in the Commons while I am waiting in the Lobby to vote. The nicest touch of all is that, as I wend my way home, it says, "Goodnight and God bless from the Chief Whip"—or words to that effect.

As a Member of only two years' standing, I honestly do not recognise all the talk about control freaks. As a Back Bencher and as a member of the parliamentary Labour party, I have dissented in the past, and I am dissenting now about crucial aspects of Government policy. In my experience, honest dissent and principled disagreement are acknowledged. People are listened to, and attempts are made to accommodate one's point of view and to reconcile it with policy.

Another important element of parliamentary democracy—the bottom line, as it were—is that parties which trumpet their policies in manifestos before elections should keep their promises. The Government are keeping their promises. Waiting lists are coming down. Class sizes are being reduced. Crime and disorder is being tackled. We have a new deal for young people, and a stable, sustainable economy. On the reform of the House of Lords, progress has been made that has been dreamt of for 100 years. Devolution has happened. Real progress is being made for those who struggled through 18 dreadful years of Conservative rule.

Tories talk about oppression by the Labour Government, but anyone who experienced life beyond Parliament during the 18 years of Conservative Governments knew what oppression was. I experienced oppression. Almost on the day on which I was promoted in my local government job, a Conservative councillor tried to have me disqualified from my elected position as a councillor because I had reached a certain salary level.

As a social worker, I experienced the poverty and powerlessness of oppressed people throughout 18 years in which the previous Government dictated to local authorities and ordinary people. Conservative Members have nothing to teach the Labour party about parliamentary democracy.

Those of us who yearned for a Labour Government know how important it is to people that this Government are keeping their promises. It is essential that voters can trust that politicians, when elected, will be prepared to do what they said they would do. This Government are to be utterly and heartily commended for keeping their promises. I hope that hon. Members on both sides of the House can acknowledge the importance and truth of the need to keep faith with the electorate.

Mr. Blunt: What advice would the hon. Gentleman give the Liberal Democrats in Scotland on their election manifesto promise on tuition fees?

Mr. Dawson: I have no interest in intruding in the trivial spats between the two disappointed groups of people on the Opposition Benches. I want to stay on the subject of parliamentary democracy and to discuss representation in this House. It is my experience that people want us to be representatives—

Sir Patrick Cormack (South Staffordshire): Is the hon. Gentleman in favour of coalition with the Liberal Democrats or not?

Mr. Dawson: I am talking about parliamentary democracy and the representation of the people. I have no interest in entering into the argument with which hon. Members demeaned the beginning of this important debate.

The electorate are looking for representatives in the sense of Edmund Burke—people of conscience. They are certainly not looking for delegates, but for people who value all their constituents, especially, perhaps, those whose views are contrary to their own. The electorate value representatives who listen and learn—whose views and speeches in this place are enriched by the knowledge and experience of those whom we are privileged to represent.

I smiled when the Conservative Front-Bench spokesman, the right hon. Member for Devizes (Mr. Ancram) was protesting—

Mr. Fraser: Will the hon. Gentleman give way?

Mr. Dawson: I am sorry, but I intend to continue. The Conservative spokesman was talking about all the great campaigns that Conservative Members have fought during the past two years and how they are the party of the countryside and of business.

I have long known that many urban areas are out of bounds to Conservatives, or at least to those who do not relish close encounters with fierce dogs or fierce constituents. However, in a constituency one part of which had been represented by a Conservative Member

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for 27 years and another part of which had never had other than a Conservative Member, I have been amazed that farmers, parish councillors and people who would otherwise be described as the bastions of the countryside have told me, disarmingly and honestly, "Actually, we didn't vote for you, but at least you've turned up, talked to us and listened, unlike the other so and sos. We never saw them from one election to the next."

That phenomenon is not confined to the Lancaster and Wyre constituency. Colleagues from throughout the country have reported the same thing—Conservative Members who have complacently neglected the most basic element of parliamentary democracy, which is to get out and listen to what the people are saying.

However, it is not about representative democracy, but taking opportunities to put people directly—

Mr. Deputy Speaker: Order. I call the hon. Member for North Cornwall (Mr. Tyler).

5.59 pm

Mr. Paul Tyler (North Cornwall): The Conservative party seemed to think that this was a trivial motion but, contrary to their expectations, the debate has been better attended by Conservative Members than were their own debates on Tuesday. I welcome them to the Chamber.

Some serious points have been made already, and I hope to add to them. I am anxious to follow the remarks of the right hon. Member for Chesterfield (Mr. Benn). When I was a young and impressionable student, I campaigned on his behalf in a Bristol by-election. At that time, Conservatives, Liberals and Labour supporters came to his aid because we felt that the sovereignty of the people was more important than the extraordinary, outdated rules that prevented him from taking his seat in this House. I do not think that I have confessed that to him before and I hope that he will not hold it against me.

Some of the points made by the right hon. Member for Chesterfield are germane to this debate and relate to the motion. It is not only that I agree with him about the disestablishment of the Church of England—which, as a good Anglican, I think would release the Church—nor because I agree with him about the royal prerogative. One of the most significant things about our Parliament is that it has responded and evolved throughout history. I have confessed to the hon. Gentleman before that I am a descendant of Oliver Cromwell. When he mentions the 17th century, I follow his history lesson with interest, but I remind him that British politics has evolved since then. It is no longer roundheads and cavaliers, Whigs and Tories or 19th century Liberals and Conservatives. The House and the country have a multi-party system. It is precisely because we have a different political system on the eve of the 21st century that this Parliament must mature and catch up with the rest of the body politic.

It is good fun this afternoon, as it was yesterday at Prime Minister's questions. American viewers no doubt enjoy the mock mediaeval jousting match that they see on Sunday as late-night entertainment. However, in terms of achieving things, that is all out of date. There is a serious point to our motion. The Conservatives must adapt to a different type of politics.

What is the new politics? The new politics says that effective opposition is selective opposition, not opposition for opposition's sake. The only time that the Government have come within a hair's breadth, or even several miles, of being defeated in this Parliament was when the Conservatives, had they voted with the Liberal Democrats and Labour rebels, could have defeated the Government over single parents. The Conservatives were logical in supporting the Government because it was their Bill. I do not blame them for that, but they must understand that in this Parliament, simple frontal attacks will achieve nothing. Last night, I spent some time trying to think of a single Conservative achievement in this Parliament.

Sir Patrick Cormack: In view of what the hon. Gentleman has just said, will he now define consistency?

Mr. Tyler: The Conservative party was consistent on that occasion. It supported the Government on that proposal because it had its origins in a Conservative Bill. I have no objection to that. I object to the corporate amnesia to which my hon. Friend the Member for Somerton and Frome (Mr. Heath) referred and to Conservative Members' constant attacks. The right hon. Member for South-West Surrey (Mrs. Bottomley) was a member of the Cabinet that imposed capping on local authorities yet she complained this afternoon. I reject such examples of the rank hypocrisy to which the right hon. Member for Devizes (Mr. Ancram) referred.

It is difficult to think of a single instance in this Parliament where the Conservative Opposition have achieved anything. Surely we come here not just to stand up for people and make a noise but to achieve things. I know that the far left and far right resent it, but more of the Liberal Democrat agenda on constitutional reform in our 1997 manifesto has been put in place by the Government than ever appeared in a Labour manifesto. I take pride in that and give credit to the Labour party for it. That is what politics must be in future. It must not be the politics of opportunism or automatic opposition but the politics of influence and achieving things, of making real reforms to our country.

As has been said, it is true that this morning we succeeded in reaching some agreement with the Government about important reforms to the institutions of Europe to ensure that we have an effective NATO and defence policy. I regard that as an achievement. Why is compromise such a dirty word in this extraordinary place? The only reason is that we are hung up on the two-party nonsense that was created by fact that in the reign of Edward IV, as the right hon. Member for Chesterfield may recall, the King had a redundant chapel. It had Benches like those on which we sit and it was handed to the House of Commons. The two-party arrangement is an anachronism and has been one for a long time. It will continue to be an anachronism while we have a multi-party state.

Mr. Gordon Prentice (Pendle): Should Labour Back Benchers be represented on the joint Cabinet consultative committee?

Mr. Tyler: The hon. Gentleman makes a fair point. It is true that he and other Labour Members have less influence than the Liberal Democrats over Members on the Treasury Bench. However, the fact is that there are

many more voters for our style of politics than for his. That is a fact of life. Furthermore, I remind the right hon. Member for South–West Surrey that, last week, our poll figures went up from 17 per cent. to 27 per cent.—that was a real poll, not one that was taken by the pollsters. I have no problem with that.

After two years, the House has an opportunity to take stock and to understand that we are now in a multi-party state. Even in Chesterfield, there is a multi-party state, because the Liberal Democrats won several seats from the party of the right hon. Member for Chesterfield. Surely, that is healthy local democracy. We must realise that the House will have to find different ways of ordering its business. That is what the motion is all about. The Conservative party must realise that, in this new situation, opposing merely for opposition's sake is not sufficient. That is why we say that the Conservatives must look again at their tactics and their cohesion and must examine the extent to which they are prepared to take account of that new situation.

Some of my colleagues suggested that we should personalise the motion by proposing a reduction in the salary of the Leader of the Opposition. Given the attitude of the Conservatives to performance-related pay, to value for money and to market testing, that might have been a nice idea. However, we felt that it was more important to deal with the wider issue. It may interest Labour Members to know that the Government propose to give the official Opposition £500,000 more. That information was in a written answer—sneaked out last Thursday. By the end of this Parliament—taking the House of Commons and the House of Lords together—the Conservative party will have received £4 million each year from the taxpayer, if the Government's proposals go through. Naturally, my party will not receive anything like that amount.

Even if the Government believe that the official Opposition are giving good value for money, I do not believe that that is the view of the country—as public opinion polls show every day. I do not want to dwell on that point as there are only a few moments left of my allotted time. The most important point is to emphasise that good government depends on effective opposition. Effective opposition does not mean trooping through the Lobbies every night, although it was interesting that Members of the Conservative Opposition sat on their hands during the 4 o'clock Division while we voted on one of the biggest issues of the day. They felt that it was not necessary to scrutinise what the Government were doing or to hold the Government to account. It is not the quantity but the quality of opposition that matters.

I hope that the Conservatives will learn the lesson, eventually— I hoped that they would have learned it by now, after two years—that this is a different sort of Parliament. Our colleagues in Scotland and in Wales are adjusting to a different sort of politics—majority rule for the first time. The majority of people in Scotland will now be represented by a majority in the Scottish Parliament. Such majority representation will also be true of the Welsh Assembly. The figures show that Members of the Scottish Parliament and the Welsh Assembly will represent pretty accurately the division of opinion in the country. That is not true of this House, almost half of whose Members do not represent the majority of those who voted, let alone the majority of their constituents.

Mr. Gordon Prentice: I was elected by a majority.

Mr. Tyler: I was too, and I am grateful for that. However, we are now moving towards a different type of politics. In any sane, deliberative system—whether an organisation in this country or different sorts of Parliament in different parts of the world—compromise is not a dirty word; it is quality that matters. The quality of opposition that has been afforded us by the Conservative party not only does them discredit, but does discredit to the institution of Parliament.

6.9 pm

Mr. Tony McNulty (Harrow, East): In relation to the closing remarks of the hon. Member for North Cornwall (Mr. Tyler), it is entirely right that compromise and quality go together. Compromise is not a dirty word, as we have seen throughout the country. However, given the activities of the Liberal Democrats in the House, I have looked long and hard to find much to do with quality. If the opening speech on the motion and the words of the motion itself genuinely have anything to do with either quality or parliamentary democracy, the hon. Gentleman is using a rather perverse definition of quality. It is not one that I would share. The hon. Gentleman spoke about grown-up politics, but if what we heard from both the hon. Member for Somerton and Frome (Mr. Heath) and—although the right hon. Gentleman was much funnier—the right hon. Member for Devizes (Mr. Ancram) was grown up in any respect, a lot still needs to be done.

I was going to start my speech by saying that I rise more in anger than in sorrow, not least because, given the way in which the debate has proceeded, the best part of three hours of valuable parliamentary time has been utterly wasted. If the motion we were debating held the slightest resemblance to what have been described as matters of substance, I would happily withdraw that charge, but it does not. If what the Liberal Democrats do, both inside the House and outside it, lived up to the hon. Gentleman's remarks, I would withdraw that charge, but it does not.

My main experience is of London. I would not describe the distribution on the Isle of Dogs of racist leaflets showing a black boxer and saying, "Vote for local people"—nod nod, wink wink, the clear implication being that the black boxer is anything but local, like the black and Asian population in Tower Hamlets—as being anything but the politics of opportunism. Putting out a leaflet in my neighbouring constituency of Harrow, West, that says to local residents, not "A school is about to be built in your area. What do you think?", but "A Jewish school is being built in your area. What do you think?", when there is no planning matter to which religion is anything other than incidental, cannot be called anything but the politics of the gutter and of opportunism.

We might hear the mellifluous tones of cosy old Etonians in this place, but in the real world, that is not the reality of the new politics described by the hon. Gentleman. I could quote liberally other examples of that reality from London and from other metropolitan areas, although I cannot speak for rural areas.

Mr. Simon Hughes (Southwark, North and Bermondsey): I have no knowledge of the second matter

[Mr. Simon Hughes]

to which the hon. Gentleman refers, but in respect of the first matter, does he at least accept not only that the Liberal Democrat party held an inquiry that included people from outside the party—from the Commission for Racial Equality and other bodies—and dealt with the matter, but that we are the only party ever to have put an investigation of clear bad practice within its own ranks to independent scrutiny, and to have published the evidence and the conclusions of that inquiry?

Mr. McNulty: I shall write to the hon. Gentleman with the details of the Harrow case. In response to his other remarks, I shall say what the people of Tower Hamlets said at the time of the pernicious racist leaflet being distributed on the Isle of Dogs: too little, too late—horse bolted, stable door shut. If people mess about with racism, especially somewhere with experience of racism like the Isle of Dogs, holding a cosy little independent inquiry afterwards is too little, too late.

Mr. Gordon Prentice: Will my hon. Friend give way?

Mr. McNulty: Of course—unlike others, I know the injury time rule.

Mr. Prentice: The Labour party put the allegations in respect of Monklands in Scotland to an independent inquiry led by a Mr. Nimmo, QC, so it is not true that the Liberal Democrats are the only party that is prepared to look at malpractice within its own ranks.

Mr. McNulty: I am grateful to my hon. Friend for that intervention. We shall let the matter lie there.

Given the way in which they have spoken in the debate, the Liberal Democrats have shown a profound lack of wisdom in respect of the proper use of parliamentary time. That is a cause of sadness to me, if not anger. The hon. Member for North Cornwall is entirely wrong to say that the motion is a serious one—it is not, yet it is the motion that the debate addresses, not the points of substance subsequently made in hon. Members' speeches. It is a matter of regret that parliamentary time is being absolutely wasted on such a motion.

As a side issue, I find it deeply interesting that right hon. Members such as the right hon. Member for South-West Surrey (Mrs. Bottomley) have somehow developed a distaste for the patronage that served them so well when they were in government and about which we heard not a peep from them when they were the recipients of it. I do not cite the right hon. Lady as the only transgressor in that respect, for there are plenty of hon. Members who, while not saying a word against patronage throughout the period in which they are recipients, suddenly discover an aversion to it when they are no longer recipients.

Mrs. Virginia Bottomley: I particularly mentioned health appointments. The hon. Gentleman would be interested to know that Baroness Jay, Baroness Hayman, Baroness Dean and very many others were given health appointments by the Conservative party when it was in power. My argument was that the party now in government have abused the system to an extent that I personally regard as deplorable.

Mr. McNulty: That is nonsense. The matter has been looked at thoroughly, and all the appointments that we have made have been fair and above board in a far more transparent sense than anything that the right hon. Lady did. However, she did agree with others that, all of a sudden, patronage has become something to be rebuked, and is regarded as profoundly anti-democratic in this place.

The motion is not serious because it is entirely wrong. The hon. Member for Somerton and Frome almost traduced his own motion by his speech, because the Conservatives, to some extent, have a consistent Front-Bench line. I would happily say, in or outside the Chamber, that the line is congealing nicely around an extremist position on any number of issues. On the European Union, the Conservatives have adopted a dreadfully xenophobic and right-wing extremist position, but at least it is a position and it has some coherence. On public services, they consistently, as a party, seek at least to mislead the nation.

I believe that if one looks in detail at the current Finance Bill and the previous two Finance Bills, the running total of revenue measures that the Conservatives have voted against and have declared that they would repeal is about £40 billion-worth. Apparently, they have also signed up to the £40 billion that we shall spend on health and education. Where will that money come from? It is impossible to do both. It is misleading to suggest that it is possible.

The latest transgression is that the Conservatives say that they would freeze fuel duty and tobacco duty. That would cost £7 billion by 2002-03. No mention is made of where the £7 billion to replace that revenue will come from; yet they are still signed up to the £40 billion. I thought, reading some of the details of the Finance Bill, that Conservative spokespersons had gone to the Disneyland school of economic thought and the discussions that the hon. Member for Gordon (Mr. Bruce) had attended. His economics is just as bankrupt and nonsensical.

I am very happy to say publicly that the Conservatives are turning into an extremely effective, albeit redundant, extreme, right-wing, rather nasty, little Englander outfit, who have probably reached their peak in terms of parliamentary representation, and who will go down, and down with a vengeance.

I am extremely grateful to the people of England. They have ensured that, as a result of the Conservatives' mediocre performance in the English council elections last week, the biggest jester—a phrase used by the right hon. Member for Devizes (Mr. Ancram)—the right hon. Member for Richmond, Yorks (Mr. Hague), is secure in his place. We could do no better in this country than to ensure that, with the right hon. Member for Richmond, Yorks secure in his place, the Tory extreme, nasty, xenophobic, little Englander ship goes down, glug glug glugging. Whether it is to be replaced by 30 or 40 more—

Mr. John Hayes (South Holland and The Deepings): I shall try not to be too nasty in my intervention because I would not want to confirm any of the hon. Gentleman's stereotypical prejudices, but will he reflect on the following? If the Conservative performance in the local government elections was mediocre, how would he rate, against that measure—against mediocrity—the Labour party's performance in those elections?

Mr. McNulty: If the hon. Gentleman—as he has often done in the past—clearly leads with the chin, I will hit

him. Tell me, please, anyone—amateur psephologist or not—the last time that the Government of the day led in mid-term local elections. At our nadir, in 1982-83, when we were led by dear old Michael Foot, we were still three points ahead of the Conservative party. If the hon. Gentleman calls that mediocrity, he is taking a silly, ahistorical position. May I add that when I say "nasty", I mean the policies of the hon. Gentleman and his party, not the hon. Gentleman at all. I do not regard him as nasty—far from it. He is a gentleman in all respects, even though his politics are somewhat confused.

In conclusion, I say of the right hon. Member for Richmond, Yorks, more power to his elbow. Ultimately—in this the Liberal Democrats are entirely wrong—by causing the death of Conservative England, he will do the House and the country a great service. A statue of him should be put up in Parliament square in time to come. The death of that nasty little party will be music to the ears of the rest of the country.

6.20 pm

Mr. Tim Boswell (Daventry): Listening to the opening contribution from the hon. Member for Somerton and Frome (Mr. Heath), which was entirely consistent with the flippant tone of the Liberal Democrat motion, and reflecting on the concluding remarks of the hon. Member for Harrow, East (Mr. McNulty), which rather deteriorated towards the end, I came to the conclusion that the debate was more interesting and even a touch more constructive than I had anticipated.

Throughout the debate, a number of points became clear to hon. Members in all parts of the House. The first was that we all take our own constituents extremely seriously, and we bring their interests to this place. The second was that we ought to take seriously the arguments and the issues with which we deal, and we should bring them to this place. Thirdly, whatever our party label, and whether we are Ministers in government, on the Back Benches or on the Front Bench of Opposition parties with a duty to scrutinise Ministers, we should have a commitment to the arguments and to making the right decisions on behalf of the country. Of course we are all party politicians, and we all come to this place to do that job as well. We have many roles to fulfil, but we are ill advised if we lose our grip on those essential truths. I hope that that came out in the debate.

However, we should not overlook the fact that there is a perfectly proper role for humour and amusement in this place. If we all took ourselves terribly seriously doing the job all the time—if we could not even laugh at the hon. Member for Somerton and Frome when he spoke to the motion, rather than perhaps laughing with him—that would be a deficiency on our part.

Equally, I warn the hon. Member for North Cornwall (Mr. Tyler) that we should not expect compromise on everything, if we are to commit ourselves to the argument. There will be passionate dissent between one Member and another on important issues. By all means let us compromise and agree when we can, but do not let us sweep under the carpet, in the interests of some coalitionism, some "politics lite" or some new style of politics, the fact that we will not always agree about everything. Let us just commit ourselves to taking the job reasonably seriously.

In that context, I have a little news for the House concerning the Liberal Democrats in my constituency. They did not do very well this time. Their role in the joint administration in South Northamptonshire was swept out comprehensively—in my view, on its merits. Perhaps there was a precursor to that.

After the last general election, there was a problem with a proposal to put a prison on a particular site, which has since been addressed. I wrote to my Labour opponent, who ran me second—I have no great interest in the Liberal Democrats in that respect, but perhaps I would be better off if I could pump them up—and I wrote to my Liberal Democrat opponent, suggesting that we make a joint approach to the new Home Secretary on the matter, which had exercised us all during the campaign.

About a month later, my letter to the Liberal Democrat, which had been addressed to his headquarters in Daventry, was returned to me bearing the words "Gone away." He had not maintained his interest or his commitment to his prospective constituents.

We need to do better than that. When we get to this place, we need to take legislation more seriously than we do. One or two of the hon. Members who spoke in the debate pointed out that it is rather a long way from the press release or even, these days, the press briefing that precedes the press release, and the softening up on the "Today" programme, to creating a piece of legislation that takes policy through to delivery.

We are here partly to debate issues, but also to legislate on those issues and to try to get that legislation right. It is no good the Government saying, "Wouldn't it be a wonderful idea and something we could all sign up to"—which I do not—"if we could all have devolution?" Nor is it any good announcing a policy on this or that and assuming that it will happen. I have news for the House—I am not against fairness at work, but the issue is what that means, how it is to be delivered and what are the implications for the businesses that will have to deal with it. That is why legislation matters a lot.

The Whip has temporarily left the Chamber, but at least one other member of the Opposition Whips Office is aware of my views. I am like the man in the Bateman cartoon who admitted to a staggered world that he enjoyed Standing Committees, and enjoyed the detail of legislation and trying to get it right. In pursuit of these new politics, the Liberal Democrats may be well advised to take a certain lesson from some of the older hands here about the need to work the system correctly to probe the Government.

My experience of Standing Committees since we have been in opposition—on the Treasury side and in respect of my responsibilities for employment legislation—is that the Liberal Democrats have not failed to make constructive contributions. When they have been present, they have generally contributed well, but they have not majored, as the Americans would say. Their style has been Committee-light, and they do not go into something more than they have to in order to fulfil the obligations to be present and to take an interest.

The Liberal Democrats do not take the Government through the night in Committee a couple of times and do not table hundreds of probing amendments, which are designed to test Governments. If they want to be serious and want to play a part in this place, they should perhaps think about improving on that. They need not necessarily think that doing that would be a waste of time because, as we found with the minimum wage legislation, the Government have to respond—perhaps even a year

[Mr. Tim Boswell]

later—to points that we have made. That seems to me to be the right way to work. I offer one piece of friendly advice to the Liberal Democrats in respect of Standing Committees: if they want to table probing amendments, they should sharpen up their pencils, and pretty quick, just as they should in a number of other ways.

We do not necessarily receive great accolades because we carry out such work here, but my experience is that the only Members who engage in it seriously, and at least make Ministers consider what they are doing, come from these Benches. That is why tonight's motion is particularly inappropriate, but, because of the nature of the politics that we are trying to build, perhaps we should end on a note of consensus.

I am prepared, as I was during consideration of employment legislation, to seek consensus when it is appropriate. I say to Liberal Democrat Members, if they are not aware of it, that I can say with complete accuracy that Lloyd George knew my father, and knew him well enough not to be a supporter of the Liberal party.

Mr. Hayes: Did he get a peerage?

Mr. Boswell: No, he did not. He was naturally opposed to the Fabian consensus, which was beginning to develop at that time.

The point about Lloyd George, the right hon. Member for Chesterfield (Mr. Benn)—who is back in his place for the winding-up speeches, as he should be—and all of us is that we come here with something important to say and with our own experience. Members of Parliament, including Ministers, should listen to what people say; they should not concentrate on the soundbite or the press release.

Some of us have been members of Governments, but we do not resent the fact that we are in government no longer; we have a job to do. Back Benchers—members of Her Majesty's Opposition or the tacit supporters of the Government—do not have the right to suspend their own judgment or to sit on their hands. We have a duty to think about what is involved in legislation and speak out when we should. We will do so from these Benches and, in doing so, we will discharge our historic duty to speak for this country and to make sure that this place is used on behalf of the people of Britain to its best effect.

6.30 pm

Mr. Malcolm Bruce (Gordon): I think that the House has been entertained, but there is a serious point behind the motion. As my hon. Friend the Member for Somerton and Frome (Mr. Heath) pointed out, good government requires good opposition. The Conservative party is on its heels not just because it has lost power, but because it is rudderless in terms of its philosophy and its ideology. As a consequence, it has no ammunition with which to take on the Government and provide effective opposition.

I entirely agree with what was said by the right hon. Member for Chesterfield (Mr. Benn), which was very pertinent. The right hon. Gentleman will find that Liberal Democrats believe that, in the case of issues involving the royal prerogative—such as war and peace—the House should vote on a substantive motion. We wholly endorse the right hon. Gentleman's proposition, and consider that it would be in the national interest, and the Government's interest, to allow such a debate to take place.

In response to the remarks of the right hon. Member for South-West Surrey (Mrs. Bottomley), I can only ask, "Where have you been for the past 16 years?" The answer is that, for 14 of them, she was in government, demonstrating the very arrogance and patronage of which she now complains, and which we had to experience at her hands throughout that period. I find it a little hard to take that, now she has suddenly found out what that experience is like, she appears genuinely shocked, as if she did not realise what she and her party were doing and the extent to which it stultified the democratic process by failing to recognise that there are times when those in opposition have a contribution to make.

The right hon. Member for Chesterfield expressed his frustration at the fact that the Government cannot always be right, the Opposition are not always wrong, and if this place is to work at all there must be some recognition of that from time to time.

To understand the dilemma of the Conservative party, we need only refer to exchanges that have taken place over the past three or four weeks. The intention was to deliver a new, improved, revised Conservative party. The deputy leader of the party gave a lecture featuring a redefined Conservative philosophy around which the party could unite before the next election. He said:

"the public's area of unease about Conservatives is our supposedly hostile attitude to the Welfare State and particularly to Health and Education.

That remains our Achilles heel . . . Conservatives . . . must renew public confidence in our commitment to the Welfare State . . . But we will only do so if we openly and emphatically accept that the free market has only a limited role in improving public services like health, education and welfare."

That is a clear restatement of modern Conservatism, designed to unite the party; but what actually happened? I have read that only three speakers supported the deputy leader of the Conservative party during a frosty meeting of members of the 1922 Committee, while five spoke against him. He received "perfunctory applause". MPs left the meeting saying that they were confused about how big a policy shift the speech represented.

Sir Patrick Cormack: Are we to take it that, first, the hon. Gentleman believes that particular newspaper report, and that, secondly, every newspaper report of a private Liberal meeting will also be accurate?

Mr. Bruce: I have every reason to believe that that is the case, because a number of MPs put their views on the record very clearly. We are told that

"Iain Duncan Smith, the Shadow Social Security Secretary, demanded and got a meeting with him"—

the deputy leader—

"on Monday, but he refused to budge. There were also strong complaints from Gillian Shephard, the Shadow Environment Secretary . . . and from Ann Widdecombe, the Shadow Health Secretary",

who had not been consulted.

Such is the state of disarray in Her Majesty's Opposition. They no longer know what they believe in, and those who do not know what they believe in are in no state to take on the Government.

Reference has been made to an electoral success. As my right hon. Friend the Member for Berwick-upon-Tweed (Mr. Beith) pointed out, regaining 1,300 of the 2,000 seats lost in the worst ever performance, with a reduced overall result, is not exactly success.

I point out a couple of quotes:

"The Liberal Democrats defy gravity. The Liberal Democrat share of the vote is up on 1995. You can't put those Liberal Democrats down . . . they have done well."

Those comments were by Professor Michael Thrasher. The right hon. Member for South-West Surrey should take note of the other quote:

"I never thought I'd sit in a TV studio and hear the Chairman of the Conservative party boast about retaking Worthing."

That is how far the Conservatives have fallen.

We can all claim successes. Ultimately, the electorate will decide, but the Liberal Democrats are engaging in modern politics and in new-way politics. The Conservative party does not even know what that stands for.

Today, nominations close for the European elections. How many independent Conservatives will have been nominated who oppose official Conservative candidates? Indeed, how many on the official Conservative list will embrace official Conservative candidates who have opposite views on the most fundamental issue that faces us in the European context: whether we should join a single currency?

Mrs. Browning: Will the hon. Gentleman give way?

Mr. Bruce: I do not have much time.

That is the degree of confusion and incoherence that characterises the modern Conservative party. It explains why, fundamentally, it is unable to engage the Government in serious and realistic debate.

Mrs. Browning: The hon. Gentleman will be aware that I am a Devon Member. How does he account for the fact that there is still in this country a Liberal party, which has representation on local councils and fields parliamentary candidates?

Mr. Bruce: It is a free and open democratic country in which people are allowed to put up candidates. I am rather in favour of that; so are other Liberal Democrats. This country has a multi-party system. I represent a Scottish constituency in the House. As has been demonstrated in the elections, Scotland has four political parties.

The Conservative party claims that the result in Scotland is an indication of their fightback. It fought back by achieving a lower share of the vote in Scotland than at the previous general election and by failing to win back any of the first-past-the-post seats that it had lost. It has managed to get representation in the Scottish Parliament on the basis of a voting system that it does believe in, with its Members being elected to a Parliament of which it is not in favour.

I do not know what the Conservatives will do there because, clearly, they do not believe in co-operative politics. They are on record as saying that they regard it as deplorable that parties should seek to co-operate and to form an Administration to deliver their pledges to the people of Scotland. One wonders, therefore, what is the point of the Conservatives' presence in the Scottish Parliament. The answer is: not much more point than there is at the moment in the Conservative party's presence in this—

Mr. Gordon Prentice: Will the hon. Gentleman give way?

Mr. Bruce: I do not have any time. I want to allow the Minister time to reply to the debate.

The motion is completely serious. We believe that we have not wasted the House's time in tabling it because the people of this country have to consider what intellectual and coherent debate is coming at the Government—who have a massive majority—to engage them and to force them to explain, justify and develop what they do. That is what effective opposition is about.

The Liberal Democrats and the Labour party are engaged in a debate. We often disagree, not about what we want to achieve, but about how we think it should be achieved and in what order. However, that is a real debate about real issues.

We have consistently exposed the fact that it is not possible to deliver additional resources on health and education unless we are prepared to find money and to be realistic about it. The irony is that the Conservatives are so confused. They say, on one day, that they welcome the fact that more money is being spent, then complain that it is not as much as they would have spent, and then suggest that taxes are too high and they would cut them. It does not add up. That is the sort of economics that defies gravity, or realistic analysis.

The truth is that Conservative Members cannot understand that we are in a new era of co-operation politics—which they absolutely hate and attack at every quarter. The truth is that they hate co-operation and coalition-style politics because they cannot build a coalition even among Conservatives, never mind attaching anyone else. They are a shrinking and irrelevant force.

The Government will receive from the Liberal Democrats coherent and effective opposition, whereas they are getting nothing but incoherence, division, confusion and irrelevance from the Conservatives—who are not fit to oppose.

6.41 pm

Sir Patrick Cormack *rose—*

Mr. Tyler: On a point of order, Mr. Deputy Speaker. I seek your guidance. After an hon. Member has replied for the party tabling the motion, is it not the normal practice for a Minister to reply on behalf of the Government?

Mr. Deputy Speaker: That is entirely a matter for the occupant of the Chair, and is judged on the basis of the debate and its construction. I call Sir Patrick Cormack.

Sir Patrick Cormack: Thank you, Mr. Deputy Speaker. Nevertheless, I appreciate the typical timidity of the fawning hon. Member for North Cornwall (Mr. Tyler) in seeking to prevent my having a say after this extraordinary debate.

[Sir Patrick Cormack]

I slightly agreed with the hon. Member for Gordon (Mr. Bruce) when he said that the debate has not been a waste of time; in one sense, it has not. This debate has demonstrated that the Liberal Democrat party is totally unsuited to be regarded in the House as an opposition party. The right hon. Member for Chesterfield (Mr. Benn)—who made, as he always does, a very considerable parliamentary speech—is far more entitled to Opposition time than the Liberal Democrats are. If we are able to determine, through the usual channels, a way of giving one of the Opposition days to him, we should be most interested in doing so.

The hon. Member for Harrow, East (Mr. McNulty) said that he was speaking in anger rather than in sorrow. He has not only a pretty turn of phrase, but rather a low boiling point. I tell him that I am speaking far more in sorrow than in anger. Has the party of Gladstone and Lloyd George been reduced to this? It is no wonder that, today, the leader of the Liberal Democrats is not in the Chamber, and that those who are, we are told, the principal contenders for his somewhat tarnished crown also are not here.

Mr. Bob Russell (Colchester): Hang on—I'm here!

Sir Patrick Cormack: Ah—we have a declaration; the first hat is officially thrown into the ring. However, in common with many hon. Members on both sides of the House, I was under the impression that the right hon. and learned Member for North-East Fife (Mr. Campbell) and the hon. Members for Ross, Skye and Inverness, West (Mr. Kennedy) and for Taunton (Jackie Ballard) were among the principal contenders. Where are they? It was also very noticeable that, for much of the debate, the man whom I should regard as the Liberal Democrat party's most distinguished elder statesman—the right hon. Member for Berwick-upon-Tweed (Mr. Beith)—lacked the stomach to listen to the drivel that was being served up.

The Liberal Democrat opening speech really was an absolute dog's breakfast. They set themselves up to be holier than Labour and "prole-ier" than us, and try to set an example of what parliamentary democracy is all about, but they have only provided an example of how a once great party has been reduced, first to oblivion, and then to claiming triumph when managing the election of 46 hon. Members to the House. We shall certainly never seek to emulate that example.

The Liberal Democrats have lost their history, but have not yet found their place. They are grubbing around the gutters of politics, trying to get some form of power. Today's Scottish *Daily Record* says it all:

"Lib Dems Cave In".

In Scotland they are catching on to the coat tails of the Labour party—as they would have liked to do in the Principality—to enjoy some little influence and power. The hon. Member for North Cornwall let the cat out of the bag when he told the hon. Member for Pendle (Mr. Prentice), who is assiduous in his attendance in this place, that the Liberal Democrats have more influence than he has. That may well be true, but whether it will give the staunch Labour supporters of the hon. Member for Pendle much comfort is another matter.

Over the past two years we have seen an extraordinary approach by a group of people who individually are entirely charming but who collectively are what my sergeant major in the cadet force called a proper shower. We have seen them fawning their way into a position of some little influence. In tabling this motion, giving up the opportunity for scrutiny and holding the Executive to account, they have effected the ultimate abdication.

The hon. Member for Gordon told the right hon. Member for Chesterfield that he agreed with his substantive point. So why did the Liberal Democrats not choose that or another important subject to debate? They could have done so, but instead they tried to turn petty, vindictive fire on Her Majesty's Opposition. They did so very ineffectively, trying to show that we were inconsistent and incoherent. With every word that they uttered, they demonstrated that they have a claim to any Nobel prize that is going for inconsistency and incoherence.

The Liberal Democrats are the vegans of British politics. They have an extraordinary ragbag of policies.

Mr. David Heath: Vegans? Explain.

Sir Patrick Cormack: They are not fit to eat the red meat of British politics. In the last Parliament they gave a new meaning to the phrase "the Sunday joint". Among their number is the hon. Member for Oxford, West and Abingdon (Dr. Harris), whose purpose in life seems to be to instal pregnancy kits in nurseries and issue condoms to toddlers. The Liberal Democrats should be laughed out of court. They do not deserve to be regarded as a serious Opposition party. In the past two and half hours they have demonstrated beyond peradventure that they are not one.

The Liberal Democrats are also trying to undermine this place. Many of their proposals would take the life away from this Chamber and put it elsewhere. They are attending in reasonable numbers this afternoon, but I cannot remember a day when I have seen so many Liberal Democrats on the Benches. Even today, there have never been more than 30 of them here. In the Division earlier, 38 of their 46 Members voted. This has been a shoddy performance by a rather third-rate crew. I hope that the House will reject their motion with derision and accept our amendment.

6.49 pm

The Minister of State, Foreign and Commonwealth Office (Ms Joyce Quin): When I first read the motion, I wondered whether it was up to the Government to comment at all. I have never seen a motion quite like it in my 12 years in Parliament, and I was reinforced in that view by the words of my right hon. Friend the Member for Chesterfield (Mr. Benn), who has been in this House for much longer.

Listening to the two opening speeches, I wondered whether I was taking part in some new form of parliamentary spectator sport. One of my colleagues suggested helpfully that I should have brought a whistle and acted as referee—although that would not have met with your approval, Mr. Deputy Speaker, since you referee our proceedings wisely. During those two speeches, I felt glad and relieved to be sitting with my colleagues on the Labour Benches.

I wondered also which Minister should respond to the debate, because the motion covers a range of topics including policing, education, the NHS and other public services. It was difficult to know how to respond to such a motion. However, there are various elements of the motion that accord with my ministerial responsibility, particularly the references to

"Britain's positive role in Europe"

—something with which I strongly agree—and the importance of

"necessary reforms of the institutions and policies of the European Union", to which I attach considerable importance.

Given the nature of the motion, it is not surprising that the contributions have ranged widely and, in the 10 minutes that I have left, it will be difficult to respond to many of the issues. I shall refer to one or two of the points made at the outset. I support some of the arguments made by the hon. Member for Somerton and Frome (Mr. Heath), including his strong condemnation of the centralist policies pursued in this country in the 18 years until 1997, and the importance of decentralisation, devolution and the constitutional reforms which I am proud have been undertaken by my Government.

Mr. Rowe: Has the Minister any idea of how upset large numbers of head teachers and health trusts are by the welter of centralising documents that have come pouring out, and by the loss of initiative that they have been forced to accept in the past two years?

Ms Quin: On the contrary, I find that people in my constituency are pleased at the amount of consultation that the Government have undertaken. On a policy for which I used to have some responsibility—the fight against crime and the local partnerships against crime—the local consultations to launch those partnerships were tremendously welcome, and people throughout the country felt that their views on those important issues were being taken into account.

I very much welcome decentralisation and the constitutional changes upon which we have embarked. I welcome devolution in Scotland and Wales, and I welcome also the regional development agencies and decentralisation within England.

Hon. Members from both sides of the House—or perhaps I should say from all three sides—talked about the elections last week. The Government take considerable satisfaction from those elections, which produced the best ever results for a Government two years into their mandate.

Mr. Owen Paterson (North Shropshire): The Minister has just made out that the Government believe in consultation. Can I draw her attention to the review of meat inspection charges? The industry has been given 10 days, until noon on 17 May, to respond. The letter went out on 7 May, but some in the industry did not receive it until 11 May. Cabinet guidelines alone would require eight weeks in which to respond. Is that equivalent to consultation for an industry?

Ms Quin: I understand that there had already been many discussions on the issue with the people and the industry concerned. My colleagues in the Ministry of Agriculture, Fisheries and Food consult widely with the interested parties.

Many hon. Members referred to the elections. Our results were very satisfactory; in fact, on the basis of those results, we would have retained some of our most marginal seats in the House. Indeed, in some cases we even improved on what was previously our best ever result.

Mr. Hayes: Will the Minister give way?

Ms Quin: No, because, like all hon. Members, I have been very much constrained by time in this debate.

We have heard some interesting and thoughtful speeches, especially from Labour Members. I listened with especial interest to the comments of my right hon. Friend the Member for Chesterfield, of the right hon. Member for South–West Surrey (Mrs. Bottomley), whose speech I increasingly disagreed with as it proceeded, and of my hon. Friend the Member for Lancaster and Wyre (Mr. Dawson), who reminded us that, although the Government have responsibility to Parliament, we also have responsibility to the people and must deliver on the manifesto commitments on which we were elected. I am very glad that we are delivering on those commitments.

When I first came into the House in 1987, the Conservative party was in government and seemed to me to be governing in a way that treated people with contempt. We remember issues such as the poll tax, and the arrogance of that large majority, which stands in stark contrast to both the style and the practice of the present Government.

The right hon. Member for South–West Surrey accused us of bypassing Parliament. I find that strange. As the motion refers to European policy, let me remind her and the House of the improvements that the Government suggested, and then introduced, for European scrutiny procedures, precisely in order to give hon. Members a much better opportunity to question the Government and scrutinise European legislation. I welcome the changes and the fact that all aspects of the European Union can now be scrutinised in the House within a satisfactory time.

Far from bypassing the House, it seems to me, from my admittedly mere two years' experience as a Minister, that one rightly spends a great deal of time dealing with parliamentary questions and correspondence and giving evidence to Select Committees on a whole range of issues. We respond day by day to Parliament's very reasonable demands that we should explain and discuss our policies. Hon. Members use the various procedures open to them to bring that about.

It has been suggested that the Government do things by stealth, and European policy was mentioned in that context. I remind the House that we are committed to holding a referendum on the single currency. It is not possible to avoid debate or introduce a measure by stealth if one is committed to holding a referendum on it.

The Government's record on European policy is a proud one. We have played a positive role in Europe that has brought considerable benefits to our people. The real protection of British interests and the real patriotism are in the positive role that we are pursuing. That shows that

[Ms Quin]

Labour is by far the best party to deliver, in government, good and effective results in Europe for our people.

That is why, at the forthcoming European elections, as well as at other elections thereafter, the electorate should spurn both the oppositions from whom we have heard today and support the Government and our policies.

Question put, That the amendment be made:—

The House proceeded to a Division—

Mr. Tyler: On a point of order, Mr. Deputy Speaker.

Mr. Deputy Speaker: Order. I have already called a Division.

Mr. Beith: On a point of order, Mr. Deputy Speaker. I did not hear you propose that the original words stand part of the Question.

Mr. Deputy Speaker: I think that the hon. Gentleman and the right hon. Gentleman are forgetting the new procedures of the House for raising points of order, which should be done from the Benches by the Chair. I have followed exactly the correct procedure in putting the Question on the amendment first. That Question has to be dealt with before the next Question can arise. I have called a Division on whether the amendment be made.

The House having divided: Ayes 137, Noes 36.

Division No. 174] **[7 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, Rt Hon James
Atkinson, David *(Bour'mth E)*
Atkinson, Peter *(Hexham)*
Bell, Martin *(Tatton)*
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brazier, Julian
Browning, Mrs Angela
Burns, Simon
Butterfill, John
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Chope, Christopher
Clappison, James
Clifton-Brown, Geoffrey
Cormack, Sir Patrick
Cran, James
Curry, Rt Hon David
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice & Howden)*
Day, Stephen
Dorrell, Rt Hon Stephen
Duncan, Alan
Duncan Smith, Iain
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Flight, Howard
Forth, Rt Hon Eric
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Fraser, Christopher
Gale, Roger
Garnier, Edward
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Goodlad, Rt Hon Sir Alastair
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Gummer, Rt Hon John
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hawkins, Nick
Hayes, John
Heald, Oliver
Heathcoat-Amory, Rt Hon David
Heseltine, Rt Hon Michael
Hogg, Rt Hon Douglas
Horam, John
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Johnson Smith, Rt Hon Sir Geoffrey
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
MacGregor, Rt Hon John
McIntosh, Miss Anne
MacKay, Rt Hon Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Major, Rt Hon John
Malins, Humfrey
Mates, Michael
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Prior, David
Randall, John
Redwood, Rt Hon John
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Ruffley, David
St Aubyn, Nick
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Shepherd, Richard
Simpson, Keith *(Mid-Norfolk)*
Soames, Nicholas
Spicer, Sir Michael
Spring, Richard
Steen, Anthony
Streeter, Gary
Swayne, Desmond
Syms, Robert
Taylor, Ian *(Esher & Walton)*
Taylor, Sir Teddy
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Walter, Robert
Wardle, Charles
Waterson, Nigel
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Wilkinson, John
Willetts, David
Woodward, Shaun
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Sir David Madel and
Mr. Tim Collins.

NOES

Allan, Richard
Beith, Rt Hon A J
Bell, Martin *(Tatton)*
Brand, Dr Peter
Breed, Colin
Bruce, Malcolm *(Gordon)*
Burnett, John
Burstow, Paul
Cable, Dr Vincent
Chidgey, David
Cotter, Brian
Davey, Edward *(Kingston)*
George, Andrew *(St Ives)*
Hancock, Mike
Harris, Dr Evan
Harvey, Nick
Heath, David *(Somerton & Frome)*
Hughes, Simon *(Southwark N)*
Jones, Nigel *(Cheltenham)*
Keetch, Paul
Kennedy, Charles *(Ross Skye)*
Kirkwood, Archy
Livsey, Richard
Maclennan, Rt Hon Robert
Michie, Mrs Ray *(Argyll & Bute)*
Oaten, Mark
Öpik, Lembit
Rendel, David
Russell, Bob *(Colchester)*
Sanders, Adrian
Skinner, Dennis
Smith, Sir Robert *(W Ab'd'ns)*
Tonge, Dr Jenny
Tyler, Paul
Webb, Steve
Willis, Phil

Tellers for the Noes:
Mrs. Caroline Spelman and
Mrs. Eleanor Laing.

Question accordingly agreed to.

Main Question, as amended, put and agreed to.

Resolved,

That this House notes with contempt that the Liberal Democrat Parliamentary Party considers it to be a constructive use of specially allocated opposition time to indulge in a petty and vindictive attack on Her Majesty's Opposition rather than to challenge the executive and hold it to account; and points out that, in so doing, a Party whose record of attendance and willingness to sacrifice principle for party advantage shows that it has no constitutional claim to the position and privileges which are rightly accorded to opposition parties in the parliamentary system.

Mr. David Maclean (Penrith and The Border): On a point of order, Mr. Deputy Speaker. What advice can you give the House on the debacle of that vote? Is there a case for amending Standing Orders? A minority Opposition party tabled a motion criticising the main Opposition party and urging us to be competent, but the Liberal Democrats were so incompetent that they failed to provide tellers, and we had to do the work that they were too incompetent to do.

Mr. Deputy Speaker: None of that is a matter for the Chair. The procedure followed was perfectly in order.

SELECT COMMITTEES (QUORUM)

Motion made, and Question put,

That, for the remainder of the present Session of Parliament, Standing Order No. 152 (Select committees related to government departments) shall have effect subject to the following modification in line 48, at the end to add—

'(4A) Notwithstanding paragraphs (2) and (4) above, where more than two committees or sub-committees appointed under this order meet concurrently in accordance with paragraph (4)(e) above, the quorum of each such committee or sub-committee shall be two.'.— [*Mr. Betts.*]

Hon. Members: Object.

PETITION

Association with Europe (Referendum)

7.15 pm

Mr. David Hinchliffe (Wakefield) *rose—*

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. Perhaps the hon. Member for Wakefield (Mr. Hinchliffe) will wait for a moment before presenting his petition. Hon. Members who are not staying to hear it should please leave quickly and quietly. Thank you.

Mr. Hinchliffe: I wish to present a petition signed by my constituent Mr. Bernard Calvert of Linton road, Eastmoor, Wakefield. The petition contains only his signature, but he has expressed a desire for it to be formally presented to the House and I am happy to oblige.

The petition states that, as a citizen of the United Kingdom he has not been consulted in any referendum on our association with Europe since 1975 when a referendum was held to ascertain whether the United Kingdom of Great Britain and Northern Ireland would remain in the European Economic Community, which was known as the Common Market. He says that that has happened notwithstanding what he suggests is the progressive surrender of our national sovereignty since then.

The petition states:

Wherefore your Petitioner prays that your honourable House shall urge the Government to:

1. introduce legislation providing for a referendum on the United Kingdom's membership of the Common Market:

2. call a Speaker's Conference, to comprise members of the House, academics and others, to decide the formulation of the question to be put to the people of the United Kingdom of Great Britain and Northern Ireland at this Referendum:

3. bear the cost of the aforementioned conference and Referendum through Her Majesty's Treasury and

4. make arrangements for the allocation of equal air time on television, radio and other media to supporters of either side of the question that shall be determined by the aforementioned Conference.

And your Petitioner, as in duty bound, will ever pray, for the continual well being of the House of Commons, the historical defender or our liberties.

To lie upon the Table.

Job Losses (Renishaw)

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Betts.]*

7.17 pm

Mr. Harry Barnes (North–East Derbyshire): Renishaw is a small, compact community—there are fewer than 1,400 people on the electoral register—which suffered a number of years ago from a pit closure at Renishaw Park, which devastated the community. On 22 April, a foundry went into receivership, which led to 140 people being made redundant. Another 40 people continue to work at the foundry, wondering about their future.

Renishaw foundry is now cosmopolitan. Many people who were employed there came from the constituency of my right hon. Friend the Member for Chesterfield (Mr. Benn) and a number also came from the constituency of my hon. Friend the Member for Bolsover (Mr. Skinner)—about one third were from my constituency. However, we are talking about more than 140 job losses, as many suppliers and haulage firms will be affected, as will those who are dependent on people in the community having a full wage packet.

Why did the job losses arise in such stark circumstances? The receiver moved in on 22 April and, almost immediately, 140 workers were made redundant. They had not known that that would occur, although they feared that it might. The community was devastated.

In October 1997, Carbo Ltd. leased 5.8 acres out of a 13.4 acre site in Chesterfield, which it leased to a firm that called itself Bryan Donkin Foundry Ltd., although the company had previously had nothing to do with the foundry.

The first payment was planned to be £375,000. In July 1998, the new company purchased Renishaw foundry from British Steel for £800,000 and took on British Steel's pension and other liabilities. The land was bought by a company called Renishaw Properties Ltd. for £35,000. However, the major shareholder of Bryan Donkin Foundry Ltd. and Renishaw Properties Ltd. is a Mr. Ling. There is a clear connection between the two companies.

In the meantime, Carbo Ltd. persuaded Bryan Donkin Foundry Ltd. to relinquish the lease at Chesterfield by waiving the outstanding initial fee of £375,000 and promising £500,000 if any profits were made later from a property deal that it hoped for on the site. I shall deal with the property bonanza later, but it was that favourable arrangement that allowed the company to purchase Renishaw foundry.

In return, Bryan Donkin Foundry Ltd. moved about 100 workers and some machinery to the Renishaw foundry, where only 70 workers were then employed. That was completed by the end of 1998. In 1999, and perhaps in the months before, Bryan Donkin Foundry Ltd. lost money hand over fist, even though it did not pay any rent in that period to its other half, Renishaw Properties Ltd. No accounts have been recorded in Companies house for Bryan Donkin Foundry Ltd. or Renishaw Properties Ltd. I understand that the auditor would not sign the Bryan Donkin accounts because he felt that the company was not viable.

Let us consider the gainers and losers in those interlinked transactions. The workers are clearly losers, with 140 made redundant and 40 facing an insecure future. The firm's collapse means that they are not entitled to jobseeker's allowance payments for several weeks. They are entitled to a week's redundancy money for each year that they have worked, but as my hon. Friend the Member for Amber Valley (Judy Mallaber) discovered from a question that she tabled, it takes nine weeks on average for the redundancy payments office to deliver payments.

The only substitute for JSA payments is income support on the ground of urgency, yet out of 90 cases in jobcentre areas in north Derbyshire, only six have been given income support so far, and two are due to get it shortly. That is because all income in a household is assessed by a means test. A wife's earnings, or other earnings in the household, are considered for income support purposes. In one case, a wife's disability payments have been taken into account and prevented payment of income support.

The matter has been raised previously by my hon. Friends the Members for Amber Valley and for Erewash (Liz Blackman). In reply to my hon. Friend the Member for Erewash, the Minister, my hon. Friend the Member for Wallasey (Angela Eagle) said:

"We are aware that, under existing rules, if money is owed from an insolvent employer, full benefit cannot always be paid immediately to ex-employees claiming Jobseeker's Allowance or Income Support, although payments can be made to avoid hardship.

Since this problem came to our attention, we have been working to simplify the complex legislation in this area and we are currently considering proposals for changes to the relevant benefit rules."—[*Official Report*, 17 December 1998; Vol. 322, c. *715*.]

No announcement has yet been made on proposed changes to the legislation. Today, I received a fax from the Minister for Employment, Welfare to Work and Equal Opportunities, pointing out that that will not occur yet, although there is concern about the matter. I doubt whether my hon. Friend the Minister for Energy and Industry will be able to give a different reply from the one that I received. However, it would be welcome to hear that there was to be urgent consideration of the matter and that an announcement will be made soon of help to overcome a problem that affects many firms going into receivership or into liquidation.

At present, the ex-workers' pensions seem to be guaranteed. A great deal of work has been done by the trade unions. Indeed many people have tried to assist in this desperate situation—no one more than a local district councillor, Brian Ridgeway. He has been behind much of the activity and organisation to try to help those workers who are in very desperate circumstances.

There are losers, but there will also be clear winners, if things turn out as some people hope. The workers will not be among those winners in any way, unless some miraculous changes take place. The first to gain is Carbo, which has got rid of Bryan Donkin's work force, but it has had to meet no redundancy or other payments. Carbo looks to make a fortune in the future. On 27 July 1998, the chairman of Carbo, Bill Goodall, was reported as saying:

"The new agreement with BDFL"—

that is Bryan Donkin Foundry Ltd.—

"substantially improves the development potential for the Chesterfield site. In due course, the disposal of the enlarged site for development will conclude the group's exit from its former Bryan Donkin business and enable both shareholders and the Company to benefit in the resultant value creation."

Matters have developed since then. Last week, a draft plan was submitted to Chesterfield borough council in order to cash in on those provisions. The company is looking to

create a development in which there will be a hotel, supermarkets, a business centre, a traffic centre and a host of other facilities that will lead to considerable financial developments. At present, it is only a draft plan at an early stage. Chesterfield borough council is obliged by law to undertake a screening process under the 1999 environment assessment regulations. However, if Carbo and its associates gain a fortune, at least the ex-Bryan Donkin workers should have some share when that development takes place.

Another winner is British Steel, which sold Renishaw foundry and its land for £835,000 and saved £1.5 million in potential redundancy payments alone. Ex-British Steel workers who were made redundant at Renishaw should also be sharing in British Steel's good fortune.

What about Mr. Ling, who is the key shareholder in Bryan Donkin Foundry Ltd. and in Renishaw Properties Ltd.? Is he a gainer or a loser? The assets he seems to have are a potential £500,000 from the property deal in Chesterfield, if it goes through, and rent and other moneys from the ownership of Renishaw Properties Ltd. and from any new firm that the receiver is able to find. His liabilities are any unfulfilled hopes that he may have and the possible loss of the £800,000 that he initially paid out to purchase the company.

I want a Department of Trade and Industry inquiry into all those arrangements, so that we know who is getting what and from whom, and I call for immediate action to clear up the matter of the jobseeker's allowance. It is entirely unacceptable that the people who are at the rough end of the affair should be the former work force. I call for attention to be given to losses incurred by suppliers, hauliers and so on, in the area, so that some help may be given to them. We also need to do all that we can to assist the receiver and to encourage the receiver to find a buyer for the foundry. If there is a buyer the re-employment—even if the conditions change—of some of the work force becomes a significant possibility. If a buyer can be found, we should try to ensure that those who are re-employed are those who are losing their jobs now.

Via the Employment Service, we should give the ex-workers every assistance by ensuring that job opportunities are found for them. I understand that there is some possibility of those who are ex-British Steel workers having access to appointments publicised through British Steel. It is just as well that the fight to save the Eckington jobcentre was successful, because that centre serves Renishaw, Killamarsh, Eckington and the surrounding area, a large part of which is affected by the job losses.

I hope that the Minister will consider those matters seriously. A crisis is affecting a community that has been badly hit in the past, so everything that can be done must be done. When I met them, the work force asked me, "Why have these events occurred? Why have we suffered in this way? Who has done this to us? Who has benefited from it?" Answers to those questions can be provided only by an inquiry.

7.33 pm

Mr. Tony Benn (Chesterfield): I should like to speak, if the Minister will allow me—

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. The right hon. Gentleman may speak, as long as the mover of the motion and the Minister are agreeable.

Mr. Barnes *indicated assent.*

The Minister for Energy and Industry (Mr. John Battle) *indicated assent.*

Mr. Benn: I shall take only a minute, as my hon. Friend the Member for North-East Derbyshire (Mr. Barnes) has handled the case with his usual brilliance.

There is a lot wrong. Bryan Donkin Foundry Ltd. is one of the most highly skilled companies in Britain, producing for the gas industry. When the company was privatised, no long-term planning was carried out and it got into difficulties. Then, when the foundry was moved and merged, the trade unions went along with it because they thought that jobs would be saved, but that hope was dashed. Now, the workers might be denied not only redundancy pay but jobseeker's allowance.

The Government must take all those issues on board, in addition to the fact that high interest rates damaged the foundry's prospects. I hope that all the points that my hon. Friend has made will be considered extremely carefully. I speak not only as a Member of Parliament, but as a former Secretary of State for Industry and for Energy who appreciates the relevance of the company and its contribution to British manufacturing industry.

7.34 pm

The Minister for Energy and Industry (Mr. John Battle): In an Adjournment debate, it is traditional to congratulate the hon. Member who secured it, but I should like to say rather more. My hon. Friend the Member for North-East Derbyshire (Mr. Barnes) always champions his constituents' interests, whether relating to job losses or other matters, with serious, passionate concern. Tonight, he has demonstrated what the House of Commons should be about by the way in which he has brought to our attention an individual case that allows us to extrapolate specific structural questions. I regret that we have only a short time for this debate; it would have been better if we had spent three hours on this topic, rather than on the previous debate.

I listened intently to my hon. Friend's speech, which was full of carefully researched details of the financial transactions that have led to the collapse of the company, and the job losses. I cannot respond to every detail, but I shall certainly follow through every detail that is raised in the House tonight—if not at the Dispatch Box, then elsewhere.

Why were there job losses? I know that that is a matter for my right hon. Friend the Member for Chesterfield (Mr. Benn), who is present, as well as my hon. Friend the Member for Bolsover (Mr. Skinner). It concerns the relationship of redundancies and insolvencies, to which my hon. Friend the Member for Amber Valley (Judy Mallaber) drew attention.

[Mr. John Battle]

Why were there job losses? On 22 April 1999, Robert Kelly and John Newell, two partners in Ernst and Young, were appointed joint administrative receivers of Bryan Donkin Foundry Ltd. They were appointed by the debenture holder, Smurfit Paribas International, at the request of the directors, as the company was no longer able to meet its liabilities as they fell due. Department of Trade and Industry officials have been in touch with the receivers, who explained that, by the time that they were appointed, the company's working capital was exhausted.

It may help if I briefly scan the history of the company. I understand that Bryan Donkin Foundry Ltd. was incorporated in 1997 to acquire the assets of the foundry division of the company known as Bryan Donkin Company Ltd, which traded from Chesterfield. It paid £2 million for the assets, of which some £800,000 was payable immediately, the balance being spread over three annual instalments.

It appears that problems began at quite an early stage. The receivers have told my officials that draft accounts to 30 September 1998 showed trading losses of about £1 million on a turnover of £6 million. It seems that those losses eventually led to the receivership, which may have stemmed in part from the acquisition of the business of the Renishaw foundry, which was formerly operated by British Steel, in 1998. Simultaneously, the land and buildings at the Renishaw site were acquired by a newly incorporated company called Renishaw Properties Ltd, which, as my hon. Friend the Member for North–East Derbyshire said, was effectively under the control of the same individuals as Bryan Donkin Foundry Ltd.

Having moved to the Renishaw foundry site, Bryan Donkin Foundry Ltd. surrendered the lease of its existing site at Chesterfield back to the landlords, Carbo plc. The sum received by the company on the surrender of the lease appears to have been used partly to fund the acquisition of the Renishaw foundry assets.

That move from the Chesterfield site to Renishaw has been described as unsuccessful. The cost of the move appears to have been substantially underestimated. The move itself seems to have taken two months longer than anticipated. Finally, having established the business at Renishaw, it became apparent to the directors that their turnover forecast could not be reached. Management accounts then showed a substantial trading loss.

The receivers say that, upon their appointment on 22 April 1999, they had no alternative—in the absence of assets that could be rapidly converted into cash to provide further funding—but to serve redundancy notices. Since then, the receivers have carried on trading in a limited way, while advertising the business for sale. As my hon. Friend the Member for North–East Derbyshire said, they are continuing to seek to sell the business as a going concern. He asked whether there might be a buy-out of the foundry. That would be a way forward, if it could be achieved; it would certainly save jobs. My hon. Friend's ambitions in that regard would be helpful.

Let me say a word on the position of the workers. I am told that the receivers have already had a meeting with the full-time union officers representing the work force, and that a further meeting is planned for tomorrow. I understand that my hon. Friend has been invited to that meeting. I hope that other right hon. and hon. Friends who have attended tonight's debate have been invited.

The local jobcentres at Chesterfield, Eckington and Staveley are offering what help they can to the employees who have been made redundant. A recent meeting to discuss help for the work force was attended by representatives of the North Derbyshire training and enterprise council and others, including the Employment Service, North East Derbyshire council and the East Midlands regional development agency. I understand that a bid was then made for assistance from the rapid response fund, to assist retraining and job searches for all those involved. Early entry has been agreed to the work-based learning scheme for adults and to STEPS—a programme centre offering intensive help with job search. Two awareness sessions have been held at the Renishaw hall, and further sessions and presentations are planned.

On 5 May, the Government office for the east midlands received a request from North Derbyshire TEC seeking approval for large-scale redundancy terms to be applied to the redundancies at the Bryan Donkin foundry. The Government office replied on the same day, agreeing to that. The application of large-scale redundancy terms will enable immediate access for Donkin staff to Employment Service and TEC programmes.

I shall deal with jobseeker's allowance and the letter sent earlier today to my hon. Friend by my right hon. Friend the Minister for Employment, Welfare to Work and Equal Opportunities. In his letter, my right hon. Friend stated that if employees were dismissed by an insolvent employer without notice or with insufficient notice, they could claim a compensatory payment under the DTI's insolvency provisions, once the notice period had expired. That should be arranged by the receiver.

Before the introduction of jobseeker's allowance, ex-employees could claim unemployment benefit during their notice period and the compensatory payments would then be reduced accordingly. That is not possible under jobseeker's allowance, because of a regulation that treats people as already possessing any income that is due to be paid, regardless of whether it has actually been paid.

Any notice payment due must, therefore, be taken into account in calculating jobseeker's allowance during the notice period, even though it has not yet actually been paid. That is the double bind. People are being penalised twice. We acknowledge that the benefits legislation is complex, but it seems that people are getting caught in the rules and being forced to pay twice. I shall raise the matter again with my right hon. Friend the Minister.

I know that efforts are being made to conclude the matter of the Donkin employees as soon as possible, and I hope that my hon. Friend, together with our other right hon. and hon. Friends, will make the point powerfully as a result of this debate.

With regard to the company's accounts and the request for an investigation, neither Bryan Donkin Foundry Ltd. nor Renishaw Properties Ltd. has filed accounts at Companies house. The receivers told officials that the accounts for BDFL for the period ended 30 September 1998 were completed, but had not been signed off by the auditors prior to the receivers' appointment.

The time limit for filing accounts at Companies house for a private company is 10 months from the year end. As the directors had until 31 July 1999 to comply, they are not in default. Renishaw Properties Ltd. was not incorporated until 8 May 1998, so the accounts for its first year are not due.

On the question of an investigation, the joint administrative receivers are under a duty to report to the Secretary of State if it appears to them that the conduct of any of the directors was such as to render him unfit to be concerned in the management of another limited company. On receipt of such a report, the Secretary of State has a discretionary power to apply to the court for a disqualification order against that director.

The receivers have told my officials that concerns that have been raised in the House tonight have also been mentioned to them. No doubt they will be taken into account when the receivers consider their report to the Secretary of State.

In addition, the DTI has wide-ranging investigatory powers under companies legislation which can be exercised if there is good reason to do so. The powers are generally used in relation to live companies, but in suitable cases, we would not hesitate to use them where a company was already subject to insolvency proceedings. The receivership is of course at an early stage, but officials will ask the receivers to let us know whether they have continuing concerns, so that the use of the investigative powers can be kept under review as a possibility, in the light of comments that have been made tonight.

I shall say a word about Carbo plc and the development of the Chesterfield site. My hon. Friend raised the question of the proposed redevelopment of the Bryan Donkin factory in Chesterfield. Officials have established that Chesterfield borough council received a planning application to redevelop the site. The council is considering whether to refer it to my right hon. Friend the Secretary of State for the Environment, Transport and the Regions under the Town and Country Planning (Shopping Development) (England and Wales) (No. 2) Directive 1993, so there is still room for challenge. It seems to me that this particular case is almost a classic tale of asset stripping at the expense of people's livelihoods, and it should be thoroughly investigated. I will do my best to ensure that this matter is taken further after tonight's debate.

As I am sure my hon. Friend appreciates, and as I have tried to spell out, this case ranges across Departments—the Department of Trade and Industry, the Department of Social Security, the Department for Education and Employment and the Department of the Environment, Transport and the Regions, given its planning responsibilities. I have listened intently to his case.

Mr. Dennis Skinner (Bolsover): On rogue employers, there was a story knocking about the DTI before the turn of the year to the effect that, in the interests of the business community and of getting more economic activity, it would not be a bad idea for the new Labour Government to be a little bit more lenient with these eager-beaver employers. Has that idea been put to bed?

Mr. Battle: I hope that it has. We have no intention of backing rogue employers and people who jeopardise other people's livelihoods through malpractice. People may legitimately start up companies—or, indeed, co-operatives—and things might not go well the first time round, but why do we so readily write them off when they have made a fair, open and transparent effort? I think that there have been conversations about whether the bankruptcy laws could separate rogues from people who have made a genuine effort, but we have no intention whatever of going soft on rogues.

In a sense, rogue is too general and too generous a word, because some of this malpractice jeopardises people's lives and blights them for generations. As my hon. Friend the Member for North–East Derbyshire spelled out, that involves not one particular company, but the supply chain and other companies in the area, and communities suffer as a result. If we can look into the detail of this matter, I only hope that an occasional case study—not a hypothetical example—might highlight flaws in the structure that we in the Government ought to address in achieving a legislative framework that would ensure that the same thing does not happen to others.

Question put and agreed to.

Adjourned accordingly at thirteen minutes to Eight o'clock.

House of Commons

Friday 14 May 1999

The House met at half-past Nine o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

NOTICES OF MOTIONS

ENERGY CONSERVATION (HOUSING) BILL

Motion made,

That the Energy Conservation (Housing) Bill be referred to a Second Reading Committee.—[*Mr. Efford.*]

Hon. Members: Object.

ENERGY EFFICIENCY BILL

Motion made,

That the Energy Efficiency Bill be referred to a Second Reading Committee.—[*Mr. Efford.*]

Hon. Members: Object.

Orders of the Day

Fur Farming (Prohibition) Bill

As amended in the Standing Committee, considered.

9.34 am

Mr. Eric Forth (Bromley and Chislehurst): On a point of order, Madam Speaker. The sequence in which the groups of amendments and clauses appear is perhaps not unusual, but it may be difficult to deal first with clause 3, then clauses 1, 2 and so on. I ask for clarification on the points at which Divisions may be taken, particularly should there be requests for Divisions on different items from a group. At which point would you wish such requests to be made? I should like to be clear that I understand the sequence.

Madam Speaker: I want to be as helpful as I can regarding Divisions. After the first debate and Division, the Chair can judge the progress that has been made and determine, helpfully to the House I hope, the Divisions to be taken afterwards. I should like to hear some of the debate first before determining where Divisions should fall after the first one.

New Clause 2

APPROPRIATE AUTHORITY RESPONSIBILITY FOR FORFEITED ANIMALS

'—(1) Where a court makes an order under section 2, the appropriate authority shall arrange for qualified veterinary officers of the authority to take possession of the animals and convey them into authority custody as soon as is reasonably practical.

(2) The forfeited animals shall be housed in compliance with such regulations regarding animal welfare as applied to fur farming prior to the coming into force of sections 1 to 4 of this Act.

(3) The appropriate authority shall keep records of the animals forfeited, including records of their health status and mortality rates.

(4) The appropriate authority shall have the right to recover from the person against whom the order was made the full costs of keeping the forfeited animals from the time the order was made until their final destruction or disposal.

(5) The appropriate authority shall retain the forfeited animals until there is no further possibility of the order being set aside and shall then submit to the court a report setting out—

(a) how it intends finally to dispose of the animals;

(b) the costs incurred by the authority from forfeiture to anticipated disposal.'.—[*Mr. Maclean.*]

Brought up, and read the First time.

9.35 am

Mr. David Maclean (Penrith and The Border): I beg to move, That the clause be read a Second time.

Madam Speaker: With this, it will be convenient to discuss the following amendments: New clause 3—*Authorised or appointed persons—*

'Persons authorised or appointed under sections 3 or 4 shall be veterinary officers of the State Veterinary Service.'.

Amendment No. 1, in clause 3, page 2, line 21, leave out subsection (3).

[Madam Speaker]

Amendment No. 4, in page 2, line 24, leave out from 'order' to end of line 31 and insert

'it shall order that the forfeited animals shall become the property of the appropriate authority and be dealt with in accordance with section (*appropriate authority responsibility for forfeited animals*) below.'.

Amendment No. 2, in page 2, line 24, after 'may' insert 'in particular'.

Amendment No. 10, in page 2, line 27, leave out 'other disposal' and insert

'disposal by other such means as the appropriate authority may specify in regulations.'.

Amendment No. 3, in page 2, line 31, at end insert—

'( ) make such provision as the court considers appropriate in relation to the operation of the order pending the making or determination of any appeal or application relevant to the order.'.

Amendment No. 11, in page 2, line 31, at end insert—

'(d) where the offender demonstrates that he is incapable of paying the required sum to the court, or keeping the animals himself, make suitable arrangements for the animals to be kept in a proper condition.'.

Amendment No. 12, in page 2, line 31, at end insert—

'( ) Where the court orders an offender to make a payment in accordance with subsection (c) above, it shall take into consideration the cost of keeping the animals concerned in compliance with such regulations regarding animal welfare as applied to fur farming prior to the coming into force of sections 1 to 4 of this Act.'.

Amendment No. 13, in page 2, line 31, at end insert—

'( ) Any person appointed under subsections (a) or (b) above shall possess such qualifications or meet such criteria as the appropriate authority shall specify in regulations.'.

Mr. Maclean: The first group of amendments is extremely important. New clause 3 provides a variation on new clause 2, should that prove unacceptable to the hon. Member for Liverpool, Garston (Maria Eagle) or the Government. Amendments Nos. 1, 2 and 3 have, of course, been tabled by the hon. Lady herself.

Amendment No. 4 is technical, giving the authority to introduce new clause 2, which would replace clause 3(4), which deals with the effect of forfeiture orders. It would provide that animals subject to a forfeiture order should be dealt with by qualified veterinary officers under a prescribed procedure.

The Bill does not prescribe by whom a forfeiture order should be carried out. It is possible that the convicted mink farmer himself could be charged by the court with responsibility for the destruction or other disposal of the animals. It is perhaps more likely that responsibility would be given to a third party. The court may decide that the mink farmer who has broken the law should not be responsible for looking after the animals. The courts might, quite rightly, not trust the farmer who has broken the law.

Whoever is appointed by the court should be suitably qualified in the welfare and handling of the species concerned. We are not dealing with ordinary, run-of-the-mill farm animals, for which there are a range of welfare codes and for the keeping of which a certain skill is required. Those skills may be possessed by hundreds of thousands of farmers up and down the country who would be capable of looking after each other's sheep, cattle, horses or pigs. When it comes to fur farming, however, those skills will not be so widely transferable or available, and only some of the 13 fur farmers or others previously involved in the business will be suitably qualified.

Much play has been made of the dangers that mink pose to wildlife if they are released. Everyone agrees that mink require experienced handling. Not only are there Government welfare codes for the farming of animals, particularly for fur farming and for mink, but the Mink Keeping Order 1998 was designed to ensure, irrespective of welfare considerations, that mink do not escape into the wild.

It is vital that any person nominated by a court to be responsible for forfeited animals is experienced in keeping species such as mink, and aware of the mink keeping regulations and capable of complying with them. The person must also have facilities to feed and water mink properly, deal with their health problems and keep them safely and securely.

The Bill has two grave dangers, particularly as compensation arrangements are not yet clear, despite the best endeavours of the hon. Member for Garston—I pay tribute to the work that she has done with the Government to try to clarify compensation rules—and the fact that there may be a commitment to something better in the future. One danger is that some mink farmers may say, "To blazes with it," and that some of the mink that are forfeited may be released into the wild. Also, as we will no doubt be told today, there is a danger that, if the Bill is not enacted in its present form immediately, animal rights terrorists will take action against mink farmers and release mink.

Maria Eagle (Liverpool, Garston): If the right hon. Gentleman wants to take notice of what fur farmers think, will he take into account the fact that the Fur Breeders Association of the United Kingdom, which represents all the farmers, wants the Bill to proceed, as does the National Farmers Union, which represents 10 fur farmers?

Mr. Maclean: I note exactly what the hon. Lady said. I believe that the NFU has said that, if compensation arrangements are adequate, it will not stand in the way of the legislation. The NFU rightly sees it as its duty to protect the financial interests of its members. However, I am not certain from the letter from the NFU a couple of days ago, which I think we all received, that it is convinced that the compensation arrangements are fully spelled out and agreed. One part in big black type stated that the farmers want compensation for loss of income.

At the moment, everyone is saying that we should allow the Bill to go to another place and hope that the compensation arrangements will then be clarified. However, this is also a matter of principle. The industry may say that it is fed up because it is being attacked by animal rights terrorists every day—one farmer telephoned me recently to say that he had had 300 attacks—and is happy to go out of business, provided that the Government give compensation. I do not see why my constituents should pay through their taxes, via the Government, for someone to go out of business voluntarily because of this ban.

Mr. Owen Paterson (North Shropshire): My right hon. Friend and the hon. Member for Garston underestimate

the fact that the entire European fur farming industry is watching us this morning. I have talked today to Mr. Helge Olsen of the European Fur Breeders Association and to Mr. Knud Vest, who is vice-president of that association—

Mr. Deputy Speaker (Mr. Michael J. Martin): Order. The hon. Gentleman is not going to get away with that in an intervention.

9.45 am

Mr. Maclean: I understand what my hon. Friend the Member for North Shropshire (Mr. Paterson) is saying, although it is possibly not a valid comment at this point in the debate. We may be able to discuss it when we debate the merits of abolishing fur farming. I think that 50,000 mink are farmed in England, but 30 million are farmed worldwide, and about 60 per cent. of European production is in Denmark. That production will continue.

The new clause would ensure that responsibility for animals that are subject to a forfeiture order is clear. With the best will in the world, Labour Members will, I think, agree that, although the provisions of new clause 3 are adequate, they are not as clear as those in my new clause 2. The new clause would make the provisions clear and would ensure that those charged with looking after animals were suitably qualified. The provision is important, given the likely length of the process from forfeiture order to final disposal. I am not sure how many lawyers are present this morning, but, even if there were many, I am sure that the House would agree that lawyers do not move quickly—normally, it is dead slow and stop. Even if lawyers acted quickly, the time taken for normal arguments in court to get and to oppose the forfeiture orders and to reach what the hon. Member for Garston calls "final disposal" once the legal case is settled could be lengthy. Considerable costs could be incurred for the proper upkeep of animals during that period, which an offender who had been deprived of his livelihood could have real difficulty in meeting or be reluctant to meet.

The new clause would ensure that the welfare of the animals was properly protected pending their destruction or disposal. That is wholly in keeping with the thrust of the Bill. The opening sentence of the new clause states:

"the appropriate authority shall arrange for qualified veterinary officers of the authority".

I phrased the new clause in that way because I am trying to give flexibility to the Government and the hon. Member for Garston. The appropriate authority would be the Agriculture, Environment and Fisheries Department for Scotland and the Ministry of Agriculture, Fisheries and Food in England. In Wales, it would probably be the Welsh Office Agriculture Department or the Welsh Assembly.

Under the new clause, suitably qualified veterinary officers appointed by the authority would

"take possession of the animals and convey them into authority custody as soon as is reasonably practical."

It is important for qualified veterinary officers to be in charge. I believe that mink farms are inspected by qualified Government veterinary officers—I think that the State Veterinary Service regularly inspects them. I believe that Professor Spedding's committee, the Farm Animal Welfare Council, recommended that there should be more inspections by vets of the SVS and that, when mink have come to the end of their farm life and are to be killed for fur, the SVS is present to ensure that the method used is humane and carried out correctly. Therefore the SVS already has a role.

I have tabled an alternative new clause to state that the veterinary officers shall be from the SVS, but new clause 2 is more general, stating

"veterinary officers of the authority",

in case, for whatever reason, the Government say that they cannot bog the SVS down with such duties as it has other things to do.

The Government use veterinary officers on a licensed or contractual basis—for example, to carry out meat hygiene and other inspections. MAFF already has a well-tried system whereby the Government employ or contract in veterinary officers to do their work for them. The new clause would give the Minister flexibility to use his own people or qualified veterinary officers working for the appropriate authority in each of the three countries to which it is proposed that the Bill should apply.

The new clause also states that the officers should

"take possession of the animals and convey them into authority custody".

It would not be acceptable for veterinary officers to be responsible for the welfare and safety of the animals if they were left at the farm that was operating illegally and from which they had been forfeited. I accept that there is merit in not conveying animals willy-nilly around the country, and I do not envisage that happening. I am talking about merely one conveyance from a farm that has been closed down or forfeited to SVS or some other property that can be managed, controlled and easily inspected by the veterinary officers appointed by the authority.

If the animals were not conveyed into Government or veterinary officers' property, other much more complicated arrangements would have to be made whereby the vet could have daily access to them. There would have to be someone there all the time to guard them to ensure that they were looked after properly, because the farmer concerned might wash his hands of them, saying, "You have forfeited my animals."

Mr. Michael Jack (Fylde): I have been following my right hon. Friend's remarks closely. With which professional bodies has he consulted as to the practicability of the new clause?

Mr. Maclean: I have not been in detailed consultation with any professional body on the practical applicability. I happily admit that that one aspect—conveying the mink from the farm to authority property—is the least desirable of all the humanitarian and welfare provisions that I have included in the new clause. The remaining provisions of new clause 2 would satisfy Government and private vets and welfare organisations because the animals would be kept in better conditions than those that would have existed on the farm. The animals should be moved from the farm being closed down to State Veterinary Service, Government or Veterinary Laboratories Agency property.

The conveyance of live mink is not the easiest thing. The Government face a choice of two evils. We either leave the animals in the farm that has been closed down, possibly in the care of the farmer who was operating

[Mr. Maclean]

illegally and hope to goodness that he will look after them well—knowing fine that he is going out of business, so why should he care a stuff?—or convey them to a secure property to be tended by Government veterinary officers.

Mr. Jack: Who would pay for the secure facility that my right hon. Friend described and its subsequent operation and security, bearing in mind his earlier concerns about who would pay the compensation associated with the measure?

Mr. Maclean: My right hon. Friend should consider the provisions in the Bill and in my new clause 2(4), which states:

"The appropriate authority shall have the right to recover from the person against whom the order was made the full costs of keeping the forfeited animals from the time the order was made until their final destruction or disposal."

My right hon. Friend may argue that, if that involves one of those who may go bankrupt, we will not get the money anyway. I would not get it under my new clause; nor would the Government under their provisions. There is always a risk that the cost might not be recovered from the person going out of business. That implies no special weakness in my new clause, which is tighter on recovering full costs. At least mine would ensure that the animals would be properly, humanely and securely tended. If the State Veterinary Service or other vets appointed by the Government are in charge, you can bet your bottom dollar that things will be done properly. I have tremendous respect for the way in which they work. There is a danger that the costs may not be recovered from whomever tends the animals.

The animals should be conveyed into appropriate authority custody. The Minister may say that it is neither good nor easy to move mink. I accept that, but to leave them in the place closed down with the person who has been put out of business is an equal evil, and I think that conveyance is slightly better.

New clause 2 also uses the phrase

"as soon as is reasonably practical."

That speaks for itself. I accept that facilities might not immediately be available in MAFF property to hold the animals, but there must be facilities somewhere. Some farms have gone out of business; it may be possible for the Government to hire appropriate land and facilities under MAFF control. I am not sure whether facilities are still available at Weybridge. The Minister can correct me if I am wrong, but I think that 11 or 12 veterinary investigation centres are left; there is certainly one a few miles from my home which has been wonderfully expanded. They do not have housing facilities for mink, although they have some for other animals. It should be possible for the Government to take possession of the animals as soon as reasonably practicable.

It may not be appropriate to mention rabies control, but the Government have contingency plans and facilities for it. Perhaps some of those would be suitable if animals have to be forfeited by someone who is farming illegally.

New clause 2(2) states:

"The forfeited animals shall be housed in compliance with such regulations regarding animal welfare as applied to fur farming prior to the coming into force of sections 1 to 4 of this Act."

That should be self-evident. There is a loophole on forfeiture in the Bill that has not been considered. If the Bill goes ahead and mink farming becomes illegal, what will happen to the regulations and licensing provisions currently in force? The Minister extended the licensing requirements in 1997 for three years, rather than for five as before. They will run out, and he may have to make a further order extending them for one or two years.

If the licensing requirements are no longer applicable because people have gone out of business or accepted compensation, but we find someone farming fur, what are the welfare considerations for the animals? If the Government or veterinary officers take possession, we might not need detailed regulations, because I would expect Government-appointed officers, or any vet, to look after animals with welfare and security considerations in mind. However, if the Bill stays in its present form, and the person appointed to keep the animals until final disposal is the fur farmer himself or a third party, what welfare conditions will apply? The welfare regulations would have fallen. We cannot have welfare regulations relating to animals no longer farmed. The security and licensing conditions could have fallen because the Government cannot extend the conditions of mink licensing if such licensing no longer exists.

I accept that my drafting is inadequate—I stopped being a lawyer before I got totally corrupted. I missed out security considerations. I merely suggest that the forfeited animals, whoever looks after them, must be kept in the same welfare conditions that apply now or, better still, the new conditions suggested by the Council of Europe. Europe is moving to higher cage standards and Britain would be following if the industry was not under threat.

Mr. Forth: Before my right hon. Friend tackles the highly relevant European angle, does he agree that it is bizarre that clause 3(4) states:

"Where the court makes a forfeiture order, it may . . . impose requirements on any person in relation to the keeping of the animals concerned pending their destruction or other disposal"?

If that person was the fur farmer himself, there is an in-built illogicality because he would have little or no interest in complying with any reasonable provisions on animal welfare.

Mr. Maclean: Clause 3(4)(b) is not the same as my provision for compliance with all current animal welfare regulations and licensing conditions. If that is the Bill's intention, I would be happier if it was spelled out whether existing regulations or Council of Europe regulations were involved.

New clause 2(3) states:

"The appropriate authority shall keep records of the animals forfeited, including records of their health status and mortality rates."

It is a simple point, and I would expect veterinary officers to do that in any case.

Another point is that, if someone who has been farming illegally is being put out of business and that has been argued over in court, it is vital that the Government or the vets who are looking after the animals have records so that they can defend themselves from claims that the animals they took over were healthy at the time and did not die off before their final disposal.

10 am

It may be that other records should be kept; for example, records of health status, including medicines given, and evidence of tail biting and the general health of the animals when they are forfeited. There should be monitoring of the animals throughout their time in the place where they are kept after forfeiture—wherever that may be. There should also be a record of animals that die; without going to the expense of a post-mortem, it might be obvious to any vet why an animal died. If the cause is not obvious, I do not suggest that there should be a post-mortem analysis. However, under the provision, there would be records of any animals that have died so that, at the end of the period, qualified veterinary officers are able to present a record to the court or to anyone who may make a challenge. The officers should be able to show which animals they took over, the state of the animals at the time, how they were looked after, the ones that died for various reasons, and those that remained at the end of the period, pending ultimate disposal. Those points speak for themselves, but I think that they are sensible.

A further point is that of cost. The new clause states:

"The appropriate authority shall have the right to recover from the person against whom the order was made the full costs of keeping the forfeited animals from the time the order was made until their final destruction or disposal."

That provision is better and tougher than the requirement under clause 3(4)(c), which would

"order the offender to pay such sum as the court may determine in respect of the reasonable expenses of carrying out the order"—

and of keeping the animals

"pending their destruction".

It should be the full cost. If the Government have appointed veterinary officers, those officers should be able to recover their full costs.

Furthermore, if the Government have not taken action through their veterinary officers or the SVS, who would be the other person? If it were the owner himself, surely he would have a vested interest in minimising his costs in looking after the animals. If it were a third party, who might be known to the owner, that third party might also be in the mink farming business. I am not sure whether the Government could find any other third parties—who were not vets—who would know much about looking after mink. That third party might be a friend of the farmer, or might know him, and could come to an agreement with him to minimise the costs of looking after the animals. They might cut corners on welfare and try to do it on the cheap. That solution would not be satisfactory to the hon. Member for Garston or to the House.

If the matter is undertaken by the Government, we all know that it will not be done on the cheap. We may be talking about looking after animals, but I know that it will be done well. I have no criticism of the Ministry of Agriculture, Fisheries and Food on that score; I think that its veterinary officers are superb and that any other vets whom it appoints will be equally good. We can be certain that welfare and security standards will be maintained and that there will be an entitlement to the recovery of the full costs of maintaining those standards, plus any other vets' bills, health bills and the cost of final disposal—whatever that may be.

My right hon. Friend the Member for Fylde (Mr. Jack) may be right. When trying to recover those costs from the person who has been put of business, it may be found that he has no money; admittedly, he may have some land or some assets, but the bank may already own those—as banks own most of our property. If the person has no money, that is a risk that we must take in trying to recover the costs. However, the hon. Member for Garston also takes that risk; her provisions suggest that the costs will be recovered from the person concerned. I am slightly more vicious in wanting to recover more costs than the Bill currently envisages, and in wanting to recover the full costs because the animals will be maintained by qualified veterinary officers.

The final provision under the new clause states:

"The appropriate authority shall retain the forfeited animals until there is no further possibility of the order being set aside and shall then submit to the court a report setting out—

(a) how it intends finally to dispose of the animals;

(b) the costs incurred by the authority."

I have already covered in detail the latter point relating to costs incurred, so I will not go over that again. However, it makes sense to make a little report to the court on that matter. Such a report should not be bureaucratic or extensive, but it should be published somewhere. I did not want to propose that there should be a report to the Secretary of State, because his officers might have to prepare it. If a report is submitted to the court, there is a chance to see whether the costs are legitimate or gold-plated. We need to be able to see what was done in a simple, little report on the financial situation and on how it is intended finally to dispose of the animals. We might discuss that point under another amendment.

When we refer to the disposal of the animals, we are of course being slightly euphemistic; we need to know whether the animals will be humanely killed—as normally happens—usually by inhalation, rather than by lethal injection, captive bolt or other means. However, the animals might not be destroyed for the value of their fur; they might be exported. The meaning of "disposal" is not quite certain; we need to know what is meant by that—for example, half a dozen mink might be sent to a farm zoo and others might be sent somewhere else. I assume that disposal of the animals is equivalent to destruction. In the case of mink, it would be useful to kill them humanely and to use the pelts if they are any good. That is what I think "disposal" should mean, but the court should get that little report in case something else happens to the mink.

Mr. Paterson: As a matter of information, there are only three legal ways of killing mink: by carbon monoxide, carbon dioxide or lethal injection. Nothing else is legal.

However, a more important point is that the most likely scenario, if these farms are to be closed down, is that the mink will be transported to existing farms in the vast European industry in Denmark and Holland. Under the new clause, I am not sure how the costs of such transport would be met. It is extremely likely that farmers will move the animals. Indeed, one of the farmers in the south-west already has a much bigger farm in Denmark. There was a case in Austria in which the chap moved over the border to the Czech Republic.

Mr. Deputy Speaker: Order. I shall not tell the hon. Gentleman again. Interventions must be brief. He should not make a speech during an intervention.

Mr. Maclean: My hon. Friend the Member for North Shropshire made a correct point during the first part of

[Mr. Maclean]

his intervention. There are only three methods of destruction for mink, as described in the regulations: lethal injection, carbon monoxide or carbon dioxide. However, that is not necessarily disposal. I think that the hon. Member for Garston shook her head when it was suggested that the animals might be exported—I am not sure whether she shook her head, but she will speak for herself. Perhaps export is not envisaged. Although some farmers may close down and take compensation for loss of income, I suspect that, if some of the animals are immature or have not reached the age or stage at which they should be destroyed for the value of their fur, they may be disposed of by being exported. Denmark has 60 per cent. of European production and Holland has extremely good, new welfare regulations on mink.

It is possible that final disposal is not death—well, it is for all of us eventually. In the context of the Bill, however, final disposal might not be lethal injection by the Government, MAFF veterinary officers or the person concerned. I simply say that the court should know what happens to the mink that have been forfeited. The court might not worry about other mink, but, if the court has appointed a person to look after forfeited mink, the court needs to know what on earth happened to those mink. Were they killed for their fur, exported, stuck in a zoo or did something else happen to them?

Mr. Forth: Listening to my right hon. Friend's excellent analysis, it occurred to me that there is something slightly peculiar about a Bill that starts out as a welfare provision, but ends up by mandating—

Mr. Deputy Speaker: Order. We are not discussing the Bill in its entirety; we are discussing the new clause.

Mr. Maclean: I accept your guidance, Mr. Deputy Speaker. The new clause attempts to make that part of the Bill more sensible and toughens it up.

I have said enough on new clause 2. I shall touch briefly on new clause 3, which I propose to the hon. Member for Garston and to the Government as an alternative to new clause 2. Because of the nature of the subject, I accept that, even if Labour Members like some parts of new clause 2, they or the Minister might not want to accept it—even in principle or in spirit, so that they could clean it up later. The hon. Lady might think that some parts of new clause 2 are sensible, but I point out that, if she and the Government cannot accept that new clause, new clause 3 is a much simpler method of trying to achieve the same thing.

Mr. Paterson: Before my right hon. Friend moves on, I should like him to answer my question. If the animals are to be exported to large farms in Europe, which is by far the likeliest scenario, how does he envisage the costs of that being borne in terms of the new clause?

Mr. Maclean: It depends who does the exporting—actually, in terms of the new clause, it would not depend on that. If the animals are forfeited, the person who takes them, whether that is a veterinary officer or the SVS, may decide that disposal of the mature animals shall be by lethal injection, or by carbon monoxide or carbon dioxide poisoning, so that the value of their fur can be obtained. That would deal with some of the animals, but I do not think that the Government—if the Government were in charge—could do that. If the Bill is passed prohibiting the farming of animals solely for their fur, the Government cannot order animals forfeited, kill them and so obtain the value of their fur; the animals would have to be destroyed—killed and incinerated or disposed of by some other means.

With young animals, the Government may decide that the best thing to do is to kill them humanely, or to export them overseas. I do not know what they will decide. If the Government are in charge, I think that, for practical or political reasons, they will decide that they cannot sell off forfeited mink or export them to another country where they would be kept in cages—it is simply not good politics. Therefore, I think that the Government will probably have to kill all the animals and dispose of the carcases by incineration, dumping or some other legitimate method.

However, if the person responsible for disposal of the animals is not the Government, but a third party, that third party might conclude that it is perfectly sensible and legitimate to sell all the animals to an overseas operation, or to sell off the young or immature animals that can be raised to maturity and their value then obtained. I do not know who will decide what, but I believe that there is a lacuna in the Bill on that point.

In new clause 3, I offer an alternative to new clause 2. It states that the persons to whom clauses 3 and 4 refer—the person who is "authorised in writing", the person who is "appointed by the court", the person who has authority to enter the premises, or the person who will be in charge of the forfeited animals—shall be not just any old veterinary officer, but a veterinary officer of the SVS. The Minister will be able to confirm how many such officers there are—I am not trying to make a political point about their numbers. I know that they are spread around the country and have access to all parts of England and Wales, and that Scotland has a similar service under the Agriculture, Environment and Fisheries Department of the Scottish Office. The aim of new clause 3 is to ensure that only suitably qualified persons are given responsibility for entering premises for inspection purposes and for carrying out forfeiture orders. That offers a sensible alternative to new clause 2, and I shall say no more about it, even though there is a lot more that I could say.

At this point, I should have liked to comment on the substantial amendment that the hon. Member for Garston has not yet moved, but, for the sake of time and because it be unfair to comment on the amendment before the hon. Lady has had a chance to move it, I shall move on. Instead, I shall comment briefly on some other alternative amendments that stand in my name and that of my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth).

Amendment No. 10 would provide that disposal of animals that are the subject of a forfeiture order must be carried out in an appropriate way. I suspect that, in the overwhelming majority of cases, disposal of mink will be by means of destruction, because other means of disposal are not appropriate. As my hon. Friend the Member for North Shropshire has pointed out, methods of killing legitimately used in respect of other farm animals—for example, captive bolt—are not used for mink; as he says, there are only three legal methods of killing mink.

Again, I am trying to obtain clarification on the matter of disposal. Do the hon. Member for Garston or the Government envisage disposal being achieved by any means other than destruction? The Bill refers to "destruction or other disposal", but I am working on the assumption that, in every case, destruction will be used.

Maria Eagle: In respect of mink, disposal will be by destruction, but the Bill deals with all other fur-bearing animals that may be farmed, so a different method of disposal may be used in respect of other animals.

Mr. Maclean: I see the hon. Lady's point: in the case of mink, destruction or death by one of the three legitimate methods would be appropriate, but if someone were in the business of fox farming—I realise that there are currently no fox farms—it might be appropriate to dispose of those animals by sending them to a zoo or wildlife enclosure, or by some other acceptable means.

I am not sure whether export or removal overseas would ever be acceptable, if only because one of the Bill's main faults—a fault that we can discuss at length on Third Reading, but not now—is that it relates only to Britain, but will not make the slightest difference to Europe or the rest of the world. It would not be acceptable for the Government to ban the farming of animals in this country and then deliberately to export them overseas, even though the effect would be the same either way: the number of animals overseas would increase, because production would increase to make up for the slack caused by the ban here.

My amendment No. 10 would improve the Bill, because it would permit

"disposal by other such means as the appropriate authority may specify in regulations."

Following the hon. Lady's intervention, my comments on the amendment can be brief. The amendment would give the Minister a power to make regulations in the event that farming of, say, arctic fox or some other animal were to crop up in this country. We are concerned about some of the more valuable fur rabbits that are sometimes farmed, especially in France, where at most times the fur is worth more than the meat. Under the Bill, the hon. Lady and the Minister would have a problem if someone in Britain were to start farming rabbits primarily for their fur. My amendment would provide a regulatory power to deal with farming of different sorts of fur-bearing animals which are farmed in Europe and elsewhere in the world and which might crop up in this country.

10.15 am

Amendment No. 11 would close a potential loophole in the Bill by providing for animals to be kept safely, should circumstances arise where the offender cannot afford to meet the costs of doing so. Although I am opposed to some aspects of the Bill and to some of the concepts it embodies, I recognise that it is designed to prevent unnecessary cruelty. If that is the intention behind it and if it is to be enacted, it is important that its forfeiture provisions should not give rise to cruelty by permitting circumstances to arise in which no proper provision is made for the upkeep of animals that are the subject of a forfeiture order, pending their destruction or disposal.

If a fur farmer is operating illegally and the Government order him to forfeit the animals and do not take them into state custody, but instead impose a court order on the farmer to continue to look after them properly, my concern is to ensure that the Bill provides sufficient powers to spell out suitable arrangements so that the animals are kept in a proper condition. I have tried to make such provisions in one way, through the new clause stating that all the current welfare regulations shall be observed, but the amendment suggests taking a more general power.

Amendment No. 12 speaks for itself. It is another alternative amendment, offered because I am aware that the Government—for various reasons, including, perhaps, political ones—do not want to admit that they could ever accept a new clause that I had proposed, supported by one of my right hon. Friends. However, if the Government or the hon. Member for Garston cannot swallow my new clause, I ask them to consider amendment No. 12, which takes one part of my new clause, or drafting a better legal version of it. The intention behind the amendment is obvious, although I acknowledge that it should contain reference to security and licensing conditions. I urge the hon. Lady and the Minister to think carefully about the amendment, or about coming back with something similar, but better.

Amendment No. 13 states:

"Any person appointed under subsections (a) or (b) above shall possess such qualifications or meet such criteria as the appropriate authority shall specify in regulations."

That gives the Government another alternative. My new clauses propose the appointment of veterinary officers or state veterinary officers. My amendment suggests that fur farmers or some other third party in charge of animals must be properly qualified. I would like them to have a veterinary certificate or qualification but, if they do not, the Government should specify some minimum regulation or qualification that the person in charge of the animals must possess. If a person is farming fur illegally, it is not good enough to impose a court order that says, "You are farming illegally so we will confiscate your animals, but you can look after them for the next six months until we sort out the final appeal." We must come to a better arrangement than that. That is a loophole in the Bill. If a third party is involved, he or she should be properly qualified. This issue was raised in Committee and some of my right hon. and hon. Friends may wish to allude to the Committee's considerations. However, I shall not do so at this stage.

I have taken some time to discuss the two proposed new clauses and the amendments. I think it is one of the largest and most important group of amendments and new clauses before the House today. Although I am concerned about some aspects of the Bill and its approach to dealing with a welfare problem, that is a matter for another day. I believe that new clause 2 or new clause 3 merits inclusion in the Bill, and I have explained this morning how they would improve welfare standards.

If the Government are determined to ban the keeping of animals for fur in this country, they must recognise that the Bill as drafted is full of loopholes. That is not the fault of the hon. Member for Garston, as she has had a short time in which to draft the Bill and she has been negotiating with the Minister and other interested parties in an attempt to improve it. In the short time available, it is enormously difficult for an hon. Member—

Angela Smith (Basildon): If the right hon. Gentleman believes that there are deficiencies in the Bill, should he not have served on the Committee and addressed those matters there, rather than trying to talk out the Bill today?

Mr. Maclean: The hon. Lady does herself a disservice by making those incorrect and slightly churlish remarks. My point is that circumstances have changed since the Bill came out of Committee. One of my colleagues served on the Committee that considered the Bill and moved these amendments. I do not think the hon. Member for Garston would have wanted 20 Conservative Members of Parliament with an interest in these matters serving on the Committee.

I suspect that the hon. Member for Garston will announce today that she has progressed further down the compensation route. However, circumstances are changing constantly on a daily basis. Even if I and all my right hon. Friends with an interest had served on the Committee, we could not have dealt with all the important issues—although, to be fair, my hon. Friend the Member for Basingstoke (Mr. Hunter) addressed this loophole in Committee. The Government may wish to do something else about compensation, we have spotted some loopholes and it is important to deal with such matters on Report.

The hon. Lady will not accept all the amendments—I hope that she will not because some are contradictory. However, I hope that she and the Minister will acknowledge that there is some merits in new clause 2 and new clause 3, which I believe is vital. If the Government will not accept them, perhaps they will acquiesce to one or other of the amendments that attempt to toughen up the Bill's welfare aspects.

Maria Eagle: For the information of the House, I intend to speak only to my amendments and the Minister will address the group of other amendments and new clauses—it is a division of labour that will speed up our deliberations.

My amendments refer to an issue that arose in Committee. Their purpose is to ensure that the circumstances in which the animals can be destroyed or disposed of are not unduly restrictive. The court must be able to deal with the different situations that it may face. Clause 3 prevents the destruction or disposal of animals subject to a forfeiture order until there is no further possibility of the order being set aside. There are several lawyers in the House today—of whom I am one—and it has occurred to me that that relevant length of time could be inordinate. I gave an undertaking in Committee to reconsider clause 3(3). I have concluded that it should be removed and replaced with a discretion exercised by the court.

I have appeared as an advocate in many courts and I am confident that the court will use any discretion that it is given by the House sensibly on a case-by-case basis in a way that is appropriate to the particular circumstances. Under the existing clause, the animals might not be destroyed straight away—even if there were no third party interests—if a further appeal was possible. For that reason, I propose to delete clause 3(3) and to insert a discretion for the court to make a proper order in the relevant circumstances. I do not believe there will be any problems with the measure, and I commend the amendments to the House.

Mr. Paterson: I represent a rural constituency where wild mink are becoming an increasing problem. They cause terrible damage to the environment: water rats and many ground-nesting birds have been eliminated by wild mink. Unless the transfer of farmed mink is thought through carefully, there is a danger that large numbers of them will be released accidentally or carelessly. I do not think the changeover has been thought through properly.

There were two catastrophic releases of mink last year by animal rights activists in Hampshire and in Staffordshire. Those incidents were animal welfare disasters and the mink suffered terribly. Many returned to the farm the following evening to be fed, many were run over and many died because they could not survive in the wild. However, some did survive, and that will lead eventually to an ecological disaster, affecting ground-nesting birds, water rats and voles. It is most important to work out carefully the Bill's technical details because the moment it is passed—

Mr. Deputy Speaker: Order. The hon. Gentleman cannot talk about the Bill in its entirety; he must address specifically the new clause before us or the other amendments grouped with it.

Mr. Paterson: Thank you, Mr. Deputy Speaker. The new clause seeks to clarify who is responsible for the welfare of the mink because mink farmers will have no reason to bother at all. It is not clear how solid the compensation will be. There is also a danger—this is a serious point—that animal rights activists will view the legislation as a triumph and might break into mink farms.

Mr. Deputy Speaker: Order. I must keep at the hon. Gentleman. The title of the new clause is

"Appropriate authority responsibility for forfeited animals".

That is what the hon. Gentleman must concentrate on: he must speak to the new clauses and to the amendments before us.

10.30 am

Mr. Paterson: I thought that I was. I am talking about the animals which will be transferred to the responsibility of another authority as soon as the Bill is passed. New clause 2(2) states:

"The forfeited animals shall be housed in compliance with such regulations regarding animal welfare as applied to fur farming prior to the coming into force of sections 1 to 4 of this Act."

There is a raft of current European and national regulation on fur farms. I am not sure how my right hon. Friend the Member for Penrith and The Border (Mr. Maclean), who moved the new clause, views the continuation of the regulation. From the moment when responsibility for the animals is transferred from mink owners, they will no longer have any interest in looking after them.

Angela Smith: I am bemused by the hon. Gentleman's comments. Is he suggesting that mink owners are so irresponsible that they would release their mink into the wild? Surely they would not.

Mr. Paterson: No, I am suggesting that human beings will look to their self-interest. Some mink farmers are being terrorised at the moment.

Maria Eagle: They are looking to their own self-interest, and they are in favour of the Bill, which the hon. Gentleman is now attempting to talk out.

Mr. Paterson: Well, we may come to who is in favour of the Bill and who is not later, but I do not want to provoke you again, Mr. Deputy Speaker, so I shall return to the subject in hand, which is new clause 2, which states:

"such regulations regarding animal welfare as applied to fur farming prior to the coming into force of sections 1 to 4 of this Act"

will apply.

The Mink Keeping Order 1998 enables the keeping of farm mink in the UK under licence and imposes strict conditions on the caging of mink and the security of mink farms.

Maria Eagle: Desperate.

Mr. Paterson: The hon. Lady says, "Desperate." I am worried about a large number of domestic mink being released. I have seen the damage on the Welsh borders caused by wild mink. If the Bill's introduction is not properly handled, many mink will, irresponsibly, be released. That is a genuine danger.

Maria Eagle: I am amazed by the hon. Gentleman's assumption, because the Bill phases out mink farming. It gives mink farmers several years to settle their affairs, receive their compensation and leave the industry. That is why they are in favour of it. That process will not happen overnight. The Bill will not completely phase out mink farming until 2002.

Mr. Paterson: The hon. Lady underestimates the precarious nature of many of those farms. They are under threat. Many of them are in suburban areas.

The Parliamentary Secretary to the Ministry of Agriculture, Fisheries and Food (Mr. Elliot Morley): The Bill offers compensation to those who are under threat, which is why it is supported by the Fur Breeders Association and the National Farmers Union. It is right that those issues are examined democratically on Report, but hon. Members know that there are ways of doing so and making progress with the Bill. No progress is being made, and people will conclude that the delay is the result of deliberate actions by Conservative Members.

Mr. Paterson: That is rather an unhelpful contribution. As I said, I come from an predominantly rural area where mink are a major problem. The Minister must realise that fur farmers will have their income taken away, so they will be looking to their future and their first priority will not be the welfare or security of the mink. That is what I am worried about.

Mr. Mike Hancock (Portsmouth, South): The hon. Gentleman obviously misses the point of the Bill. Has he spoken to any mink farmers who have said to him that the minute the Bill becomes law, they will release their mink into the wild as an act of vengeance on the public for supporting the Government in passing the legislation? What evidence is there to support what he is saying?

Mr. Paterson: I have visited a mink farm and spoken to several farmers. I have also spoken to several European farmers in the industry, to whom I may refer later. I have no evidence that the farmers will act irresponsibly, but there is a great deal of evidence that members of the animal rights movement and the Bill's supporters outside the House would act irresponsibly. That is a real danger.

Mr. Maclean: The new clause deals with the forfeiture to be imposed on people who illegally continue, or begin, to farm after the Bill's introduction. Their animals would be liable to be forfeited. In those cases, we will be dealing with someone who is irresponsible and who is breaking the law. I am concerned that my new clause should ensure that the person who is appointed to look after those animals is suitably qualified and does not let them escape into the wild. The welfare regulations must apply in those cases.

Mr. Paterson: Yes, but is my right hon. Friend aware of the onerous burden of regulation that is currently imposed on farmers?

Mr. Maclean: Yes, I am aware of it. I did not refer to regulations in detail, but I mentioned some of them. My new clause simply contains a broad catch-all stating that all the regulations currently in force should apply in the case of forfeiture. Although I did not read out all the regulations, I think that they should all be included.

Mr. Paterson: My right hon. Friend should understand just how extensive those regulations are. I have mentioned the Mink Keeping Order 1998, which is particularly concerned with security and is absolutely vital in ensuring that mink do not escape. Most of the other regulations relate to the standards of welfare for mink on the farms.

The main one is the European Union directive on farm animal welfare, which has been in force since 1998. That improved conditions on mink farms by laying down general provisions on the welfare of all farm animals and harmonising standards for EU countries. It is based on the European convention for the protection of animals kept for farming purposes. The convention's definition of a farm animal is

"any animal kept for the production of food, wool, skin or fur."

That is one of the regulations that would apply under new clause 2(3) in the name of my right hon. Friend.

Another, the terms of which are in some ways more onerous, is the European convention for the protection of animals kept for farming purposes.

Mr. Deputy Speaker: Order. Once again, I must say to the hon. Gentleman that he is talking about regulations introduced in connection with other legislation. The Bill would enforce those regulations, but he cannot speak about them in detail; he must speak to the new clause before us. We know what those regulations are because they are already on the statute book.

Mr. Paterson: I am just not convinced that my right hon. Friend the Member for Penrith and The Border knows the extent of those regulations.

Mr. Deputy Speaker: Order. The hon. Gentleman need not worry about his right hon. Friend; I shall worry about his right hon. Friend.

Mr. Paterson: We are discussing my right hon. Friend's new clause, which imposes severe burdens and responsibilities on another body. I accept your point, Mr. Deputy Speaker, and I shall briefly mention the Mink Keeping Regulations 1975 and the Mink Keeping (Amendment) Regulations 1998 without going into their detail. The broad provisions of the Agriculture (Miscellaneous Provisions) Act 1968 are also relevant.

My point is that onerous responsibilities are imposed by European and domestic law on those who look after mink. I am not convinced that my right hon. Friend has thought through his new clause or that the hon. Member for Liverpool, Garston (Maria Eagle) has worked out the detail of who will take responsibility for mink when the Bill comes into force. Forfeiture could go wrong, and that would, as I have said, lead to a serious disaster in the countryside where I live. I should like a serious reply from the Minister and the hon. Lady, because they have not thought that through.

Maria Eagle: Does the hon. Gentleman realise that 10 of the 11 remaining mink farmers want to leave the industry? They will leave before the date on which the industry will become unlawful if the Bill is passed. That date is 2002. That would leave one mink farmer, who is, I am told, a very responsible man. I do not think that the hon. Gentleman should be so concerned.

Mr. Paterson: Well, that reveals the great gulf between the urban interest that the hon. Lady represents and the rural interest that I represent. There is a terrible lack of understanding of the current impact of wild mink and of the devastation that they will cause if the phasing out of the industry is not handled correctly.

Maria Eagle: Does the hon. Gentleman realise that there are already feral mink populations outside almost every fur farm? The Bill would not remove feral mink from the country.

Mr. Paterson: I am not suggesting that. I am suggesting that they are already a menace and cause damage. We do not want to add one more domestic mink to their number, even if the poor thing were unlikely to survive.

Angela Smith: If the hon. Gentleman accepts that there are already feral mink outside mink farms because they have escaped or been released for whatever reason, does not he accept that if there were no mink farms in the country, there would be far less chance of mink escaping?

Mr. Paterson: It is very unfair on the mink farmers to suggest that. All the mink that have been released have been released because of terrorists—

Angela Smith: The hon. Gentleman is wrong. He should get his facts right.

Mr. Paterson: I am glad to see that consensus politics has broken out this Friday morning. I do live in a rural area, and I have seen the damage that feral mink cause. To answer the hon. Lady's first intervention—she interrupted me before I could complete my answer—there have been no irresponsible releases by mink farmers. The recent releases have been caused by animal rights activists.

Mr. Maclean: My hon. Friend is not right. In the early days, before the mink keeping orders were invented by MAFF, most of the escapes were accidental and the result of farmers' incompetence. In recent years, the mass escapes have all been caused by animal terrorists.

Mr. Deputy Speaker: We are now definitely straying away from new clause 2, so we must get back to the new clause and the accompanying amendments.

Mr. Paterson: I entirely agree with you, Mr. Deputy Speaker, and I am afraid that I shall leave the interventions for the moment.

The new clause requires:

"The appropriate authority shall keep records of the animals forfeited, including records of their health status and mortality rates."

That is a thoroughly sensible suggestion, which I hope will be endorsed by the hon. Member for Garston.

The new clause also states:

"The appropriate authority shall have the right to recover from the person against whom the order was made the full costs of keeping the forfeited animals from the time the order was made until their final destruction or disposal."

I am not at all happy with that, because I consider that much the most likely route for disposal is export.

The hon. Member for Garston suggested that the only disposal route would be extermination. As she sees it, all the mink on these farms will be put down. Is that statement correct? That is what I understood from one of her interventions. The industry in this country is now tiny. Those mink farmers that exist have good contacts with the enormous industry in Denmark and in Holland, and almost certainly they would want to export the mink.

I am not sure about three aspects. First—I do not think that my right hon. Friend the Member for Penrith and The Border gave me a clear answer when I intervened on him—who will pay the costs of transport? Secondly, if the animals are exported, at what point will responsibility for the mink pass to the new owner? Thirdly, who is responsible for the welfare of the animals in transit? I hope that the third point is covered by the new clause, but I do not think that my right hon. Friend had thought that through.

Maria Eagle: If the Bill passes, the industry will not become unlawful until the end of 2002. Between now and then, most of those who are in the industry will choose to leave it—they have told me so. They will dispose of their mink as they wish. Clauses 2 and 3 deal with forfeiture, and will come into effect only after the industry has become unlawful. It is highly unlikely that they will ever be used, so the hon. Gentleman's concerns have little foundation.

Mr. Paterson: It is a dangerous basis for legislation to pass on a wing and a prayer and with the words, "It is highly unlikely". Magistrates will have the power to impose fines of £20,000 on someone, in a court of law, on the basis of laws that we pass in the House. The hon. Lady should think through the consequences for the

magistrates involved. We cannot simply pass laws, saying "It is unlikely to happen", and hope that the magistrates wing it when the problem comes along. We should debate such problems today and thrash them out. I am pointing out some of the practical problems that may arise from the Bill, and which are not entirely remedied by new clause 2. I am trying to be practical by looking ahead.

New clause 3 takes a different route, trying to solve the original problem. It reads:

"Persons authorised or appointed under sections 3 or 4 shall be veterinary officers of the State Veterinary Service."

I believe that the new clause would impose unnecessary restrictions on the discretion of Ministers and the courts, and make the whole business even more complicated. It is most unlikely that either would authorise an inappropriate person to carry out inspections or enforce or carry out orders, but it brings us back to the fact that mink need specialist care.

10.45 am

The existing mink farmers have been in the business for 30 or 40 years. A farmer that I talked to in the south-west, who has the biggest operation, really knows how to look after mink properly. Will a state veterinary officer—who, in a rural area, is probably more interested in cattle, horses and pigs—know exactly what is best for the welfare of mink? I believe that my right hon. Friend the Member for Penrith and The Border may hang too much on the skills of state vets. However, it is an interesting route, and the new clause tries to address the original problem.

Amendment No. 10 provides that disposal of the animals which are subject to a forfeiture order must be carried out in an appropriate way. There are only three legal ways of disposing of animals if they are to be killed—gassing by carbon monoxide, gassing by carbon dioxide, and lethal injection. There is no other option.

At Second Reading, some wild and incorrect statements were made about electrocution. The putting down of mink is probably one of the most humane elements of the business. The entire operation takes 15 to 30 seconds. The animals are unconscious in 15 seconds and dead in 30 seconds. They are put down in the yard where they live—no transport is involved, as for other farm animals.

I hope that the hon. Member for Garston endorses the fact that disposal must be correctly carried out. Farmers tell me that mink on farms live in reasonable contentment, and that they are put down by skilful people who know how to handle them. People who are not used to handling mink could make the last few hours or days of their lives fairly traumatic. What is intended to be an animal welfare Bill may turn out to be the opposite.

Amendment No. 11 would insert the words:

"where the offender demonstrates that he is incapable of paying the required sum to the court, or keeping the animals himself, make suitable arrangements for the animals to be kept in a proper condition."

Effectively, it provides for the court to make necessary arrangements for the animals to be kept in the correct conditions while awaiting destruction. That seems to me eminently sensible, but I should like to know how it would work if the animals were to be exported. We cannot proceed on a wing and a prayer, like the hon. Member for Garston, in the hope that that is unlikely to happen. We must know how things will work when the animals are exported.

Being cynical, I am not sure that the measure will work, because it is very easy to prove that one is skint. If the burden is on the person to pay, he will rapidly be able to prove that he lacks the resources, and cannot pay. My right hon. Friend the Member for Penrith and The Border is being naive. We are talking about people whose livelihoods will be destroyed. Everything that they have built up over 30 or 40 years will be taken away from them in one blow. I understand that they are all middle-aged. They are unlikely to have time to rebuild their lives. They will jolly well do their best not to pay. My right hon. Friend is naive in thinking that they will stump up. I believe that they will turn themselves upside-down and work it out with their accountants to prove that they are incapable of paying. My right hon. Friend has not thought that out.

Amendment No. 13 states:

"Any person appointed under subsections (a) or (b) . . . shall possess such qualifications or meet such criteria as the appropriate authority shall specify in regulations."

My hon. Friend the Member for Basingstoke (Mr. Hunter), who is, sadly, not present, tabled a similar, sensible amendment in Committee but, unfortunately, it did not succeed.

The Bill does not say who should carry out the forfeiture order. We have repeatedly brought pressure to bear on that subject. If the Minister intends to speak on this group of amendments, I should like him to say what the timetable will be and exactly where the responsibilities will fall. The only people who really understand how to look after mink are the farmers, and the handover of responsibility is crucial. *[Interruption.]* Would the Minister like to intervene? I did not quite hear his sedentary muttering.

Mr. Morley *indicated dissent.*

Mr. Paterson: I return to what I said at the beginning. As I live in a rural area, I am gravely concerned about the environmental consequences. Although my right hon. Friend the Member for Penrith and The Border has done his best in going through the various new clauses in an attempt to improve this flawed Bill—

Mr. Maclean: Given that my hon. Friend lives in a rural area, he will have come across the State Veterinary Service, which consists of highly professional vets in the employment of the Ministry of Agriculture, Fisheries and Food. Does he agree that if the person appointed by the appropriate authority is from the SVS, many of his fears will have been allayed? Is not that amendment more meritorious than others that I have recommended?

Mr. Paterson: Yes, I have great admiration for the State Veterinary Service and its knowledge. However, the fur farmers are immensely skilled. They have long years of experience and know exactly what are the nutritional requirements of those animals. Much more importantly, they can recognise symptoms. Yesterday, one of them described an animal welfare film that he had seen and said that he could immediately diagnose what was wrong with the animal in the film. Much as I admire the SVS, and although I totally agree that there should be an overriding body with veterinary knowledge, I feel that the best people to do that job are the mink farmers. The problem

[Mr. Paterson]

is that there is absolutely no incentive in the Bill to see the job done properly. I entirely agree that someone must be made responsible.

The amendments proposed by the hon. Member for Garston give the courts discretion to decide whether an animal should be destroyed or disposed of, pending appeals or other applications, and to make decisions in relation to forfeiture and other orders specified in the Bill. As I said earlier, my concern is that this is not just a domestic matter. European fur breeders are watching our proceedings this morning carefully to see what happens. They have told me that it is highly likely that they will pursue this matter through the courts to the heights of European jurisdiction.

Mr. Deputy Speaker: Order. Once again, the hon. Gentleman is straying from the new clause under consideration. I have told him about that before. He must not do that.

Mr. Paterson: I am referring to amendment No. 3, which states:

"make such provision as the court considers appropriate in relation to the operation of the order pending the making or determination of any appeal or application relevant to the order."

I really am trying to stay in order. If this matter is taken to the European Court—you, Mr. Deputy Speaker, may share my opinion of lawyers—it will take an inordinate time. An appeal could run for several years. I talked to those concerned this morning—I gave their names earlier and need not repeat them. They are deadly serious because they regard this as the thin end of the wedge, to use a hackneyed phrase. They have told me that they will probably defend one of the larger fur farmers in this country.

We are not talking about a little domestic industry that can be rubbed out and compensated by the Government gaily throwing a few million pounds at it; we are entering a major battle on the European mainland. Those are serious industries in Denmark, which is the largest producer with some 11 million mink out of a world production of some 26 million, and in Holland. There are some 8,000 farms in Europe, and they will not let this matter go lightly.

The hon. Member for Garston, and perhaps also the Minister, have underestimated quite how much they have taken on. It is interesting to note that they have not telephoned those Europeans. This morning I talked to the chairman and vice-chairman of the organisation concerned, but neither the hon. Lady nor the Minister has done so. We could become involved in a very lengthy European wrangle in the courts, arising from the terms of an appeal under amendment No. 3. No one has really thought the matter through.

Mr. Morley *indicated dissent.*

Mr. Paterson: The Minister is shaking his head. I hope that when he sums up he will give me satisfaction on this point.

Angela Smith: Well sit down then.

Mr. Paterson: We have plenty of time. I am trying to point out the practical problems in the Bill, which will arise because the hon. Member for Garston has not had the courtesy, or rather has not taken the time, to ring the head of the organisation that runs the industry in Europe. That is bizarre.

Maria Eagle: It is amazing that the Euro-sceptic wing of the Tory party now wants us to be ruled by Europe. We are legislating for this country, which is what my Bill does.

Mr. Forth: My hon. Friend is following the Prime Minister.

Mr. Paterson: Yes. I think that the inscription on the medal that the Prime Minister received yesterday reads "Peace and Murder".

The hon. Lady fails to understand that this industry is already covered by European legislation—she did not like me reading out all the European legislation that covers it—so she is already party to it. There is a genuine case, on the grounds of proportionality—

Maria Eagle: What?

Mr. Paterson: It is quite clear that the hon. Lady has not discussed this. I am making a fundamental point. She will embroil the United Kingdom Government in a lengthy and expensive court case, which could be taken to the heights of European jurisdiction. Moreover, I think that we would probably lose. The European fur farmers have much more to lose than the 10 or 11 left in this country, who have been terrorised. We are talking about a significant European industry, which produces 11 million pelts a year in Denmark alone. The hon. Member for Garston mocks, but I may have touched on something fundamental here. I am concerned that she has not thought out the ramifications of the Bill and the length of time that a court case such as that proposed in amendment No. 3 would take.

Mr. Maclean: I did not want to criticise the hon. Member for Garston because she has been kind and courteous in discussing this Bill with my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) and me, but she is wrong to say that we can legislate solely for this country, as though this issue were removed from what is happening in Europe. This industry is already covered by the EU directive on farm animal welfare. I do not particularly like that, because I think that we could do it better on our own, nevertheless we are covered by it.

If we make this gesture in legislation today, it will make not the slightest difference to the welfare of mink in Europe and the world; it will simply mean that more mink will be farmed.

Mr. Paterson: My right hon. Friend is absolutely right.

The new clause would allow a court to order the destruction or disposal of animals before an appeal was sought. Those appeals would take a long time. Has the Minister given any consideration to the contravention of European law, and to the fundamentals of the treaty of Rome and free trade, on which basis those in Europe believe that they have a case?

Mr. Morley: I shall respond briefly to the points that have been made. We had quite a long debate on these

issues in Committee, when the hon. Member for Basingstoke (Mr. Hunter) raised the matter in a constructive manner in an attempt to get answers as part of the democratic process of scrutinising legislation, which is right and appropriate. Some hon. Members who have spoken this morning have not done that.

I pay tribute to my hon. Friend the Member for Liverpool, Garston (Maria Eagle) for the way in which she has dealt with this Bill and involved welfare groups, fur farmers, myself and the Ministry, and hon. Members who represent fur farmers in their constituencies. As part of those discussions, the Government have said that we are prepared to consider concessions in relation to compensation and other aspects of the Bill. However, those concessions are significant and it will require time to draw up the appropriate amendments. We are not, therefore, in a position to advise on amendments at this stage. That will have to be done when the Bill reaches the other place.

If the Bill does not pass its Report stage, those concessions cannot be made. I can give no guarantee that we shall return to the matter at a future date.

Mr. Maclean: I heard what the Minister said and I am a bit surprised by it. This measure was a commitment in his party's manifesto. We are now more than two years into the life of the Government, and the Minister is saying that unless we let the Bill, with all the bits that he cannot tell us about, through to another place today, it may fail. Surely there has been time for the Minister to give the House of Commons a Bill with the vital compensation provisions worked out in advance. Instead, he asks us to trust the other place to do that, when his party clearly does not trust it.

11 am

Mr. Morley: There will be an opportunity to discuss compensation later, so I do not want to be drawn into that. Suffice it to say that the Bill contains compensation provisions and, as a result of helpful and pragmatic discussions with the National Farmers Union and others, we are prepared to accept some of the points that were raised in Committee and to broaden the scope of that compensation. However, there will be no opportunity to achieve that if the Bill does not progress, which would greatly disadvantage the fur farmers.

I must emphasise that the fur farmers want the Bill to progress. Many of them are in some financial difficulties because of the state of the market, so we have an opportunity to assist them. The Bill meets a number of criteria in a pragmatic way.

Mr. Forth: I am grateful to the Minister for giving way, as ever. He said that he is prepared to accept points that were made in Committee; if that is the case, why have neither the Bill's promoter nor he sought to amend the Bill in the House to take account of those points and put everyone's mind at rest?

Mr. Morley: In some cases, as a matter of interpretation, the Bill would not need amending in that respect. In other cases, some of what we are prepared to concede following discussions requires careful thought and drafting. We do not have the opportunity to do that at this stage, but there would be such an opportunity in the democratic process if the Bill returned to the House of Lords, which would give hon. Members the chance to review it in its final form.

I am suspicious that certain Members of the House have no intention of allowing the Bill to go through its democratic process. That is for others to judge, but it is possible to give the Bill proper and appropriate scrutiny at this stage, and to do that briefly and succinctly. Hon. Members could receive the assurances that they want and allow the Bill to progress, but, if experienced Members of the House do not want that to happen, the danger is that people outside the House will draw their own conclusion that a minority quite arrogantly want to frustrate the democratic process and all the work and proper consultation that has been done on the Bill.

Mr. Maclean: I am concerned about the Minister's remarks. He seems to be suggesting that if the Bill does not conclude all its stages today—he admits that it needs substantial amendment and says that the House cannot make a final judgment on it—there is no prospect of it becoming law in future. Surely this is a Government measure. Surely it is in his hands, once he has completed his consultation, to reintroduce it immediately in the next Session of Parliament. With the Government's in-built majority, no one in any corner of the House could stop it.

Mr. Morley: That is not what I said at all. The Government have made it clear that they are committed to the ending of fur farming as soon as is practicable and have been considering all ways of achieving that. Given that there is consensus between those people who are directly affected by it, the private Member's Bill promoted by my hon. Friend the Member for Garston is an adequate vehicle for doing that.

I have mentioned extra aspects in the Bill which the Government do not think are strictly necessary, but, in the spirit of good will and negotiation, we have been prepared to extend our consideration as part of the democratic process and the scrutiny of the Bill. I would hope that hon. Members will support that and not frustrate it at this stage by wasting time, but that is for others to judge.

We do not think that new clause 2 is necessary. It would mean that the Ministry would have to take possession of minks, subject to a forfeiture order, until there is no possibility of the order being set aside. Fur farmers keeping mink after a forfeiture order was issued would still be subject to animal welfare legislation. There would be no change in that, so there would be no advantage in transferring custody of the animals to the Ministry or to some other site. A site can be properly regulated because those powers already exist, so a transfer would lead to an unnecessary call on public funds. I strongly advise against accepting the new clause.

New clause 3 would mean that only vets of the State Veterinary Service could enter a fur farm to check for an offence or to issue a forfeiture order. I certainly concur with the praise that has been lavished on the SVS, which is an excellent organisation, but it is not appropriate to restrict the provision simply to SVS vets. Other bodies and other offices of MAFF, such as the Farming and Rural Conservation Agency, are involved.

[Mr. Morley]

Other vets, who could be directed by the courts, might also be involved. The courts have the power to appoint an appropriate person, and they are likely to appoint someone who has the necessary skills. The keeping and destruction of mink following the issue of a forfeiture order will still be subject to animal welfare legislation. That would apply to any person appointed by the court to carry out the order, whether he was a member of the SVS or not.

I certainly concur with the arguments made by my hon. Friend the Member for Garston in respect of her amendments. Amendments Nos. 4, 10 and 11 to 13 would ensure that the forfeited animals were kept under the same welfare standards as applied before forfeiture. I emphasise that, after forfeiture, the mink would still be subject to existing animal welfare legislation. That applies equally to whoever is keeping the animals under the forfeiture order and therefore there is no need for the amendments.

Mr. Forth: I am rather astonished by some of the Minister's remarks, not least because he is sitting on the Front Bench from which more than 20 private Members' Bills have been obstructed in this Session of Parliament. This sanctimonious humbug from the Minister about there being something precious and special about private Members' Bills and him being the custodian of them is utter nonsense. If he consulted some of his colleagues on the Front Bench, they would confirm that more than 20 private Members' Bills have been obstructed by the Government this Session.

The Minister said another astonishing thing: "Let the House of Commons not fulfil its duty in completing its proper scrutiny of the Bill, but allow the Bill to go to the other place." The Government complain that they do not have political control in the other place, but instead the Minister says that, somehow, he will guarantee that unspecified improvements will be made there. That stretches credulity way beyond breaking point, so let us hear no more nonsense and humbug; let us get on with considering the Bill and forget all this cheap politicking in which the Minister has been indulging.

I want to return to the provisions of clause 3, which the Minister barely touched on and which is the subject of amendments that we are considering. The more that I listen to the debate, the more that my initial anxieties are strengthened. When I first read clause 3, it occurred to me that, perhaps uncharacteristically, the hon. Member for Liverpool, Garston (Maria Eagle)—who is normally assiduous in these matters and who could, with her fine legal brain, normally be expected to see all the strengths and weaknesses of such a provision—has been unable to deal with the points made by my right hon. Friend the Member for Penrith and The Border (Mr. Maclean) and my hon. Friend the Member for North Shropshire (Mr. Paterson), despite all the help that she has had from the interest groups, from those who want to get their hands on the money and from the Minister.

Paradoxically, the points made by my right hon. Friend and by my hon. Friend have to do with the welfare of the animals involved. It seems that all Labour Members are worried about is getting taxpayers' money into the pockets of the farmers whom they are in the process of putting out of business. We have heard that over and over again this morning. They say, "It's all right; the people whose businesses will be ended by the Bill have said that that is fine, as long as we give them enough taxpayers' money." The only argument that is put to us concerns how much money is involved. That is hardly a highly principled point of view. It is a point of view that I concede, not one I share, nor one that I find at all convincing.

I do not agree that the role of the House is to devise legislation that puts people out of business and then gives them taxpayers' money in compensation. That is not how I see it.

Mr. Deputy Speaker: Order. I thought that the right hon. Gentleman was mentioning these matters in passing, but it looks as though he is about to go into detail on compensation.

Mr. Forth: No.

Mr. Deputy Speaker: The right hon. Gentleman says no; I am pleased to hear that, because I should like to hear about new clause 2, which refers to forfeited animals.

Mr. Forth: As ever, I am grateful for your guidance, Mr. Deputy Speaker. As you know, acquainted as you are with the running order, there will be a debate on compensation later. Compensation will probably be the main debate of the day: this is just an appetizer. I do not want to fire my ammunition now. I want to keep it for later when we get round to discussing compensation.

You are quite right, Mr. Deputy Speaker, the new clause is about forfeiture and what follows on from that. My worries evolve from clause 3(4). We are talking about the court making a forfeiture order and the ethos and the environment surrounding that. As Labour Members have said, the circumstances may be usual, but they are certainly potentially stressful. Someone will be subject to a court forfeiture, something that is always rather intimidating in itself. Under clause 3(4), the court will appoint a person to carry out the order and impose requirements on that person. It also refers to the "destruction or other disposal" of the animal, which is key to the consideration of this whole matter.

My hon. Friends and I are worried that the Bill is not sufficiently precise to guarantee the highest possible standards of protection for the animals. We think that that would be relatively simple to achieve, and that is the burden of our amendments. To expect the court to be sufficiently omniscient and infallible to appoint an appropriate person is not adequate in the context of the Bill. The hon. Member for Garston has told us from the start that she is concerned about animal welfare. That is why she is supported by as many as seven Labour Members in the Chamber today. Regrettably, no Liberal Democrats are present. Those Labour Members, all seven of them, want to express their support for the Bill and their desire to improve animal welfare. Yet my hon. Friends and I have found an important loophole in clause 3.

The nature of the person who will carry out the order, or on whom the requirements will be placed, was the subject of an interesting debate in Committee. The issue was raised mainly by my hon. Friend the Member for Basingstoke (Mr. Hunter), but the hon. Member for Lewes (Mr. Baker), who is regrettably not here today, also expressed some views on it. In Committee, the hon. Member for Lewes said that points had been legitimately raised. He went on to talk in a Liberal Democrat way about belts and braces, and then he asked whether the promoter of the Bill would

"return later if necessary to incorporate the amendments' provisions"—

that is the amendments that were being discussed in Committee. The hon. Lady said:

"I shall raise that with the Ministry and find out whether it has spotted any such loophole. I would not want such a loophole to remain, but I am not convinced that it exists, which is why I do not intend to accept the amendments today. However, I certainly undertake to return to the matter later during the Bill's passage if there is a problem."—[*Official Report, Standing Committee B*, 31 March 1999; c. 26.]

We have been at pains to try to persuade the hon. Lady that there is a problem. That is the whole point of these proceedings, on which the Minister poured such scorn. He did not seem to think that we should be having these proceedings. That is typical of Ministers in this Government: they do not want the House of Commons to spend much time considering legislation. They would rather that it was whizzed through, provided that they agree with it—not the 20 Bills that the Minister and his hon. Friends have killed, but those that he wants. That is a matter for the Minister, but the hon. Lady, in her typically reasonable way, said that she would consider those matters and return to them if necessary. We are trying to persuade her to do that. She has not yet been persuaded, but I hope that she still can be, because we are trying to strengthen her Bill. We are trying to make the provisions more feasible and workable. It was in that spirit that we tabled the amendments.

11.15 am

We are worried about the nature of the person carrying out the order and on whom the requirements will be imposed. We are also concerned about disposal. The Bill refers to the "destruction or other disposal" of the animals. It is an irony that a measure that is supposed to be so concerned about the welfare of animals ends up dealing with their disposal or destruction. That is a sad fact.

People who support this measure and want to impose their views on others through this prohibition legislation express concern that animals should be raised for their fur. The Bill provides that those very same animals will be destroyed or disposed of, which hardly strikes me as a giant step forward, but that is a matter on which each of us must make our own judgment.

With the amendments and new clauses, we want to be as satisfied as we reasonably can be that disposal or destruction will be carried out in a way that is acceptable even to those who say that they support the Bill and want to see it carried through properly. Amendment No. 10 would provide that disposal would be by

"such means as the appropriate authority may specify in regulations."

I would have thought that that was completely non-contentious. Rather than the Bill making no comment, it would be more reassuring to those who support the Bill's aims and objectives to have that form of words.

Maria Eagle: It is fascinating that the right hon. Gentleman is proposing more regulations. He usually argues that there is too much legislation, especially secondary legislation, but, all of a sudden, he wants more.

Mr. Forth: It is because I am the genuine animal welfare enthusiast. It is not me who is talking about destruction and disposal: the hon. Lady is. I am saying, in a humane sort of way, that, if we are going to do this—I have made it clear from the start that I do not want to do it, because I do not share her view—

Maria Eagle: If the right hon. Gentleman is opposed to the principle of the Bill, why did he not vote against it on Second Reading? He could have divided the House.

Mr. Forth: We did not want to waste time; we wanted to press on, and that is a matter of record.

The hon. Lady should be prepared to make a distinction. It is perfectly possible for some of us to be unhappy with the philosophical basis of the legislation, with the rush to ban and prohibit, with the desire by a group of people in the House and outside to impose their views on others. I do not like that. Earlier this week, I opposed another Bill, from my hon. Friend the Member for Rochford and Southend, East (Sir T. Taylor), which sought to ban something of which he disapproved. The hon. Lady is right, that is not where I come from, but we are no longer discussing the principle of the Bill. Mr. Deputy Speaker would be the first to tell me if I attempted to do so.

The Bill, having been through Committee, is now on Report, when the House of Commons has the opportunity to examine again, reflectively and properly, the detail of it to see whether it can be improved. The new clauses and amendments are an attempt by my right hon. and hon. Friends to improve the Bill. We are no longer debating the principle of the Bill; we are having an important discussion of its detailed provisions. The issue of disposal is simple. Do we accept the current wording, or do we want to pin it down more accurately and helpfully by adding the words

"disposal by other such means as the appropriate authority may specify"?

Amendment No. 11 deals with a different aspect. It states that

"where the offender demonstrates that he is incapable of paying the required sum to the court, or keeping the animals himself"

he is required to

"make suitable arrangements for the animals to be kept in a proper condition."

An important point has worried me right from the first time I saw the Bill. There is a paradox built into it. It stems from a desire for prohibition and provides a mechanism to ban the raising of animals for their fur. Clause 3 deals with forfeitures, and it rather peculiarly implies that there is at least the possibility that the very same person who has committed the offence will keep the animals.

[Mr. Forth]

My hon. Friends and I feel that, in the event of such a person being driven out of business and, perhaps, being no longer capable of functioning, with the result that suitable alternative arrangements had to be made, it would be our responsibility to ensure, as far as we reasonably could, that the animals were looked after properly. We feel that circumstances might arise in which animals would suffer as a result of a measure that is designed primarily for their protection.

Clause 3 is full of such weaknesses. We want—not unreasonably, I think—to zero in on the possibility of the financial incapacity or incapability of the keeper of the animals. We suggest that the Bill should go further than the mechanisms for which it already provides, and include a provision for the making of suitable arrangements for the animals to be kept in proper conditions.

I should have thought that that was totally uncontroversial. Indeed, I should have thought that it would improve the Bill. Here again, we have a paradox: the Minister himself has said that he thinks that parts of the Bill could be improved. The record will show that he was prepared to accept that; yet neither he nor the Bill's promoter saw fit, between the Committee stage—during which many of these matters were teased out—and Report stage to present a series of helpful, positive and uncontroversial amendments. Apart from two or three amendments tabled by the hon. Member for Garston herself, with which I shall deal shortly, we have nothing.

I do not know whether the Minister is prepared to put his faith in the House of Lords; but it is astonishing, is it not, that a Minister in a Government who have said repeatedly that they distrust the House of Lords, that, as it is currently composed, it is offensive and unacceptable and that they regret the Government's lack of control over it should now say, "Trust the House of Lords. Trust us, the Government. Do not worry, House of Commons; speed the Bill on its way here, and we will sort it out in the House of Lords." That is the most astonishing argument that I have heard in a long time, even from those on the current Government Front Bench. Let us hear no more of it: we are tabling amendments, here in the House of Commons, to improve the Bill. I hope that it is not too late to persuade the hon. Lady to accept them.

Amendment No. 12 states:

"Where the court orders an offender to make a payment in accordance with subsection (c) above, it shall take into consideration the cost of keeping the animals concerned in compliance with such regulations regarding animal welfare as applied to fur farming prior to the coming into force"

of clauses in the Bill. That, too, strikes me as uncontroversial. We are attempting to put beyond doubt the need to ensure, as far as we possibly can, that the animals are looked after properly in what we all acknowledge would be difficult, stressful circumstances. Goodness knows, the circumstances are stressful enough for some people now; we can only begin to imagine how much more stressful they would be if the Bill were enacted. We must take whatever measures we reasonably and properly can to secure the welfare of the animals.

As ever, my right hon. Friend the Member for Penrith and The Border spoke about new clause 3 in a knowledgeable and experienced fashion. It is clear from what Labour Members have said—including the hon. Member for Garston and, I think, the Minister—that they do not expect a large number of people or, probably, animals to be affected by this part of the Bill. Earlier, my right hon. Friend was challenged about whether enough members of the State Veterinary Service, or enough facilities, would be available. I think that that question answers itself: it is unlikely that a large number of farms and animals will be involved.

Of course, we do not know that for sure. It is, I suppose, possible—although unlikely—that more farms could come into being, that farms might change their nature or even that farms might start dealing with different animals between now and the enactment of the Bill. Farms might spring up in Northern Ireland, for example.

Mr. Maclean: I assure my right hon. Friend that one thing has not changed. In the event of an outbreak of disease among, for instance, pigs in Yorkshire, or a rabies outbreak—which we have not experienced yet—the State Veterinary Service will have the capacity to be flexible, to move around the country and to home in on problem areas. If we assume that there will not be farms of this kind all over the United Kingdom, and that there will be only a few instances of forfeiture, it should be possible for the service to deal with those instances.

Mr. Forth: I am grateful for my right hon. Friend's knowledge of those matters. That was certainly my assumption, and I do not consider it unreasonable.

I do not agree with earlier criticisms of my right hon. Friend by those who suggested that there would not be enough veterinary officers. We are legitimately trying to nail this down really firmly: new clause 3, which is a perfectly reasonable measure, seeks to reassure all who are worried that professionals will be involved.

I shall not dwell at length on new clause 2, because my right hon. Friend dealt with it more than capably. Let me say simply that it goes into more detail—rightly, in my view—in an attempt to ensure that the mechanisms provided for allow no possibility of forfeiture procedures "slipping through", or being carried out inappropriately. The forfeited animals must be housed in compliance with the regulations, proper records must be kept, and—this is particularly important—

"The appropriate authority shall have the right to recover from the person against whom the order was made the full costs of keeping the forfeited animals from the time the order was made until their final destruction or disposal."

As was said earlier, that may not always be possible. As we have freely admitted, in some circumstances, the persons involved may well be in, or near to, a state of insolvency or bankruptcy, given the nature of the business involved. Nevertheless, I think it right for us to try to protect the taxpayer in this way. Notwithstanding the criticisms made earlier by the hon. Member for Garston, I try to be consistent in one regard: I try to keep my eye on the taxpayer, especially when the taxpayer's pocket is being raided by small groups with an interest in extracting money from him.

Finally—this, too, is important—new clause 2 states:

"The appropriate authority shall retain the forfeited animals until there is no further possibility of the order being set aside and shall then submit to the court"

a report concerning the disposal, or destruction, of the animals and the costs involved. I consider that an appropriate way of ensuring that the process is completed in a way that is acceptable to all of us who have the animals' welfare at heart.

That brings us rather neatly to the hon. Lady's amendments. In her typically reasonable way, she admitted that she had made an unbalanced judgment. Her Bill had started out on the basis of one presumption; she had reflected subsequently, and come to a different conclusion. That illustrates a number of things. It illustrates the eminent reasonableness of the hon. Lady; it reflects her legal expertise and experience; and it demonstrates that, in a Bill such as this—contrary to what the Minister said—it is possible and, indeed, proper for not just the promoter but others to reflect during each stage, from Second Reading through Committee to Report, and then present amendments.

11.30 am

Mr. Morley: I want to reiterate—the right hon. Gentleman can check what I said on the record—that I have made it clear that it is right and proper, as part of the democratic process, that such Bills should be examined properly, that questions should be asked and, of course, that people should receive answers. However, I repeat: much of that matter has been dealt with in Committee. I have already given assurances in relation to the points that he is repeating. The conclusion that people outside the House will draw is that some people are motivated by individual arrogance, rather than the proper democratic process of such Bills going through all their stages.

Mr. Forth: The Minister must be talking about his colleagues because it is his colleagues on the Front Bench who have obstructed more than 20 private Member's Bills in the current Session. I will send the Minister, so that he knows what is going on, a *Hansard* showing one of his colleagues speaking at enormous length on a measure two or three weeks ago, which regrettably knocked out a worthy measure towards the end of the day. He is not here every Friday. Some of us are, as you, Mr. Deputy Speaker, will verify. The Minister has not managed to make it on many Fridays, so he is not too familiar with the process.

Mr. Maclean: On the point about the Minister not being here every Friday, one perhaps would not expect it. Will the Minister give a guarantee that he will sit here for five minutes after 2.30 pm today and watch his Front-Bench team kill a dozen Bills on today's Order Paper without any debate?

Mr. Deputy Speaker: Order. Now that that point has been made, we can get back to the new clause.

Mr. Forth: I was praising the hon. Member for Garston when I was rudely interrupted by the Minister. My praise is not yet finished, she will be embarrassed to hear. She has tabled amendments; I accept them as that. Therefore, I find it that much more difficult to judge one way or the other about them. The problem is that what they say is that, before the legal process is completely exhausted, the court may intervene and do something terribly final and irreversible, even though there may be further processes to be undergone.

In a sense, I should like to defer to the hon. Lady's legal knowledge, judgment and experience on the matter, but it leaves me with an uneasy feeling. I am not a lawyer. Therefore, I do not know how much precedent there is for such a thing, but I would have thought that, if one were going to err one way or the other in a matter such as we have in amendments Nos. 1, 2 and 3, probably we should err on the other side: the position where she was originally. That would be my preference, but, again, I am giving an unbalanced view because I can see the arguments both ways.

What makes me uneasy is the thought that, perhaps unnecessarily, the court may feel obliged to intervene, and to make a final disposition, before the whole process has been completed. Under the heading of compensation in clause 5, we will come—I do not want to anticipate it—to the role of the Lands Tribunal and the alternatives. I mention that in this context only because I think that even the hon. Member for Garston would accept that the legal process can be lengthy and often seem interminable. In that regard, I can understand her desire perhaps to intervene, to interpose and so on, but, in this case, the balance of judgment should be the other way. That is why I am reluctantly not prepared to accept amendments Nos. 1, 2 and 3, but I accept that it is a difficult one to judge.

There we have it. We have a complicated series of measures. I do not know whether this is the stage at which you want an indication of those measures on which we would wish to divide the House, Mr. Deputy Speaker. I think that we should like to divide on one or two of the different amendments in the group. We will be guided by you as to when that indication should be given. I simply flag up at this stage that we think that it is appropriate for there to be a couple Divisions on key elements of the Bill, but my right hon. Friend the Member for Penrith and The Border will give that indication when you tell us that it is appropriate.

There are important matters here. I hope that the House will accept that we have tried to improve the Bill within the context of today's debate and the Report stage. I hope, in that regard, that we will be able to make a success of it, to strengthen the Bill and to move on.

Mr. Maclean: We have had an excellent debate, which is sensibly coming to a conclusion, on a large group of new clauses and amendments, with some important points of principle in it. I have two or three minutes of remarks to make; that information may spare hon. Members from taking precipitate action to close the debate.

I apologise to the hon. Member for Liverpool, Garston (Maria Eagle). I made in all sincerity a jibe about lawyers. I meant it, but I did not know that she was a lawyer. I had not done my homework and checked her background. It was my jibe about getting out of the legal profession before being totally corrupted. I did not aim it at the hon. Lady. She has been very kind and courteous.

I have heard what the hon. Member for Garston and the Minister have said. I am not convinced that their arguments are correct. The Minister has said, "We had some suggestions in Committee that we will want to work on, and deal with, in another place." Without straying into generalities, let me say that I find it unconvincing that the Government are now relying on the hon. Lady, able though she is, to deal with, and to put through, a measure

[Mr. Maclean]

that was in the Labour party manifesto—not a key election pledge, but an important pledge. The Government cannot come before the House today with amendments to make the Bill leave this place as perfect as it can be. We are asked to accept assurances roughly along the lines, "I know that there are faults and the Bill is not quite right, but we will sort it out in the House of Lords."

Mr. Morley: I repeat: the proposal for amending the Bill in the House of Lords is not because the Government consider the Bill is faulty; we consider it perfectly adequate. The amendments are to reflect the discussions and negotiations that have properly taken place with interest groups to try to take into account their concerns, broadening the scope of compensation in particular, but dealing with one or two other things. It does not have to be done, but the discussions are in relation to what they feel would be more appropriate in terms of their circumstances.

Mr. Maclean: I am grateful to the Minister for making that point, but I do not accept that it is a valid distinction. He says that it does not have to be done, but that the Government are going to take into account the concerns of those groups. He will amend the Bill in the House of Lords to deal with financial matters and compensation, matters that are usually primarily of concern to the House of Commons.

Mr. Deputy Speaker: Order. These points are being mentioned in passing, but we must keep to the new clause, which the right hon. Gentleman tabled.

Mr. Maclean: I am sorry. We can deal with compensation later. Nevertheless, there are measures that the Minister is refusing to accept: new clauses 2 and 3, or some of the other amendments. There may be things to be done in another place. If the measure does not succeed today, the Minister seems to be saying that that is the end of it. It is not.

We are months away from a new Session. I do not think that the Ministerial Committee on Legislation has yet approved the legislation for next Session. The Minister can conclude his negotiations and his consultations, take on board the improvements that we have suggested, if he will not vote for them now, and then introduce better legislation to deal with the matter.

I say to the Minister—if I can do so without straying—that we passed in the House last week the new, improved puppy dogs Bill—the Breeding and Sale of Dogs (Welfare) Bill—which I blocked last year. We now have an infinitely better Bill. We managed to do it this time.

I say to the Minister in relation to the new clauses: please accept them today, or accept the spirit of them. If he cannot accommodate them today, so that I and my right hon. and hon. Friends are not satisfied, and the Bill does not complete all its stages today, he can come back with Government legislation next year, with all the discussions completed.

I am sorry that the Government and the hon. Member for Garston will not accept the suggestions. I would not wish to waste the time of the House by voting on all the measures, but there are some alternatives. I hope that, with your permission, Mr. Deputy Speaker, it will be possible to vote on new clauses 2 and 3 and amendment No. 3. I hope that the Minister will accept my amendments, or we may have to vote.

Question put, That the clause be read a Second time:—

The House divided: Ayes 2, Noes 66.

Division No. 175] **[11.39 am**

AYES

Tellers for the Ayes:
Mr. Eric Forth and
Mr. David Maclean.

Paterson, Owen
Trimble, Rt Hon David

NOES

Austin, John
Bradley, Keith *(Withington)*
Breed, Colin
Buck, Ms Karen
Caton, Martin
Cawsey, Ian
Clelland, David
Coaker, Vernon
Coleman, Iain
Cousins, Jim
Cryer, Mrs Ann *(Keighley)*
Davies, Geraint *(Croydon C)*
Dowd, Jim
Drew, David
Eagle, Maria *(L'pool Garston)*
Efford, Clive
Fitzpatrick, Jim
Flint, Caroline
Fyfe, Maria
Gale, Roger
Galloway, George
Gerrard, Neil
Gordon, Mrs Eileen
Griffiths, Win *(Bridgend)*
Grogan, John
Hancock, Mike
Heath, David *(Somerton & Frome)*
Henderson, Ivan *(Harwich)*
Hill, Keith
Jackson, Ms Glenda *(Hampstead)*
Jamieson, David
Johnson, Alan *(Hull W & Hessle)*
Kelly, Ms Ruth
King, Andy *(Rugby & Kenilworth)*
Ladyman, Dr Stephen
Leslie, Christopher
Linton, Martin
Loughton, Tim
Love, Andrew
McDonnell, John
McIsaac, Shona
McNulty, Tony
Marsden, Gordon *(Blackpool S)*
Morley, Elliot
Naysmith, Dr Doug
Olner, Bill
Palmer, Dr Nick
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Primarolo, Dawn
Ryan, Ms Joan
Sedgemore, Brian
Shipley, Ms Debra
Skinner, Dennis
Southworth, Ms Helen
Swayne, Desmond
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Turner, Dr Desmond *(Kemptown)*
Twigg, Stephen *(Enfield)*
Vis, Dr Rudi
Williams, Rt Hon Alan *(Swansea W)*

Tellers for the Noes:
Angela Smith and
Mrs. Linda Gilroy.

Question accordingly negatived.

Mr. Maclean: On a point of order, Mr. Deputy Speaker. Is it permissible to divide on new clause 3, which is an alternative to new clause 2?

Mr. Deputy Speaker: No, I shall not permit a vote on new clause 3.

Clause 1

OFFENCES RELATING TO FUR FARMING

11.52 am

Mr. Forth: I beg to move amendment No. 5, in page 1, line 10, leave out subsection (2).

Mr. Deputy Speaker: With this, it will be convenient to discuss amendment No. 6, in clause 2, page 1, line 22, leave out subsection (2).

Mr. Forth: On the face of it, this is a narrow point, but it has important implications and deserves a pause for thought. Clause 1(2) states:

"A person is guilty of an offence if he knowingly causes or permits another person to keep animals as mentioned in subsection (1)."

Clause 2 contains similar wording. Difficulties could arise over the interpretation and definition of those words. How far might the provisions go, and who may, inadvertently or otherwise, be caught by them?

It may be extreme to argue that people who purchase a product, such as fur, could, given the widest possible interpretation, be covered by the Bill. It is certainly possible that those who sell items containing fur might be covered. But what about people who are aware of fur farming, yet fail to report it? I am fairly sure of the motivation behind the phrasing used.

Maria Eagle: Let me reassure the right hon. Gentleman. The important words are "causes or permits". It is not enough that someone simply knows of fur farming. One would have to cause or permit it. The owner of the land involved or the business concerned would be covered. Living nearby and knowing of the existence of a fur farm would not be enough.

Mr. Forth: The hon. Lady is helpful, as ever. That gets neighbours off the hook, but does it help retailers? Is there a causal chain involving the commercial relationship between the consumer, the retailer, the wholesaler, the processor and anyone else involved? At what point in the chain does the Bill apply?

Maria Eagle: The right hon. Gentleman might remember that under contract law, the parties to the contract would be those doing the causing. No problem will arise over the chain of relationships from retailer back to fur farm.

Mr. Forth: Let me mention, at random, the tanner. He may well have a contractual relationship with the fur farmer, which would draw him into the Bill's ambit.

Mr. Paterson: It is an incredibly simple fact that London is the centre of the world fur trade; 60 per cent. of world fur is traded here. The hon. Member for Liverpool, Garston (Maria Eagle) has referred to contracts, and London's fur traders have contracts all over the world for which they require animals to be kept exclusively for fur.

Mr. Forth: We may well wish to return to that point. My hon. Friend's knowledge of these matters is unsurpassed in the House and he may wish to elaborate on them. My own brief comments merely lay the ground.

I am trying to explore the dangers that might exist in the Bill. I am not as reassured as the hon. Member for Liverpool, Garston (Maria Eagle) intends me to be, because those with a contractual arrangement may well be caught in the net.

Mr. Maclean: Surely my right hon. Friend can go further on the provision relating to causing, if not permitting. If a large fur dealer has a valuable market for the product and seeks someone to produce furs that he can sell, is he causing someone to do so? He is certainly encouraging someone to be in the business of fur farming, but is he technically or legally causing someone to do so?

Mr. Forth: I suspect that the hon. Member for Garston would offer the contractual answer to that point.

Later today, we shall consider the different species involved, an important matter that has not yet been discussed. Take rabbits, for example. Let us suppose that a fashion house, a fur house or a tannery discovered that for some reason—fashion, perhaps—rabbits were much in demand. Let us suppose that farmers went into the business of producing rabbits.

There is some doubt over the balance of value in the rabbit between its meat for eating and its fur for wearing, and that is where the point made by my right hon. Friend the Member for Penrith and The Border (Mr. Maclean) becomes important. Under the terms of the clause, at what stage could it be said that someone might be inducing the farmer, who is not at this stage a fur farmer? We will return to that matter, too, as some difficult and tricky related points have not yet been teased out.

Let us suppose that the farmer responded to the attractiveness of the proposition. How far would the person who had made the offer be implicated? There would be a contractual arrangement. I do not know whether that would define the matter satisfactorily one way or the other. The danger is that the net may end up going much wider than the hon. Member for Garston intended, although I can see why the provision was included in the Bill.

12 noon

Mr. Maclean: I apologise for the slightly late intervention, but I received a note from the French Ministry of Agriculture yesterday, which pointed out that the rabbit Orylag—the Rex rabbit—is found extensively in France because the fur is more valuable than the meat. The whole carcase is used—60 per cent. of the value is in the fur and 40 per cent. in the meat at the moment. Such farming is an alternative rural industry. The product is popular as farmers diversify. Sometimes the meat and sometimes the fur is more valuable. Therefore, there is a danger in the provision.

Mr. Forth: I hope that my right hon. Friend will share that note with me later, as the matter will become highly germane when we discuss the schedule of species. My right hon. Friend has made the problem even worse. He is talking about French and not merely British seduction. We are now into international territory. How could I possibly doubt that what he says is correct? I can see from here that he has a document in front of him and I bet that it is in French, so I may be prepared to give a loose translation to the House if the need arises, but not yet.

Now that we have flushed out the rabbits, there seems to be a distinct possibility that, given the value of rabbit pelts and the doubt that exists about the relative value of pelt versus meat—we know how much the French like their lapins—there is sufficient doubt about this part of the Bill for us to be worried. When the hon. Member for Garston replies to this short debate, which need not be too long as we have much more important matters to discuss—

Mr. Paterson: Does my right hon. Friend understand that there is a clear link if a fur trader in London gives an

[Mr. Paterson]

order to another body, who may have had a fur farm in this country and who may have moved his production to Denmark, which is very likely to happen in one case? As the Bill stands, that person will be liable to a £20,000 fine. There is a clear causal link between the trader in London ordering so many thousand pelts and the farmer, who is not permitted to produce in England, but is doing so in Denmark. The contractual link is as clear as daylight.

Mr. Forth: All that this debate has proved is that the less I say on the subject the better. My hon. Friend knows infinitely more about it than I can ever hope to know. I am anxious to get on to some of the meatier aspects of the debate—I am glad that my right hon. Friend the Member for Penrith and The Border got that, as no one else did. This is an important matter, but I do not want to delay the House on it. I simply wanted to set the scene and to tantalise my hon. Friend the Member for North Shropshire (Mr. Paterson), as I think I have. I will leave it at that.

To be truthful, I want to hear what the hon. Member for Garston has to say on the subject. The Minister may be tempted to his feet, although he is in a slightly churlish mood. However, he may be tempted to join us, to bring some joy to the debate and to help us out. With that, I am happy to move the amendment.

Maria Eagle: I am happy to try to reassure the right hon. Member for Bromley and Chislehurst (Mr. Forth) about the permitting offence, if I may call it that. Both amendments would remove the permitting offences from the Bill. I am concerned that if those amendments are made, they will create anomalies that will, in effect, enable anyone who is fur farming in this country to structure his or her business to escape the provisions of the Bill.

As the Bill is drafted, the offence can be committed by a company or by a person. The person with the controlling interest in one of the businesses might, for example, cause or permit a member of his family to do the fur farming, which would be the only remaining offence if the amendment were accepted. That is certainly the structure of one or two existing businesses. Perhaps an owner of a business might employ someone to run the fur farm. If the amendments were agreed, the person who had been employed to run the farm could be prosecuted, but not the person who owned the business and was employing that person to do so. That would leave an unacceptable loophole.

The land and buildings on a farm might be not owned by the person operating the farm, but rented to him by an ex-fur farmer. If the Bill's aim is to ban fur farming, it is not appropriate to introduce loopholes that would allow it to continue as a result of not prosecuting people for the offence if they are not directly involved, but are causing or permitting it. The Bill is drafted to avoid easy loopholes. I know that the right hon. Member for Bromley and Chislehurst disapproves of making such activity criminal, but if we are to have this legislation on the statute book, the last thing that we want is an easy loophole to enable people to flout the law.

I am not as concerned as the right hon. Member for Bromley and Chislehurst about the extent to which the provision may catch others who have some link with the fur business, such as shoppers, neighbours and retailers. That is because one must knowingly cause or permit another person or company to establish and run a fur farm in this country before one is caught by the provision. It will not catch people who wander into a shop and buy a fur coat, or those in the London markets who buy fur from various sources, because they are not knowingly causing or permitting someone to commit a criminal offence.

I understand that the right hon. Gentleman does not want the offences created by the Bill to extend beyond what is intended, but I do not believe that the Bill as currently drafted does that. If his amendments were accepted, they would create a massive loophole which would prevent the Bill's main purpose from being implemented. I resist his amendments.

Mr. Maclean: I listened carefully to what the hon. Lady said, and agreed with some of it. I am not convinced about "causes". I accept the explanation of "permits". The provision does not extend to anyone who buys a fur coat, although that is the end of the chain. The fact that people wander into shops in London to buy fur coats is the reason why farmers in Holland, Denmark and America will keep mink. They do it for the benefit of no one but the consumer. Even on the most far-fetched legal interpretation, the consumer who buys the product, and thereby causes the farming to take place, does not legally cause it. Even my meagre law training 30 years ago tells me that.

I am not so sure about the international fur trade, the big London market and people in this country legitimately involved in the fur trade. The problem is that London accounts for 60 per cent. of the world fur market. It is huge and there are no plans to ban it. The world is going to continue producing furs. It will remain legal and legitimate, although many do not like it, except for farmers in Scotland, England and Wales who breed animals to supply the legal trade.

We do not have to look at Denmark. The danger is that someone heavily involved in the business will look at Northern Ireland. Nothing is being farmed there, but if I was a fur farmer in this country, I would be tempted to take whatever compensation the Government offer and set up business there because it is not covered by the Bill.

A fur trader in this country might say to someone who is operating a business in Northern Ireland, "If you go into fur farming, I can get you a contract for 50,000 pelts a year. I am involved in the business; I will buy your supplies, if you go into business in Northern Ireland." That point is not far fetched, because Ministries of Agriculture are encouraging farm diversification schemes. I think that in this country, MAFF used to encourage a scheme for farmed rabbit meat. I am not sure if there is a subsidy, but we certainly have a farmed rabbit industry. I remember having to deal with the problems of Chinese viral haemorrhagic disease or something like that. That industry exists to farm animals for meat.

I have received a note from the diversification and marketing department of the French Agriculture Ministry encouraging people to stock a certain breed of rabbit—the Rex Orylag. When that rabbit is sold normally, the meat is worth 40 per cent., but the fur is worth 60 per cent.—depending on the market at the time. Currently, it could be perfectly legitimate for farmers to diversify into

rabbit farming in Northern Ireland, because some guy in this country could tell them that if they did so, he would take all the fur that they produced. That person would be encouraging someone else to produce fur, although he might not be causing the other person to do it.

Maria Eagle: Perhaps I did not express myself sufficiently clearly earlier. I reassure the right hon. Gentleman that the Bill applies to Great Britain. The primary offence is keeping mink, or any fur-bearing animal, solely or primarily for its fur, within the jurisdiction of Great Britain. In relation to the people for whom the right hon. Gentleman expresses concern, if the secondary offence were to come within the ambit of the Bill, those people would have knowingly to cause fur farming of some description to go on within Great Britain, otherwise no offence would be committed. We are not legislating for the rest of Europe; if the Bill proceeds, the House will legislate for Great Britain—not Northern Ireland. People would have knowingly to cause or permit an illegal activity to take place in Great Britain to fall under the ambit of the Bill. That deals with most of the points made by Conservative Members.

Mr. Maclean: I am grateful to the hon. Lady for making that point, which deals with the example that I gave. However, let us suppose that someone is caught illegally fur farming in this country—for example, by breeding those Rex Orylag rabbits—but that person says, "I was doing it because I was encouraged by Mr. Bloggs in the fur trade; he said he would take all the rabbit pelts I could get. We can sell them times 50 per cent. for the meat." Someone could encourage another person to take up that trade in this country. The excuse might be that rabbit meat is more valuable at a particular time, so the rabbits are not being bred primarily for their fur—although, of course, the fur is sometimes worth 40 per cent. and sometimes 60 per cent. Is that person causing someone else to go into that business? One person is certainly encouraging the other, but perhaps not causing the other to do so. Perhaps the hon. Lady would respond to that in a moment.

Mr. Paterson: My right hon. Friend has touched on the most important point. There are completely separate markets for fur and for meat. The price of fur has collapsed during the past year because of the slowdown in Russia and the far east. As he suggests, it could easily happen that a perfectly respectable rabbit farmer, who is mainly geared up to producing meat, finds that he is producing fur illegally, if the price of fur shoots up. He is then liable for a £20,000 fine as the Bill stands.

Mr. Maclean: I thank my hon. Friend for making that point; I had not realised that background point.

I shall conclude my remarks in case my hon. Friends want to speak. This is a small exploratory amendment. I understand the danger of removing the subsection and do not want to create a lacuna in the Bill by doing so. However, I wanted to explore my concerns about causes. I understand that, if a farmer tried to hide behind a company business and then contracted it out to someone else, that would be defined as causing the second person to take up the business, if it was done knowingly. I do not think that the hon. Member for Liverpool, Garston (Maria Eagle) is correct in saying that employees would be caught. If someone owns a business, but lets the employees run it, surely he would be caught. It would be not only the employees who were prosecuted, but the person running the business.

12.15 pm

Therefore, if we removed the subsection, a farmer who had built in complex, commercial constraints or clauses to put himself at arm's length from the business could claim to be exempt from the legislation by pretending that he had nothing to do with it, even though, in fact, he was causing it to be carried out. I agree that the word "causes" is necessary to catch such people. However, the hon. Lady is saying that, without the subsection, the legitimate owner would be able to get away, but his employees could be caught and prosecuted, whereas I thought that for reasons of vicarious liability, the owner could be caught if the employees were.

That brings me to the end of my comments on the subject of the word "causes". I am not entirely convinced by the arguments I have heard, but I shall hear what my hon. Friend the Member for North Shropshire (Mr. Paterson) has to say. Then, perhaps, we can conclude our debate on the amendment.

Mr. Paterson: I am rather concerned that the Minister has not answered the points about species that I made on Second Reading, but I shall return to that later.

On the question of fur and its value, it is necessary to understand the range of people who could be caught by the legislation as it stands. If the Bill is passed, it is likely that smaller producers will leave the business, but there is one clear case in which a fur farmer has a substantial business in this country and a substantial business in Denmark. It is likely that that fur farmer will keep his British business going as a company, although he will have to cease production in this country if he is to avoid a £20,000 fine. However, surely a clear link remains between his dealers in London, where 60 per cent. of the world trade in fur is carried out—we have been trading fur since the days of the Hudson's Bay Company—and his fur production in Denmark.

Maria Eagle: The hon. Gentleman misunderstands my earlier remarks—perhaps I did not make them clear enough, so let me try again. For the second offence—that of "permitting"—to be committed, the fur farming has to have been carried out within Great Britain, which defines the limits of the Bill's scope. If the fur farmer in the hon. Gentleman's example moves his production abroad, it is clear that he will not be caught by the permitting offence.

Mr. Paterson: I thank the hon. Lady for that helpful intervention, but it only shows how pointless the Bill is, because mink will continue to be produced for fur in another country. Where in the Bill does it say that it is strictly limited to production in the UK?

To move on to the points raised by my right hon. Friend the Member for Penrith and The Border (Mr. Maclean), we have to recognise that London will continue to play host to the trade in fur produced on rabbit farms. As I have just explained, the markets for rabbit meat and rabbit fur move independently of each other and, although the price of rabbit fur is currently low because of problems in Russia

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and the far east, the market could easily pick up. If it did, legitimate rabbit farmers with contracts in London would be swept into the scope of the Bill. That is not satisfactory.

Maria Eagle: That is not true.

Mr. Paterson: Would the hon. Lady care to explain why not?

Maria Eagle: I shall be happy to do so. The matter was dealt with on Second Reading. The offence is to farm animals

"solely or primarily . . . for the value of their fur".

I made it clear on Second Reading that it is not my intention to catch people who produce fur as a secondary product, so a farmer who keeps rabbits primarily for their meat would not be caught by the Bill. The Bill covers only businesses of which fur is the primary product, so the hon. Gentleman need not worry quite so much. It will be for the courts and the prosecuting authorities to determine the primary purpose of the business, and they will consider that in a common-sense way.

Mr. Paterson: The hon. Lady is being naive. The rabbit farmer will want to add value to his rabbits; if the fashion for rabbit fur, and therefore the market for it, picks up, the main value of the rabbit will be derived from its fur, not from its meat. The hon. Lady puts legitimate rabbit farmers in real jeopardy of coming under the scope of her Bill, because fur will be the main object of production in some years, and meat in others. The Bill has not been properly thought through.

Maria Eagle: It is not naive—the matter was thought about when the Bill was drafted, and that is why the word "primary" is present. It would be for the prosecuting authorities and the courts, which always deal with such issues in a common-sense way, to identify the primary purpose of the business. In mink farming, it is fairly clear that the primary purpose of the business is to collect the commercial value of the fur—I hope that the hon. Gentleman agrees on that. I made it clear on Second Reading that I did not intend the Bill to catch rabbit farmers whose primary purpose is meat production. That is why the word "primary" is in the legislation. The Bill must be interpreted by the prosecuting authorities and by the courts. I hope that, by making it clear that I do not intend rabbit producers to come within the Bill's ambit, I have assisted the courts in that regard.

Mr. Paterson: It is a fundamental issue. It is clear that the hon. Lady does not understand that, when rabbit fur is in fashion and that market is strong—possibly for five years—it is likely that rabbit farmers will derive their main income from fur rather than from meat.

Moving to a completely different species, I visited the Falkland Islands in November. The farmers there dump sheep carcases on the beach where they are eaten by seals and sea lions. All the value is in the wool and there is no market for the meat. That could happen with rabbit farms.

Maria Eagle: The Bill does not extend to the Falkland Islands or to wool. However, in those circumstances, it would be perfectly clear to the prosecuting authorities what the primary purpose of the business was.

Mr. Paterson: It is most unsatisfactory to leave it to magistrates in Devon or in some remote part of the United Kingdom to wing this. We cannot expect them to read this debate and say, "Ah, when the hon. Lady drafted the Bill, she never expected the fur market to pick up and become the overwhelming reason for breeding rabbits." We cannot legislate in that way.

Mr. Maclean: Surely the point is that, because the cost of fur fluctuates in cycles every one, two or three years, farmers who legitimately produce rabbits primarily for meat—believe it or not, there is a huge market in rabbit meat—may discover that, if there is a change in the world fur market and an increase in fur prices, fur is more profitable. However, they would be prosecuted under the Bill if they breed rabbits for their fur. That is what I am concerned about.

Mr. Paterson: That is exactly my point. It is not good enough to pass legislation in the House and to expect magistrates to interpret it in the spirit that the Bill's promoter intended.

Mr. Morley: The hon. Gentleman will be aware that, although it is not a large industry, rabbit farming is long established in this country. That is understood by those involved in rabbit farming and by the Ministry. Has a single rabbit farmer expressed concern to the hon. Gentleman about the Bill?

Mr. Paterson: No, they have not. At present, the primary function of rabbit farms is meat production. We cannot legislate in the hope that the circumstances will not change: the Bill must be clear and watertight. If the legislation passes unamended and magistrates interpret the Bill as it stands, a legitimate rabbit farmer who has raised rabbits for meat for many years but who turns to fur production when that market turns up may swing for a £20,000 fine. The Minister shakes his head. Under what circumstances would magistrates not impose the £20,000 fine? Will the Minister explain?

Mr. Morley: As my hon. Friend the Member for Liverpool, Garston (Maria Eagle) has explained—I think ad nauseam—it would have to be demonstrated that the farm's primary purpose was the production of fur. It is irrelevant if, for the sake of argument, rabbit fur is worth more than the meat in a particular year—I am not sure whether that has ever happened—because the main consideration is whether the primary purpose of the business is fur rather than meat production. We have considered this issue very carefully, because the Bill does not seek to interfere with the sale of a by-product of meat production on rabbit farms.

Mr. Paterson: It is clear that the main intention of the Bill is to close the few mink farms remaining in this country. However, it could also encompass rabbit farms. If the value of the fur exceeds the value of the meat and that becomes the main purpose of the rabbit farm—

Mr. Morley: It has nothing to do with that.

Mr. Paterson: It is. If the Minister reads the Bill, he will find that clause 1 says:

"A person is guilty of an offence if he keeps animals solely or primarily . . . for slaughter . . . for the value of their fur".

Mr. Morley: That must be the primary purpose. *[Interruption.]*

Mr. Paterson: I am delighted to have a sedentary intervention from the promoter of the Bill and from the Minister. Would one of them like to explain the provision?

Mr. Deputy Speaker: Order. The hon. Gentleman has made his point about rabbit production, and he is beginning to repeat himself.

Mr. Paterson: I agree that I am repeating myself, but that is because I am not receiving a satisfactory answer.

Mr. Deputy Speaker: Order. I am sorry that the hon. Gentleman is not receiving a satisfactory answer. I have no powers over that, but I have powers to ensure that hon. Members do not keep repeating themselves. Perhaps the hon. Gentleman could move on.

Mr. Paterson: Certainly, Mr. Deputy Speaker. I shall move on to another concern.

I repeat the declaration of interest that I made on Second Reading. Although there is no direct link between the tanning industry and the fur industry, some materials do cross over under certain tariff headings. I spent my career in the leather industry before I came to the House, and I was the president of the European Tanners Confederation for a couple of years; I am still vice-president.

The Bill gives no cast-iron definition of "fur".

Maria Eagle: On a point of order, Mr. Deputy Speaker. Are we not considering amendments Nos. 5 and 6, or have I missed us moving on to the next group?

Mr. Deputy Speaker: The hon. Gentleman must address amendments Nos. 5 and 6.

Mr. Paterson: Absolutely, Mr. Deputy Speaker.

Unless those amendments are made, anyone who buys from a producer whose primary product is fur can be caught out. No one has looked into the European Union tariff definitions of fur. Chapter 43 of those definitions was published in the *Official Journal of the European Communities*, L292, volume 41, on 30 October 1998. It states:

"Throughout the nomenclature references to 'furskins', other than to raw furskins of heading No 4301, apply to hides or skins of all animals which have been tanned or dressed with the hair or wool on."

That is a broad definition. Heading 4301 applies to raw fur skins,

"including heads, tails, paws and other pieces or cuttings, suitable for furriers' use . . . other than raw hides and skins of heading No 4101, 4102 or 4103".

If amendments Nos. 5 and 6 are not made, anyone who places an order for those products, from animals that are raised exclusively for fur, will caught by the provisions of the Bill.

Maria Eagle: Only if the animals are farmed in this country. How many times must I say that to the hon. Gentleman before he hears me?

Mr. Paterson: Those animals are farmed in this country, as the hon. Lady will find out if she allows me to refer to the lists of the animals concerned. I am most surprised that the hon. Lady did not take up this issue because I referred to it on Second Reading. She could have read the list and found that many of those animals could be produced in this country.

There is a fairly obscure demand by architects for cattle hides with hair on; they are known as hair-on hides.

Mr. Morley: The Bill relates to fur. There are no furry cattle.

Mr. Deputy Speaker: Order. May I ask the hon. Member for North Shropshire (Mr. Paterson) what this has to do with amendment No. 5? He has lost me.

Mr. Paterson: It has everything to do with amendment No. 5. If a party places an order for hair-on hides, they will be encompassed by the Bill if that animal is produced only for the hide. I mentioned on Second Reading a Belted Galloway, which has a white stripe on a black background and looks marvellous on a wall. If that animal is produced specifically for its hide, the producer will be affected by the Bill. That is true of the producers of other species, such as certain rare types of sheep, including Carakul and Broadtail. They all count as fur under the European Union definitions. Therefore, if those sheep or cattle are produced, in this country, only for the fur—and it is defined as fur by the European Union—they are caught out. This is a desperately serious point.

12.30 pm

Mr. Deputy Speaker: Order. It may be a serious point, but I have heard the hon. Gentleman make that point before. As he has made the point, perhaps he will allow the promoter of the Bill to allay his fears or otherwise. That might be best.

Mr. Paterson: If the hon. Member for Liverpool, Garston (Maria Eagle) would allay my fears, I should be grateful.

Let us suppose that someone breeds an Astrakhan, Carakul, Persian, Indian, Chinese, Mongolian or Tibetan lamb, all of which could be bred in this country, where the meat is of no value and the fur is of exceedingly high value. Under heading 4302 13 00, the breeder of those very specialised rare sheep would be caught up by the Bill because, according to the European Union definition, it is fur.

Maria Eagle: The Bill is not about sheep, it is not about wool, it is not about cows, it is not about hide; it is about keeping animals where the primary or sole purpose is the value of their fur. Perhaps the hon. Gentleman has not understood it. Perhaps he should go and read the Bill.

Mr. Morley: Perhaps he does not know what sheep are like.

Mr. Paterson: These are rather cheap sedentary interventions.

[Mr. Paterson]

I am making a desperately serious point. People in a totally separate trade may be swept up by the provisions of the Bill. *[Interruption.]* I welcome you to your position, Mr. Deputy Speaker. Let me explain what you might have missed. As the Bill stands, a breeder of rare sheep—

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. Perhaps I should tell the hon. Gentleman that the Chair has a collective memory.

Mr. Paterson: Okay. Right. I shall make my comments very brief because I know that the hon. Member for Garston is looking at the clock.

As the Bill stands, a person will be fined £20,000 in a magistrates court if he has caused another person to raise an animal for its fur. We all agree with that.

Maria Eagle: In GB.

Mr. Paterson: In GB—anywhere in the United Kingdom.

There are certain breeds of sheep—I shall stick to sheep—which I named just now, whose wool, as some people call it, is defined as fur by the European Communities definition. Therefore those farmers will be committing an offence. I shall keep it simple for the Minister's sake. The value of the fur is the reason for raising the sheep, because if one wants to raise sheep for meat—

Mr. Morley: Fur?

Mr. Paterson: Yes. It is defined as fur in the European Union *Official Journal of the European Communities*. I have read out the list; the Minister would have heard if he had bothered to listen. It is a fundamental point. It will sweep in many innocent people who are not involved in mink farming—which, as I understand it, is the narrow focus of the Bill. That is why it is essential that the Bill is amended—either on species grounds or as proposed by amendments Nos. 5 and 6. *[Interruption.]* I am glad to see that the Minister is going to consult his advisers, who might be better informed than he is.

Mr. Deputy Speaker: Order. There are only right hon. and hon. Members present in the Chamber. There should be no other references.

Mr. Paterson: I am glad to see that the Minister is taking inspiration from the wooden panelling near his left ear.

However, I am making a very serious point. It is quite possible to raise, for the value of their fur in this country, animals that are not mink, that are not kept in cages, but are kept in farms. Some them may be goats; some may be sheep. It is most important that the Minister addresses that point. I am disappointed that he did not do so after Second Reading.

Mr. Forth: It falls to me to say a few words to conclude this constructive and fascinating little debate. I am grateful to my hon. Friend the Member for North Shropshire (Mr. Paterson), who has drawn attention to some important matters. I suspect that we will have an opportunity to return to some of the important themes that he raised when we debate a later group of amendments.

Mr. Morley: To try to avoid the risk of returning to any of those themes, I want to reassure the hon. Member for North Shropshire (Mr. Paterson) that, in relation to a very short discussion with the experts in the field of whether a sheep can be defined as furry, MAFF is quite content with the fact that we shall not have any problems in relation to the definition of fleeces. We are quite capable of telling fur from fleece, and a sheep from a fur animal, even if the hon. Member for North Shropshire is not.

Mr. Forth: In the context of that helpful comment, I will not get into elbows under any circumstances. We will probably return to this theme later in a rabbit sense, in which it may be much more relevant.

Mr. Maclean: Although MAFF, the Minister and those of us in this House may be able to tell the difference between a sheep and other animals that obviously have fur, the European Union has lumped them together in definitional terms, just as carrots have been reclassified as fruit and other things have been given weird classifications by the EC. That is the danger that my hon. Friend the Member for North Shropshire (Mr. Paterson) was talking about.

Mr. Forth: Indeed. Later we may want to explore the relationship between the Bill's effect in Great Britain—the UK will come in when we talk about grouping with Northern Ireland—and in Europe. We will then see who the real Europeans are. I suspect that we will see a fascinating juxtaposition, as we hear some uncharacteristic European noises from the Opposition Benches and some narrow British noises from the Government Benches. I hope that Labour Members will mind their words carefully, because they know what the Prime Minister said yesterday and what he thinks about these matters.

I am grateful to the hon. Member for Liverpool, Garston (Maria Eagle) because, typically and characteristically, she answered the points that I made thoughtfully. I was persuaded by her argument that, if our amendments were passed, they would cause unnecessary loopholes in the Bill. I would never want to be party to weakening the Bill in that way. Our last debate was about precisely the opposite, as is the next group of amendments.

For all those reasons, and, because I am anxious to save time and press on, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Mr. Maclean: I beg to move amendment No. 7, in page 1, line 17, leave out '£20,000' and insert

'level 5 on the standard scale or imprisonment for a term not exceeding 6 months, or both.'.

Mr. Deputy Speaker: With this, it will be convenient to discuss amendment No. 8, in page 1, line 17, leave out '£20,000' and insert

'level 5 on the standard scale'.

Mr. Maclean: The first amendment would give courts the option of imposing the standard level 5 fine and the

second would give them the option of the standard level 5 fine plus a period of imprisonment. One of the amendments, by necessity, would lower the maximum fine from £20,000 to £5,000, which is the highest fine that can be imposed on level 5 of the standard scale. The second amendment would give courts the option of imposing a custodial sentence in addition to, or instead of, a fine.

When I compared the Bill with other legislation with which I have been involved, I concluded that it is unusual for a specific sum to be included in legislation. More commonly, fines are prescribed with regard to levels on the standard scale. That avoids the need for changes to primary legislation when the scale is revised and saves the Government going through every piece of legislation raising the penalty from, say, £5,000 to £10,000. They bring in a general Criminal Justice Bill and simply raise the level of fines, which applies to thousands of Acts of Parliament in which the standard scale is imposed. It is therefore convenient to have a fine on the standard scale.

The other point concerns the level of the fine. The sum of £20,000 is fairly hefty and is usually imposed for corporate offences as opposed to those committed by individuals. The exception is gross environmental offences, for which huge fines of £50,000 are imposed. In special cases where one is guilty of allowing leakages from an oil tanker, one can get done for millions, and rightly so. Only in rare circumstances, however, and usually in respect of companies, are fines of that nature made, and fine-only punishment, as opposed to a court-ordered fine and a term of imprisonment, is normally available for such offences. Most fur farmers are individuals, not corporate entities, although there may be sole traders or partnerships. In those circumstances, the £20,000 penalty seems disproportionate and unsuitable.

Last week, we sent to the other place the Breeding and Sale of Dogs (Welfare) Bill, and its maximum penalty is three months' imprisonment and a fine of up to £2,500. Everyone agreed that that is sensible for such commercial activity—a lot of money is to be made by breeding and selling dogs, and more is to be made from mink farming.

Maria Eagle: I am sorry to make a slightly delayed intervention on the right hon. Gentleman's point about corporate identity, but the fur farmer who was recently found guilty of 15 counts of cruelty was prosecuted as a company—under his corporate identity rather than as an individual—so it is not unknown for existing businesses to have corporate identities. Perhaps a higher fine is appropriate.

Mr. Maclean: I hear what the hon. Lady says about that case. I do not know whether all 13 fur farms are corporate bodies; I suspect not, because that would be most unusual in any aspect of farming.

Mr. Desmond Swayne (New Forest, West): I believe that the case to which the hon. Member for Liverpool, Garston (Maria Eagle) refers involves a constituent of mine, who was recently fined £5,000, albeit his costs took the total to about £20,000.

Mr. Maclean: I am grateful to my hon. Friend for that information. It is always a source of grief to me that the costs of fighting cases are always greater than the penalties imposed. I hope that the Treasury, rather than the prosecution and defence lawyers, will benefit from receiving the proceeds of that fine. I am not getting at the hon. Lady, but individual examples perhaps make bad law and I suspect that the majority of farmers are not corporate bodies.

This point had not occurred to me before: it should be possible for the Ministry of Agriculture, Fisheries and Food and the SVS, when investigating, to pin many offences, over a continuing period, on someone who has been convicted of a cruelty offence. Would keeping animals improperly be one offence? Could charges be made in respect of every single animal and over a long period? I am not sure whether such a provision applies in the Bill.

For example, would one offence have been committed by someone continuing to run a mink farm with 100 mink illegally for 100 days, or would offences have been committed in respect of all the mink over those 100 days? I will happily take advice on that from the hon. Member for Liverpool, Garston (Maria Eagle). If a separate offence applies to each animal kept, and not merely one offence of being an illegal mink farmer is committed, the scale of fines could mount up.

I have little else to say, except that, on the one hand, the £20,000 penalty might be on the steep side, but, on the other, if this offence deserves a £20,000 penalty, why does not the Bill provide for a term of imprisonment? A term of imprisonment was provided for by the Breeding and Sale of Dogs (Welfare) Bill, and six months' imprisonment usually applies to level 5 fines on the standard scale. In those circumstances, a term of imprisonment would be perfectly satisfactory and ought to be included as an option for someone who breaks the law by continuing to run, or by starting, an illegal operation after the Bill comes into effect.

This is surely a matter of trusting the courts. If they have the power to impose a penalty and slap on a fine up to level 5 on the standard scale, they should also be able to impose any period of imprisonment.

12.45 pm

As my hon. Friends have said, some of these people may be men of straw and may not have much substance behind them. A period of imprisonment may be a greater deterrent than a fine that may not be paid. They may have so arranged their businesses that they are men of straw and have little assets.

I am happy for the hon. Lady to say that she wants a high penalty and will not accept a level 5 fine, but if she believes high penalties are essential, periods of imprisonments must also be essential. It is illogical to go for a high financial penalty that offenders may not pay, instead of having the deterrent of imprisonment.

There are obviously alternatives, and they cannot all be accepted. I seriously urge the hon. Lady and the Minister to accept the amendment that would impose a period of imprisonment.

Maria Eagle: I thank the right hon. Gentleman for making these amendments perfectly clear. We have not always had clarity from Conservative Members this morning, but he has made his points clear and I shall do my best to answer them.

[Maria Eagle]

The right hon. Gentleman is quite right that it is unusual for a fine to be specified in primary legislation, as it is in the Bill. I believe that a fine is the appropriate sanction. If the Bill were to be enacted, the law breaking would be for economic gain, so it seems highly appropriate to deter it by imposing a high level of fine.

Amendment No. 7 would impose a level 5 fine, which is £5,000 as the right hon. Gentleman explained. I believe that level 5 is not sufficiently high. A fur farmer could make a large economic gain by acting unlawfully, so a £5,000 fine may not be a sufficient deterrent to prevent him from continuing his unlawful business. That is why I thought that the fine should be at a higher level.

The amount of the fine is specified in the Bill so that it acts as a clear and obvious deterrent. The fine is clear from looking at the Bill. I know that that is unusual, but one would not anticipate the small businesses that the Bill makes unlawful to continue in great numbers, and one would not expect many people to be prosecuted for such an offence if the Bill does its job properly once it is enacted and once the industry is closed down.

It is important to include in the Bill the date on which the industry becomes unlawful and the level of fine. That is why I took the unusual step of specifying the amount of the fine as £20,000, rather than using one of the levels in the summary jurisdiction of the magistrates court.

The right hon. Gentleman asked whether running a fur farm would count as one offence or whether a person would be guilty of separate offences. Each animal kept could constitute a separate offence, but given the way in which prosecutors work, it would be highly unusual for them to charge every offence. If a fur farm were operating with 100 mink, it would be highly unusual for prosecutors to charge 100 offences, although, technically, they would be separate offences. Normally, specimen charges are laid. For example, in the cruelty case that we referred to earlier, 15 specimen charges were made, although there were many more breaches than that. The prosecution went ahead on that basis, and the fur farmer was found guilty and fined. I would expect that approach to be taken.

Mr. Maclean: I thank the hon. Lady for giving way. She is wonderfully courteous.

If specimen charges could be laid, there would be no difficulty imposing a £5,000 maximum fine on 10 specimen charges if there were more than 10 mink. That would tot up to more than £20,000 and imprisonment.

Maria Eagle: That would certainly be an alternative way of dealing with the issue. When I was considering the drafting of the Bill, that was a possible solution, but I do not think that it is preferable to the one in the Bill. I thought that it was important to make the penalty clear in primary legislation. That is why I specified the figure of £20,000: I wanted the fine to be on a higher scale than the present level 5.

The right hon. Gentleman has said during earlier stages in the Bill's passage that the provision is too inflexible and, given that there might be a period of rapid inflation, the fine might end up looking rather small and primary legislation might be required to change it. I consider that unlikely, but in any event a Criminal Justice Bill—we deal with many of those, and they often amend other legislation—could increase the fine.

I also do not believe that there are a vast number of people who would wish to establish illegal businesses. Of course the sanctions must be there, but I do not expect that they will have to be used extensively.

I accept that the amendments represent an alternative way of dealing with this issue, but, having considered such proposals at the time when the Bill was drafted, I decided against them, and I hope that the right hon. Gentleman will respect my judgment.

As for imprisonment, the magistrates courts provide for six months, but I felt that, as these are primarily economic offences, they should be dealt with in that context. The right hon. Gentleman may have forgotten momentarily that the Bill provides for another method of punishment, namely forfeiture, which would involve not just a fine but the loss of an economic asset. Imprisonment on top of that would surely be draconian.

Mr. Maclean: A £5,000 maximum fine plus forfeiture would exceed £20,000. The forfeiture would constitute the lower level of the economic penalty that I propose; imprisonment would be the other penalty.

Maria Eagle: The right hon. Gentleman is right. If there are two lawyers in a room, they will come up with two different ways of doing things.

I hope that it reassures the right hon. Gentleman to learn that I considered his approach, but—perhaps for reasons of style; I am a different sort of lawyer from him—decided against it. I hope that he will not press the amendment, although of course he is entitled to do so. I accept that his proposals are constructive, but I am not convinced that they represent a better way of doing things.

Mr. Forth: In a speech that was, as ever, courteous and considered, the hon. Member for Liverpool, Garston (Maria Eagle) said—with total honesty and transparency—that this was yet another of those unbalanced things, and that, having considered all the options, she had finally plumped for the one in the Bill. We too considered the options, from our own perspective, and funnily enough—this theme has run through this morning's debate—we concluded that, if we had to have this Bill, we would have to ensure that it did what it set out to do. If, as some would say, we are dealing with grasping, unpleasant people doing very unpleasant things, I should have thought that we should err on the side of harshness when it comes to penalties.

I am slightly puzzled by the hon. Lady's insistence that, because she considers this to be an activity concerned with economic gain, the money side of the penalty is the more important side. What has happened to the issue of welfare? The Bill is supposed to include a welfare consideration somewhere. Surely, at best, it is concerned with the welfare of animals, although ever since Second Reading we have disagreed on the best way to approach that. My hon. Friends and I have made no secret of the fact that we would have preferred an approach more directly concerned with welfare; but that is now behind us.

Mr. Morley: I understand what the right hon. Gentleman is saying. There is a balance to be struck in looking at things such as imprisonment, but, on the point

about welfare, welfare legislation is in place and is separate from the penalty, which is in relation to breaking the terms of the prohibition.

Mr. Forth: I accept that, but if that welfare legislation were adequate and were being properly implemented, presumably, we would not have the problem with which the Bill seeks to deal, so there is a bit of a conundrum there.

The hon. Member for Garston said that some of the people would be wealthy and that, therefore, a large financial penalty would be appropriate. One can turn that argument on its head and say, if they were that wealthy, even £20,000 might not be sufficient to deter them, but I bet that six months in prison would not half concentrate their minds. Therefore, following her own logic, because some of these people may be well off as a result of their activities, we need the possibility of a term of imprisonment, rather than only the substantial fine that that the Bill imposes.

Let us look at the other end of the spectrum. The person may have virtually no money and therefore may not be able to pay the fine, whether it be £5,000 or £20,000. I would feel much happier if we had the alternative of the term of imprisonment available to us in the event of the fine not having an effect.

Therefore, we are left with a peculiar position. Whether the person is a very wealthy fur farmer, or someone who has been very unsuccessful and is merely making a living, the argument comes down heavily on the side of a term of imprisonment being available to the court. Time and again, I find myself in the odd, but pleasurable position of arguing for the Bill to be strengthened in an attempt to make it more effective. I am still at a loss to see why the hon. Member for Garston draws back from that.

Mr. Paterson: Considering the flaws that we recently flushed out on the matter of definition, I am most surprised by the turn that my right hon. Friend's argument is taking. He must now realise that many totally innocent people in a trade totally separate from the fur trade could be swept into this. The penalties are excessive in that regard.

Mr. Forth: I confess that that is a problem.

Mr. Paterson: It is a huge problem.

Mr. Forth: It is. We will examine the matter further in a few moments. I am trying to focus on penalties notwithstanding. Let us resolve the matter about sheep, rabbits, fur, wool, fleeces and arms and elbows later, and concentrate now on the merits of the clause, discuss what we think the proper penalties are and how effective they might be. Then we will go on, perhaps even under the next group of amendments, to talk about pelts, rabbits and all sorts of other fascinating things.

We are talking about what will be most effective in implementing the Bill. Our argument is simple. The hon. Member for Garston was generous enough to praise the clarity with which my right hon. Friend the Member for Penrith and The Border (Mr. Maclean) had put the case. I cannot better it, but I want to reinforce our slight puzzlement that, in our efforts time and again to strengthen the Bill, we are being resisted. I would have thought that the question of penalties is a relatively straightforward matter. It is one about which my right hon. and hon. Friends and I feel strongly.

I do not feel inclined—it will be for my right hon. Friend the Member for Penrith and The Border to say because he moved the amendment—to accept what the hon. Lady says. I do not believe that £5,000 will be enough to deter a very wealthy farmer and that we should not make available to the courts a term of imprisonment. If that penalty was good enough to look after the welfare of puppy dogs last week, it is certainly good enough to look after the welfare of mink or any other fur-bearing species this week. I hope that our decision will be consistent with that taken last week and that the Bill will include a term of imprisonment.

1 pm

Mr. Paterson: Following the unsatisfactory answers that we received on the matter of definition, and that we may receive on further clauses, talk of fines of £20,000 and imprisonment is excessive. The people who will be caught up in future will be innocent. We established in earlier debate that there are very few fur farmers left in this country—11, I think, and they will almost certainly go.

Those who will get caught up by the legislation will be innocent parties in another trade—the rabbit farmer who switches his production to fur, and so on. It will be an appalling burden for magistrates courts to have to decide such cases. I am not a lawyer, and I apologise to the hon. Member for Liverpool, Garston (Maria Eagle) for my earlier comment disparaging lawyers. I have always found my dealings with them rather expensive, but it is a fine profession and I am sure that she is an excellent example of it.

As I understand it—the hon. Lady may correct me—the decision will be taken in magistrates courts, without recourse to jury. The only people likely to be swept up will be those involved in the rearing of animals that are not clearly defined—people from entirely different trades. I find any discussion of imprisonment excessive, and fines of £20,000 are out of order for the mainly innocent people who will be swept up.

How would the hon. Lady answer to some sheep farmer or rabbit farmer who was taken for £20,000 on the decision of a magistrates court, where he could not be represented by a proper lawyer—possibly someone of her standing?

Mr. Maclean: It falls to me to conclude the debate on this group of amendments. I disagree strongly with my hon. Friend the Member for North Shropshire (Mr. Paterson). I know that perhaps only 20 of my colleagues agree with my general approach to the Bill. There is contention about the subject.

Some of us may take the view that the Bill is wrong in principle, or misguided, or that it should be approached by another route. However, if the measure goes through Parliament—the Commons and the other place—it will be become an Act of Parliament prohibiting an activity. The fact that I thought initially that it was misguided does not change my belief that the laws of this House must not be disobeyed by anyone.

[Mr. Maclean]

One day people may be innocent, legitimate fur farmers. If the Bill goes through and turns them into criminals if they continue in business, I believe that the full force of the law should bear upon them afterwards.

Mr. Swayne: Hang them.

Mr. Maclean: My hon. Friend interjects from a sedentary position a suggestion that I consider too severe. There are quite a few people in this country whom I may have wished to see hanged, but people in the trade do not come into that category. My hon. Friend will not tempt me down that route.

If, after the Bill is enacted, people continue in an activity that has been made illegal by the House, irrespective of my views on the merits of making it illegal, the law must be obeyed. The financial penalty without the term of imprisonment is not as great a deterrent as the hon. Member for Liverpool, Garston (Maria Eagle) suggests.

The marvellous thing about this debate is that it is a matter of judgment. There is no great fundamental principle at stake in this part of the Bill or these two amendments. The hon. Lady was courteous and kind enough to say that she had considered our amendments carefully and in her judgment she had gone for one side.

I wish that the people who, my secretary tells me, have jammed my answering machine with death threats would listen to the debate that we have had this morning and hear the points of view expressed from all sides. They might then realise that although there might be some issues of principle between us, when the House of Commons debates matters such as fines, penalties and periods of imprisonment for those who break the law, there is not much between us.

I do not intend to push the amendment that lowers the £20,000 fine to level 5 on the standard scale, as that is not adequate. However, a period of imprisonment would act as a greater deterrent to some people than even the fine. Under my amendment, the fine would be level 5 on the standard scale and it would be possible for someone farming mink to be prosecuted for half a dozen offences. The hon. Lady said that multiple prosecution is possible, and in my experience, the Ministry of Agriculture, Fisheries and Food is usually happy to bring several prosecutions, particularly in animal cruelty or welfare cases. The farmer could be prosecuted for farming 10, 20, 30 or 40 mink. Half a dozen specimen charges could be laid, with the level 5 fine of £5,000 applying to each. That means that a person could be fined £20,000, £30,000 or £35,000.

None the less, a term of imprisonment would act as a greater deterrent than just the fine. I would have level 5 on the standard scale, which could be applied to half a dozen cases, or 50, or 11 or 2,000. The fine could exceed the one proposed by the hon. Lady, and there would be forfeiture too. Imprisonment for up to six months would be a further deterrent.

Mr. Paterson: I am surprised that my right hon. Friend is taking the line also taken by my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) in supporting these extremely severe penalties for people whom I see as being innocent. Only complete idiots will carry on mink farming once the Bill becomes law, and the people swept up by it will be innocent people undertaking entirely separate activities. Surely, there should be a scale that reflects that fact.

Mr. Maclean: I disagree. Those people are innocent today, and they will remain innocent until 1 January 2001, or some other date if the hon. Member for Garston moves or agrees to an amendment. However, irrespective of the fact that what they are doing is legal today, if the House turns them into criminals, they must be punished properly. It does not matter that what they did was once not an offence. That point of principle should be accepted by every parliamentarian who believes in the rule of law.

I am sorry to disagree with my hon. Friend. The people to whom he refers are not criminals today, and nor is anyone involved in farming. But once this wrong-footed Bill, which approaches a welfare problem from entirely the wrong angle, is passed, the sanctions must apply. People should not continue an illegal activity. That must be a criminal offence, and the penalties proposed by the hon. Lady could be toughened up. I want to add a period of imprisonment so that we may be consistent with what we did last week on puppy dogs. We applied a three-month term of imprisonment then, and my proposals on the Bill would set a higher financial penalty and a six-month imprisonment term.

Question put, That the amendment be made:—

The House divided: Ayes 1, Noes 66.

Division No. 176] **[1.8 pm**

AYES

Paterson, Owen

Tellers for the Ayes:
Mr. David Maclean and
Mr. Eric Forth.

NOES

Austin, John
Bradley, Keith *(Withington)*
Breed, Colin
Buck, Ms Karen
Casale, Roger
Caton, Martin
Cawsey, Ian
Clelland, David
Coaker, Vernon
Colman, Tony
Cousins, Jim
Cranston, Ross
Cryer, Mrs Ann *(Keighley)*
Dowd, Jim
Drew, David
Eagle, Maria *(L'pool Garston)*
Efford, Clive
Fitzpatrick, Jim
Flint, Caroline
Fyfe, Maria
Gale, Roger
Gapes, Mike
Gardiner, Barry
Gerrard, Neil
Gordon, Mrs Eileen
Griffiths, Win *(Bridgend)*
Hancock, Mike
Heath, David *(Somerton & Frome)*
Henderson, Ivan *(Harwich)*
Hill, Keith
Jackson, Ms Glenda *(Hampstead)*
Johnson, Alan *(Hull W & Hessle)*
Jones, Dr Lynne *(Selly Oak)*
King, Andy *(Rugby & Kenilworth)*
Ladyman, Dr Stephen
Leslie, Christopher
Linton, Martin
Livingstone, Ken
Loughton, Tim
McDonnell, John
McIsaac, Shona
McNulty, Tony
Morley, Elliot
Naysmith, Dr Doug
Olner, Bill
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Primarolo, Dawn
Ryan, Ms Joan
Shipley, Ms Debra
Skinner, Dennis
Soley, Clive
Southworth, Ms Helen
Swayne, Desmond
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Turner, Dr Desmond *(Kemptown)*
Twigg, Stephen *(Enfield)*

Vis, Dr Rudi
White, Brian
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*

Tellers for the Noes:
Angela Smith and
Mrs. Linda Gilroy.

Question accordingly negatived.

Mr. Forth: I beg to move amendment No. 9, in page 1, line 17, at end insert—

'(5) In this Act, except where the context otherwise requires, any reference to "animals" shall be a reference to any of the species of animal specified in the Schedule to this Act.'.

Mr. Deputy Speaker: With this, it will be convenient to discuss new schedule 3—

'*Species of Animals*—

Common name	*Species*
Arctic Fox	*alopex lagopus*
Chinchilla	*chinchilla chinchilla*
Fitch	*mustela putorius*
Mink	*mustela vison*
Raccoon Dog	*nyctereutes procyonoides*
Rabbit	*oryctolagus cuniculus*'.

Mr. Forth: On some measurements, the amendment might be described as one of the more important—if not the most important—of the amendments that we are considering today. It raises some crucial questions as to the general and specific approaches being taken to the matter in the Bill. The Bill has been cast in the most general terms. The hon. Member for Liverpool, Garston (Maria Eagle) has pointed out that she did that deliberately and, typically, after much thought. However, as we have seen from today's worthwhile deliberations, that general approach has already given rise to some potential difficulties. At this point, perhaps we can consider some of those problems in their proper context.

At present, the Bill states simply that all fur farming will be prohibited. That begs the important question why there should be an indiscriminate measure. It also begs questions as to the relevance of particular species. That matter is the substance of the amendment and the schedule to which it refers. We can obviously hold different views on the matter; for example, one could take the view taken in the Bill—that there should be a blanket provision prohibiting all fur farming, regardless of the species involved. However, that raises some pertinent questions if one assumes that the motivational force behind the measure is one of animal welfare—surely the crucial assumption.

If the measure is genuinely about the welfare of the animals, and if one considers the arguments about why it is legitimate to raise an animal to eat but not to wear, we are immediately in difficulty. Although many powerful arguments have been made about mink because it is the only species raised for its fur in this country, the question is whether—if we are concerned about banning the raising of mink on welfare grounds—that would allow the possibility of raising other species, if a way could be found to do so within the welfare provisions. That is the first question.

There is a related question in respect of rabbits; that interesting issue arose during the progress of the Bill on Second Reading and in Committee. Rabbits are listed in the schedule and that usefully brings them into the debate. My right hon. and hon. Friends have already pointed out that the issue about rabbits—quite apart from the welfare considerations to which we might return shortly—is whether the preponderance of value in a rabbit, depending on the type and, crucially, the state of the market at the time, was in its fur or its meat.

The issue has arisen in the French context. We have verification from France, to which my right hon. Friend the Member for Penrith and The Border (Mr. Maclean) alluded. I will not bore the House by reading it out; I think that I should probably be out of order if I read it out in the original French. As I recall the Standing Orders, languages other than English are not permissible in the Chamber. That gives me some relief.

Mr. Stephen Pound (Ealing, North): But the right hon. Gentleman is speaking in Scottish.

Mr. Patrick Nicholls (Teignbridge): That is not a language.

Mr. Forth: I am tempted to say—no, I shall not.

The point is that we have had verification, in French, from France, of that important point about rabbits. That in no way undermines the validity of the argument. I am prepared to believe some things in French—certainly this one. The verification relates to the question why, in the mind of the hon. Member for Garston, if it is acceptable and legitimate on animal welfare grounds to raise a rabbit to eat, it would not be legitimate to raise the same animal in the same circumstances if one were going to wear it. Surely, that goes to the heart of our debate on the amendment and the new schedule. I hope that the hon. Lady will be able to elaborate on that matter during the course of the debate.

From the start, I have never been clear about what those who support the Bill are trying to say. If they are trying to say that it is legitimate, on the grounds of animal welfare, to consider different species whose fur may be attractive or useful to different people and different cultures at different times and to make a judgment as to whether it is proper to raise those species for their fur, that approach would receive a great deal of support from Conservative Members—but that is not the approach that has been taken.

Mr. Hancock: If it will help the right hon. Gentleman, I should tell him that there is one hon. Member who holds that view and who would welcome his support. My view is that farming any animal for its skin should be banned and your support for that view will, I hope, persuade you to cut short your contribution so that we can get on—

Mr. Deputy Speaker: Order. The hon. Gentleman's comments have nothing to do with me and he must not use the term "you" unless he is directly addressing the Chair.

Mr. Forth: What a typical modern Liberal approach—reach for the ban. The hon. Member for Portsmouth, South (Mr. Hancock), a member of the Liberal Democrat party, wants to ban an activity because he does not like it.

Mr. Nicholls: In his leather shoes.

Mr. Forth: The hon. Gentleman is indeed wearing leather shoes.

[Mr. Forth]

On the other hand, the modern Conservative party is genuinely liberal: we respect other people's points of view and we do not reach for the legislative ban every time we disapprove of something. As I have already reminded the House, I opposed a Bill promoted by my hon. Friend the Member for Rochford and Southend, East (Sir T. Taylor), a man whom I respect greatly and regard as a friend. His Bill would have banned something because he personally disapproved of it, so I opposed that Bill, just as I oppose the Bill before the House now.

The amendment and the new schedule address the question of whether it would be more appropriate to add a schedule to the Bill that identified the different species to which a ban should relate than to impose a blanket ban—a question that has given rise to some difficulty. Such a provision would admit the possibility of making judgments on the grounds of welfare. I keep returning to that point: if we are genuinely concerned about welfare, the approach embodied in the amendment and the new schedule must be the proper one to adopt.

The new schedule, if accepted, would be amenable to alteration, albeit by primary legislation rather than by regulation. On balance, I think that that is the proper approach: my right hon. Friend the Member for Penrith and The Border and I could have made it a matter for regulations, but we took the view that, given the seriousness of the matter, it was right to fix it at this stage by listing the species in a new schedule to the Bill, while admitting the possibility of returning to the issue from time to time, on grounds of welfare, because of the way in which fashion and technology change and the market moves. All the different species that we put in our schedule are relevant in the context of the species that are known to have been farmed for fur in the past.

Mr. Paterson: I find the list that my right hon. Friends have produced somewhat arbitrary. Will my right hon. Friend tell the House the criteria according to which he drew up the list of species in the new schedule?

Mr. Forth: Given that we failed to consult our expert hon. Friend, I can easily imagine why he finds the list defective and I regret that. When we drew up the list, we took a view that, at this stage and given the state of current knowledge, the species listed were probably those that would fail to meet the welfare considerations that we understood motivated those who drew up the Bill.

However, I admit here and now that our schedule may well be defective in respect of our friend the rabbit. The rabbit gives me, and probably my hon. Friends, considerable problems in respect of the Bill, for the important reason that we have not yet established clearly why it might be possible and acceptable to raise a rabbit in certain conditions if the rabbit is to be eaten—which happens more frequently in France than in this country, although rabbit is still a delicacy here—but it would not be acceptable to raise that same rabbit in the same conditions, not to eat it, but to wear it in form of fur.

Mr. Hancock: Quite right.

Mr. Forth: My Liberal friend is desperate to ban something, somehow. He came to the Chamber desperate to ban something—

Mr. Hancock: You.

1.30 pm

Mr. Forth: The hon. Gentleman wants to ban me now, Mr. Deputy Speaker. That is a typical Liberal approach. In this alleged bastion of free speech, a Liberal Democrat seeks to prevent me from speaking freely. That is a sad comment on the modern Liberal Democrat party. The hon. Member for Portsmouth, South will have to explain that as best he can.

Mr. Pound: It may be appropriate for me to inform the right hon. Gentleman that many hon. Members are at one with the hon. Member for Portsmouth, South (Mr. Hancock) in that view.

Mr. Forth: The sad truth is that there are not many. I count five Labour Back-Bench Members and two Liberal Democrats in the Chamber. I am delighted to say that there are the same number of Conservatives as Labour Members, even though the Conservative parliamentary party, sadly, has fewer members than Labour. The hon. Member for Ealing, North (Mr. Pound) is stretching the truth when he refers to "many" Members. The Government's numbers have increased exponentially as another Labour Member has entered the Chamber. The massed ranks of six Labour Members of Parliament are keen to express their support for this measure.

Mr. Morley: Sixty-six voted.

Mr. Forth: It is true that 66 Labour Members out of 417 have taken the trouble to turn up to vote in both Divisions today.

Mr. Deputy Speaker: Order. The right hon. Gentleman has demonstrated sufficiently his numeracy skills. Perhaps he will return to the substance of his amendment.

Mr. Forth: I was enjoying that, Mr. Deputy Speaker, but I will move on.

We are talking about the relative merits of retaining the original wording of the Bill, which is a blanket provision. It does not allow for the possibility of raising animals in acceptable conditions for food or fur and offers no means of dealing with the difficult hybrid example of our friend the rabbit. We know from the experience of our French colleagues that it is possible that either rabbit fur or rabbit meat may be more valuable at any one time.

That causes us considerable difficulty in picking our way through the clauses of the Bill. I must admit, for the benefit of my hon. Friend the Member for North Shropshire (Mr. Paterson), that I cannot claim that my amendment is all inclusive or totally comprehensive. However, it gives us an opportunity to tease out the mysteries of the rabbit, if not the relative merits on welfare grounds of including or excluding from the schedule different species at different times and in different conditions so as to raise them for their fur. That is the important point at issue and the House deserves to know the full details from the Bill's promoter and, if I can tempt him to the Dispatch Box, from the Minister. Until we are satisfied about such matters, we cannot make much progress.

The House will probably be relieved to know that I do not propose to go into great detail about the habits of each species, the amount of space that they are allowed under the current regulations and so on. I suspect that some of my hon. Friends are itching to assist the House with those details. I seek simply to set the scene broadly in introducing the amendment.

The fact remains—it chimes in with the issues raised by my hon. Friend the Member for North Shropshire—that we have not settled this difficult point. It proves the extreme value of the various deliberate proceedings in the House of Commons. We examined the Bill in Committee and raised points that have still not been dealt with—

Mr. Paterson: They were ignored.

Mr. Forth: That is regrettable. We now have an opportunity to re-examine those matters on Report and to involve different people in our discussions. Not all hon. Members who are present were members of the Committee. I was not invited to sit on the Committee. An hon. Member asked earlier why my hon. Friends were not members of the Committee; I was not even asked, and that is, perhaps, why I take particular interest in the Report stage.

Mr. Deputy Speaker: Order. Back to the amendment, Mr. Forth.

Mr. Forth: I think that I have set the stage sufficiently to establish the philosophy behind the amendment, which raises important questions. I look forward to hearing what the Bill's promoter and the Minister have to say about it so that we can reach a judgment on it.

Maria Eagle: First, I reassure the right hon. Member for Bromley and Chislehurst (Mr. Forth) that I am not one of those who wish to vote him into complete quietude, however amusing or tempting the idea may be at times. He is acting within the procedures of the House, and I have no complaints about him in that regard.

In speaking to the amendment and new schedule, the right hon. Gentleman has suggested an alternative provision to that in the Bill, but he and I differ in our opinions. He has said clearly that he is a libertarian and does not believe in prohibitions or bans. The Bill's long title says that it is a Bill to

"Prohibit the keeping of animals"

if the primary or sole purpose is to collect

"the commercial value of their fur".

That is the principle behind the Bill, which was accepted on Second Reading, without a Division. The right hon. Gentleman was present on Second Reading when, if his principled opposition was that strong, he could have tested how strongly other Members felt about the Bill, but he chose not to do so.

I accept that the right hon. Gentleman's amendment and new schedule would be an alternative way of dealing with a ban. I accept also that he may have chosen the animals mentioned in new schedule 3 on the basis of animal welfare considerations, although rabbits do not fit that theory, and he may have chosen that animal for a different purpose. No doubt, we shall hear about that later.

Mr. Paterson: Will the hon. Lady give way?

Maria Eagle: I shall give way shortly, but I want first to set out my basic position.

The alternative suggested by the right hon. Member for Bromley and Chislehurst is not as effective a way of achieving the Bill's purpose, as set out in the long title, as the current wording. His amendment would create potential loopholes. As the hon. Member for North Shropshire (Mr. Paterson) said, implementation of the Bill would always be dependent on which animals were listed in the schedule, which could be amended only by primary legislation. The inflexibility of having to legislate again was a reason why, earlier in our discussions, other amendments were tabled by the right hon. Member for Penrith and The Border (Mr. Maclean).

I hope that the right hon. Member for Bromley and Chislehurst will accept that his new schedule could be viewed as somewhat inflexible, and contains omissions. For example, coypu is not included, although we have had a problem with coypu in this country in the past. Muskrat is not included, although that animal was the reason for the introduction of the Destructive Imported Animals Act 1932. Polecats are included, I believe, because they are fitch—I may be wrong about that. Lynx, however, are farmed in the US, but they are not on the list, although it is conceivable that they could be brought over here and farmed here.

Perhaps the most obvious omission from the list is the red fox, which, until recently, was farmed in this country for its fur. That practice was completely unlicensed because a licence was not necessary under existing legislation. That illustrates why the approach that I adopted—a blanket prohibition if it can be proved that the sole or primary purpose is to collect "the commercial value" of the fur—is a better way of achieving the objective in the long title of the Bill.

Given that the right hon. Member for Bromley and Chislehurst did not divide the House on Second Reading, I am not for a moment suggesting that he is trying to undermine the Bill's primary purpose, but I fear that that would be the effect of the amendments if they were accepted.

Mr. Paterson: I was going to ask the hon. Lady whether she would answer the question posed by my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth), as to why it is acceptable to her to keep a rabbit in a cage and kill it for meat but unacceptable to keep the same rabbit in the same cage for the same period and kill it for its skin. That seems to be the fundamental contradiction of the Bill, which I do not understand.

Maria Eagle: I am happy to answer that question, but I have answered it before at different stages, including during Second Reading, when I believe that the hon. Gentleman was present, so he might recall what I said.

My primary purpose in respect of the Bill has been to get rid of what I see as a cruel practice, where the thing that is produced is not necessary to life. Food is necessary to life. I accept that there are vegetarians among us, but I do not believe in compulsory vegetarianism. However, I do not consider that it is necessary, in any circumstances, for fur to be available for the use of

[Maria Eagle]

mankind, especially when the way in which it is obtained is demonstrably cruel and cannot be performed in accordance with present animal welfare standards.

Mr. Nicholls: Will the hon. Lady give way?

Maria Eagle: I was replying to an intervention. The hon. Member for North Shropshire is on his feet.

Mr. Nicholls: I thought that the hon. Lady had finished with that intervention and was being kind—

Mr. Deputy Speaker: Order. I think that we are getting into some confusion. I was prepared to take Mr. Paterson's intervention as an intervention, to which the hon. Lady has now replied and has resumed her seat. Mr. Owen Paterson.

Mr. Paterson: That was a most interesting comment. I believe that it shows that the basis of the Bill is flawed. We must try to make the Bill work, along the lines that the hon. Member for Liverpool, Garston (Maria Eagle) has suggested, without sweeping in many innocent parties whom she clearly does not intend to sweep into its remit.

My right hon. Friends the Members for Penrith and The Border (Mr. Maclean) and for Bromley and Chislehurst (Mr. Forth) have chosen to include in the new schedule a list of species. That seems a sensible idea. The problem is that the list is faulty. I hope that my right hon. Friend the Member for Bromley and Chislehurst will not mind if I criticise it sharply. The list is arbitrary and capricious, and it does not encompass many of the species that have been farmed in Europe in recent years, and which could easily be farmed again in this country.

The first animal on the list is commonly known as the arctic fox—Latin name, alopex lagopus. The hon. Member for Garston rightly said that the red fox—vulpes vulpes—was not mentioned. Surely that is a major omission, because the red fox has been farmed for centuries. If my two right hon. Friends wanted to include fox production, it is a most extraordinary lacuna not to have mentioned the red fox.

I am delighted that my right hon. Friend the Member for Penrith and The Border, who wrote the new schedule, has returned to the Chamber. Perhaps he will tell us why vulpes vulpes was missed off the list.

Mr. Maclean: I am sorry, Mr. Deputy Speaker; I had to leave the Chamber for a moment. I did not want the schedule to list every animal that should be included. I wanted, if I caught your eye, Mr. Deputy Speaker, to say why I included the animals in the list. I thought that I would try the Chair's patience if I had a list of 20 animals and then tried to justify the inclusion of each one. I picked the animals that are listed to give a sample of the schedule as a means of achieving a purpose. I admit that the schedule is not complete, and I can give examples of other animals that should be included.

Mr. Paterson: That is a most helpful intervention. It partly explains where my two right hon. Friends are coming from. I believe that their intentions are correct. I simply think that the mechanism is faulty.

The next animal on the list is the chinchilla—Latin name, chinchilla chinchilla. My right hon. Friends have missed out a grouping. For information, the chinchilla belongs to the order of rodents—rodentiae—which includes the porcupine, but the family of the chinchilla consists of two species, which should have been mentioned. There is the short-tailed chinchilla, chinchilla chinchilla; and the long-tailed chinchilla, chinchilla lanigera. The smaller, short-tailed chinchilla, the chinchilla chinchilla brevicaudata, and the larger short-tailed chinchilla, or king chinchilla, the chinchilla chinchilla chinchilla, are considered sub-species.

1.45 pm

Mr. Morley: The hon. Gentleman seems to be making a case for supporting the Bill as it stands. The way in which it is worded means that those bureaucratic problems do not arise. Unlike some of his right hon. and hon. Friends, who have great skill in relation to wasting time, the hon. Gentleman has a great deal to learn, which includes not reading out long lists. I should have thought that he could have been a little more imaginative.

Mr. Paterson: I am most grateful to the Minister for advising me on how to advance my parliamentary career. I shall listen carefully to his interventions in future, but I shall take advice from my right hon. Friends who, as he rightly says, are very skilled in parliamentary ways.

I am making the simple point that my right hon. Friends have included in the list the name "chinchilla". I have rapidly given the Minister four or five other types of chinchilla that should have been included.

Mr. Forth: Can my hon. Friend help us—I know that he is an expert in these matters—by saying how attractive those different varieties are to the fur trade? Might there be a market for them, which would induce people to contemplate farming them?

Mr. Paterson: My discussions have mainly been with European fur traders, one of whom said that the British Government must be "in Disneyland". That is how the European fur traders consider our deliberations this morning. They think that the Bill is completely crazy. Independent scientists in Denmark and Holland see no welfare grounds whatever for the Bill, and the Europeans think that we are wasting our parliamentary time discussing it. It is as simple as that.

The list that my right hon. Friends have drawn up is potentially an effective way of removing the danger of sweeping innocents into the Bill. I am trying to illustrate the flaws in the list and show how it could be improved.

I find it amazing that, in her speech on the clause, the hon. Member for Garston showed that she did not know what a fitch was, yet here she is, in cahoots with her Front-Bench colleagues, grandly trying to sweep away a whole industry. For her information, a fitch is from the mustela putorius species and it is a polecat. Other polecats should have been on the list—*[Interruption.]*

Mr. Deputy Speaker: Order. Labour Members must not make sedentary comments.

Mr. Paterson: Thank you, Mr. Deputy Speaker.

Another type of fitch or polecat is the steppe polecat—the mustela putorius eversmanni. Then there is the ferret. The case of the ferret shows the nonsense of the Bill, because animals raised for fur are probably kept in much better conditions than many ferrets that are kept throughout the country for chasing rabbits. By the way, Mr. Deputy Speaker, I am a great admirer of the ferret from my knowledge of Saki, which I am sure you have heard of.

To continue with the list—

Mr. Deputy Speaker: Order. While the hon. Gentleman is pausing to sort out his notes, it might be helpful if I reminded him that the right hon. Member for Penrith and The Border (Mr. Maclean) said in an intervention that the purpose of the amendment was to discuss the list as a means of dealing with regulation. It is not, therefore, an opportunity for the hon. Gentleman to go into minute detail on every single type of species that should be on the list.

Mr. Paterson: I take that point, Mr. Deputy Speaker. I shall end, therefore, with the animals mentioned on the list, the last of which is the rabbit. We have already had some discussions this morning about the rabbit, but mentioning one latin species on the list is totally inadequate. The only one mentioned is oryctolagus cuniculus, although there are some 80 varieties of domestic rabbit and about 30 breeds of rabbit.

Mr. David Heath (Somerton and Frome): The hon. Gentleman purports to be an expert on this matter. There is only one species of rabbit—oryctolagus cuniculus. The others are sub-species or varieties. If he does not know what he is talking about, will he kindly not bore the House any longer by purporting to do so?

Mr. Paterson: I am charmed that the hon. Gentleman should join our deliberations after all this time; we have not seen much of him this morning. The "Encyclopaedia Britannica" says that there are 30 breeds and 80 varieties of domestic rabbit.

Mr. Swayne: It is undoubtedly the case that Isaac was unable to distinguish between his son Esau, who was a hairy man, and Jacob, who—

Mr. Deputy Speaker: Order. That is quite enough.

Mr. Paterson: I am most grateful to you, Mr. Deputy Speaker, for ending the intervention of my hon. Friend the Member for New Forest, West (Mr. Swayne).

The point is simple: the list is inadequate, although it is a mechanism that could make the Bill work better. The critical point—I refer to my earlier comments—is that there is no definition of a fur-bearing animal in the Bill. I have been mocked by the Minister and the Bill's promoter for using the definition used by European customs, which is in the *Official Journal of the European Communities*.

There will be no flexibility in the penalties imposed on those who contravene the Bill, and no flexibility at all has been provided by my right hon. Friends the Members for Bromley and Chislehurst and for Penrith and The Border. I have a very real fear that, in a remote part of England, magistrates will be forced to make decisions on the basis of a flawed Bill containing no definition of a fur-bearing animal.

I should have thought that it is logical to suggest that a magistrate would go to the *Official Journal of the European Communities* for a definition of a fur-bearing animal. Other things may get swept into that definition. As I said earlier—I will refer to only one example, because I do not want to stretch this point—tariff heading 4302 13 00 states:

"Of lamb, the following: Astrakhan, Broadtail, Caracul, Persian and similar lamb, Indian, Chinese, Mongolian or Tibetan lamb".

I cannot make it clearer than that. That is an official European definition of a fur-bearing animal. As the Bill stands, those animals could be raised for their fur, because its value would exceed the value of the meat. They could be killed exclusively for their natural covering—the keratinous material. Some people may call it wool; the European Union calls it fur.

Unlike the promoter of the Bill and my right hon. Friend the Member for Penrith and The Border, I do not have the benefit of a legal background.

Mr. Morley: May I, once again, reassure the hon. Gentleman that the EU uses a number of definitions? He is casting aspersions on the magistrates of Shropshire if he thinks that they cannot tell the difference between a sheep and a fur-bearing animal. That would be incredible. He ought to stick to the point and try to make some progress with it, bearing in mind that the Fur Breeders Association, the NFU and a great many interested people want the Bill to progress. They do not want him to waste time in this ludicrous way.

Mr. Paterson: I am not satisfied by that response. The fact stands that an animal could be raised for the value of its covering. The keratinous material, which the Minister calls wool—

Mr. Deputy Speaker: Order. The Chair will not be satisfied if the hon. Gentleman repeats that point. We are concerned with the new schedule and whether certain animals should be included in it—that, and that alone.

Mr. Paterson: Thank you, Mr. Deputy Speaker. I was discussing the list of animals in the new schedule tabled by my right hon. Friends the Members for Penrith and The Border and for Bromley and Chislehurst, which I have already said is inadequate. It should also be made absolutely clear which bovine species are exempt. It would be possible to raise them in this country for the value of their fur.

One final item is also not clear—the question of slinks, which are young sheep that die in the womb or shortly after birth. It is possible that slinks could be caught up in the Bill's provisions unless the new schedule is improved.

Mr. Maclean: The amendment and the new schedule, and the concept and principle behind them, are important. I want to discuss some of the species in the new schedule and to deal with some of the points made by my hon. Friend the Member for North Shropshire (Mr. Paterson). I think that he is right in some areas, but, if I may say so, wrong in some others.

[Mr. Maclean]

We have proposed this new schedule because we think that it is a better way in which to deal with the problem than the hon. Lady's general catch-all provision in clause 1, which states:

"A person is guilty of an offence if he keeps animals solely or primarily . . . for slaughter . . . for the value of their fur".

Arguments have been made about keeping animals solely or primarily for the value of their fur, and we believe that that terminology can inadvertently cover some other animals.

One of the best examples of that is the rabbit—not the common rabbit, oryctolagus cuniculus, but more specialised rabbits, such as the Rex rabbit or Orylag, about which I have had information from the French. There is also the Angora rabbit. I can do no better than to quote from the "Encyclopaedia Britannica", which says:

"Rabbit fur, sometimes called lapin, is used in the fur industry and is also a primary source of fibre for the manufacture of felt. Rabbit flesh, which is delicately flavoured, is often eaten by man. About 30 breeds and almost 80 varieties of domestic rabbits are recognized . . . Among the better known breeds are the Angora rabbit, a long-haired rabbit kept mainly for its fur and meat, and the New Zealand rabbit, a breed kept for its meat and fur and also for show".

Like other rabbits it is kept for laboratory use. Thankfully, that is not the subject of today's discussion.

The Angora rabbit and the Orylag have fur as opposed to any other covering, and they could inadvertently be caught by the terminology in the Bill. It may be legitimate and sensible to farm those rabbits. There may be no welfare problems at all. If there are welfare problems in keeping rabbits in cages, I hope that the hon. Lady and the Government will pursue the 2 million school children who keep rabbits in cages. If we need the terminology in clause 1, or in my new schedule, to deal with the welfare problem of keeping furry animals in cages, the Bill should not stop at animals such as mink: it should, on moral and ethical grounds, cover rabbits kept as pets.

I shall not go further down that road, because that concept should be discussed on Third Reading. Clause 1 deals with what the hon. Lady sees as the evil of keeping fur-farmed animals in cages, where it is not appropriate to keep them. She believes that their natural habitat cannot be recreated and they cannot satisfy their natural inclinations in farmed conditions.

The best way in which to ensure that the hon. Lady outlaws only the practice that she wants to outlaw—mink may be the prime consideration, as that is the only species of animal that is farmed in this country for its fur, although others have been—is not to use the broad catch-all terminology of "fur", which may inadvertently catch other animals, but to adopt the approach that I have suggested in the new schedule. Amendment No. 9 states that

"except where the context otherwise requires, any reference to 'animals' shall be a reference to any of the species of animal specified in the Schedule to this Act."

The Minister has been slightly grumpy this morning. He should take a lesson from his hon. Friend the Member for Liverpool, Garston (Maria Eagle) the promoter of the Bill. She has been courteous throughout our consideration of the Bill. All of us could learn a lesson from the hon. Lady's demeanour.

2 pm

Unless the strength of the Minister's Department has declined considerably in the last two years—which, admittedly, would not surprise me—I can vouch for the capability of the specialists to whom it has recourse to come up with a comprehensive catalogue of the species that need to be listed when the Department concludes that there is a possibility of their being farmed by British farmers, and that it would be impossible to meet essential welfare conditions if—in the opinion of the specialists and the Minister—they continued to be farmed. That would permit the farming of certain species in the case of which no harm to welfare would be involved. I assume that rabbits would be one of those species.

I do not know how many hundreds of thousands of farmed rabbits are being bred for their meat. The trade may have declined; I am not sure of the latest figures. In any event, although the Government may not be subsidising the trade, they carry out inspections and permit people to farm lots of furry rabbits for their meat, irrespective of the pet trade.

Mr. Vernon Coaker (Gedling): Does the right hon. Gentleman not accept that the vast majority of people, sensibly and practically, see a difference between farming animals for food and farming them for their fur?

Mr. Maclean: I am not sure what has led the hon. Gentleman to that conclusion. I have seen no opinion polls—in any event, they may not be the best way of judging opinion, as the results depend on what is asked—or any comprehensive studies that suggest that. However, if people were asked whether it was more important for animals to be kept for essential food purposes or for women to be able to wear furs around their necks, no doubt most of them would say that food was more important.

Mrs. Linda Gilroy (Plymouth, Sutton): I have here a document bearing the signatures of some 7,000 people, including 40 secured by the right hon. Member for Bromley and Chislehurst (Mr. Forth). There is significant support for the Bill throughout the country.

Mr. Maclean *rose—*

Mr. Deputy Speaker: Order. Before the right hon. Gentleman replies to the question, he should bear in mind that this is a Second Reading point. Let us return to the amendment.

Mr. Maclean: I am afraid that I cannot respond to either of the points that have been made, as they would lead me slightly astray.

Let me just say that my list does not contain 7,000 species. The Cumbria branch of the Women's Institute has secured 20,000 supporters, and I do not consider it very telling that the hon. Member for Plymouth, Sutton (Mrs. Gilroy) has managed to secure only 7,000, given that each of our constituencies contains 70,000 people.

There are ways and means of securing what the hon. Member for Garston wants, and I feel that my new schedule represents a better approach than the catch-all banning of fur. That is a broad-brush approach that would catch some species accidentally.

Let me make another point, which I do not think strays from what was said by the hon. Member for Gedling (Mr. Coaker). If it is wrong to keep furry animals in cages for non-food purposes, we should presumably consider banning pet animals altogether. Rabbits are kept in cages not for food purposes, but to give enjoyment to people who find them amusing as company. I know that rabbits and other pets can be kept in cages safely and well, and that there is no harm in that—although those who do not keep them well should be punished. But the Government are not trying to ban the keeping of thousands of rabbits in cages for food purposes—and I think that the food would be for animal consumption.

Mr. Morley: It is for human consumption.

Mr. Maclean: I thank the Minister.

I suggest that, if rabbits are currently being farmed in cages that are no doubt suitable and appropriate, providing the right conditions, they can also be farmed safely for fur. What is the moral difference? Certainly there cannot be a welfare difference. Angora rabbit must surely enjoy the same welfare conditions as an identical rabbit.

Maria Eagle: Does the right hon. Gentleman recall Second Reading, when I tried, as the promoter of the Bill, to make it plain that I did not wish to include rabbit?

Mr. Maclean: The hon. Lady may not wish to include rabbits. The Bill does not include the ordinary common or garden rabbit, of which there are millions too many. It does not include pet rabbits because they are not usually farmed for their fur. However, if people get into the business of farming Angora rabbits solely for their fur, will they be covered by the Bill?

Maria Eagle *indicated assent.*

Mr. Maclean: The hon. Lady indicates that those people will be. If it is her view and that of the Government that Angora rabbits that are kept in cages will be banned because they are being farmed primarily for the value of their fur, will someone please tell me the moral, ethical and welfare difference between Angora rabbits in a cage that are bred for their fur, which is 60 per cent. of the profit, and other members of the family that have a different name and are of a slightly different style, which are being bred for their meat and whose fur is worth only 49 per cent. profit per rabbit? The animal with the slightly more expensive fur is banned and the other is not. I just do not understand that.

Mr. Forth: My right hon. Friend has possibly identified a serious flaw in the Bill even at this stage. The hon. Member for Liverpool, Garston (Maria Eagle) said a moment ago that she told us categorically on Second Reading that she did not intend or envisage that her Bill would affect rabbits. She has now indicated that her Bill could affect rabbits, so we have a contradictory position. It appears then, under my right hon. Friend's analysis, that the Bill could be capable of doing something that the hon. Lady ruled out categorically on Second Reading.

Mr. Maclean: I am grateful to my right hon. Friend. It has taken us some time in the debate to get to this point. There is now a glaring inconsistency and a potential not loophole, but catch-all: the Bill can catch things inadvertently.

Maria Eagle: Just to clarify the point, I hope that I have not been inconsistent. The point that I have been trying to make is that I see a difference—I know that the right hon. Members for Penrith and The Border (Mr. Maclean) and for Bromley and Chislehurst (Mr. Forth) do not; perhaps they will accept my argument—between keeping animals in intensively farmed conditions for food, which is a necessary part of life, and for adornment, which is not necessary. I accept that the right hon. Gentlemen do not think that that is a sufficiently large difference to matter, but I do.

Mr. Maclean: I am grateful to the hon. Lady and I respect her view. She sees an ethical distinction between rabbits in a 2 ft sq cage that are reared for expensive titbits in restaurants and those other rabbits.

Rabbit is not a staple diet of the British population. The last time I had rabbit was downstairs in the Churchill Room of this building as an expensive starter. It is not an essential requirement of life. However, I do not see the distinction between keeping rabbits in a 2 ft sq, or 1.5 m sq cage—whatever the size is; I will not bore the House with the figures—merely so that we can have them as tasty nibbles in the Churchill Room of the House of Commons, and keeping other rabbits, identical in almost everything except their covering, in the same size of cages, fed and watered the same way to the same welfare standards. The latter would be illegal and liable to a £20,000 fine because we have determined that those rabbits are being kept purely for the adornment of women, or men. I see that, in the latest fashions, men are into fur as well. If the hon. Member for Garston takes that view, I can equally say that the bit of rabbit that people eat is not essential to our life style either, as we have ample food supplies of all other types available.

Mr. Deputy Speaker: Order. I think that I have been overgenerous with the current exchange. May I now nudge the debate back to the question that is at the heart of the amendment: whether there should be a schedule?

Mr. Maclean: I apologise. I was slightly tempted by the intervention of the hon. Member for Garston. I shall not be tempted by her again to stray into those areas.

The point about having a schedule is that it will deal effectively with the gap that we have identified in the past few minutes. The hon. Lady sees no ethical or moral distinction, but goodness me, is there not possibly a legal problem? Let us forget about the ethics of the matter for a moment, and look at the legality. When it comes to interpretation of clause 1, the court will merely have to decide whether the animal is kept primarily for its fur.

Someone may be farming the Angora rabbit or the Rex Orylag rabbit, a rabbit that is farmed in France primarily for its fur, which presents a more difficult problem. The fur of the Rex Orylag rabbit is at present worth 60 per cent. of the value of the whole rabbit, and the meat is worth only 40 per cent. Anyone who tried to farm that breed in this country would be caught by the hon. Lady's provision because the animal is kept primarily for the value of its fur—the meat is a secondary consideration.

[Mr. Maclean]

However, the New Zealand rabbit is kept primarily for its meat. Fur is a secondary consideration at present, because of its value. If someone gets legal advice, or asks the Ministry of Agriculture, Fisheries and Food whether he would be caught by the measure if he farmed the New Zealand rabbit or any other rabbit whose meat is more valuable than the fur, the Minister and his advisers would say—not that MAFF should be giving such advice—that the legal advice was, "No, probably not."

The primary purpose of farming the animal in that case is not for fur, but for meat, which is worth 55 per cent. The fur is worth less. Let us suppose that the person starts farming the rabbits. As we now know, fur trade prices vary considerably. The market in Russia has collapsed, so fur is down. If the value of the meat from the New Zealand rabbit collapses so that the fur is worth more than the meat, the farmer will have to sell his rabbits for fur for one or two years until the trade recovers. He will have to sell the output of the farm for different reasons. He is growing the rabbits for meat, the meat price collapses, the fur price increases and he gets more value for the fur.

Maria Eagle: I may be able to assist the right hon. Gentleman to a degree. For the prosecuting authority or the court, it would be a matter of evidence as to what the primary purpose was. He is right about that, but his argument assumes that that would be determined purely on the basis of the relative price of the fur or the meat. If the person concerned could show that he had been in the meat business for years, that might also be a consideration. It would not just be a matter of the value of the fur, as opposed to the value of the meat. Can the right hon. Gentleman not see that?

Mr. Maclean: Clause 1(1) of the hon. Lady's Bill refers to animals being kept

"for slaughter . . . for the value of their fur, or . . . for breeding progeny for such slaughter."

Her Bill makes it clear that the primary purpose is the value of the fur. Let us assume that someone is farming rabbits, with Government endorsement, primarily for the value of the meat, because at that point the meat is worth more than the fur, who then hits a period of a couple of years when the meat price goes down, or China gets its act together and swamps us with more rabbit meat, as it was doing a few years ago, before viral haemorrhagic disease struck, and the meat price collapses. He finds for a couple of years that he is selling his rabbits for their fur. The fur is worth infinitely more.

The hon. Lady says that in such a case, it will be up to the court. Hopefully, the person might win his case, but he might not. We cannot have legislation that makes him a criminal one year because the price is up, but not the next year because the price goes down. The concept of my schedule removes that problem. I am happy to put the judgment on the Minister's officials if the House passes a law stating that we do not want animals kept for the value of their fur. The concept may be wrong, but the schedule allows more flexibility, sense and certainty.

I have given some examples in the schedule, and I could have included a lot more. I could justify putting each of them on the list because of the British climate and the ways in which they could be farmed. I am not an expert, so if I tried to make a complete list, the Minister would be able to say, "Your schedule is rubbish. You have missed out two things—the red fox and something else." I took those examples because all the fur animals listed have been farmed somewhere in Europe, and some have been farmed in the United Kingdom until quite recently.

Currently, mink is the only animal farmed in the UK. Fox used to be farmed, but there are no fox farms at present. Fitch used to be farmed, but they are no longer, although they are farmed in Finland. I shall not go into the details of all the types of chinchilla, but I have offered one example in my schedule. No doubt MAFF experts could add others. Chinchilla are farmed in Germany and Denmark, and there have been attempts to farm them here. I do not know why they failed.

2.15 pm

Rabbit is a different—[HON. MEMBERS: "Kettle of fish?"] My hon. Friends may have argued that some funny species of sheep have fur, or at least that Europe says they do, but I shall not try to argue that any rabbit has scales.

Rabbits are in a different category. In Spain and France, they are farmed both for meat and fur, and the value of the fur is sometimes greater. With the exception of rabbit, which I included in the schedule deliberately in order to make this point, all the species listed fall under the European convention on the protection of animals kept for farming purposes. The Council of Europe has produced recommendations on fur farmed animals under that convention, and they contain welfare rules for supervision, housing, management, breeding and slaughter of fur animals. New scientific evidence adopted by the Council of Europe is also enshrined in the recommendations.

Adopting the schedule would give the Government a chance to specify the species that they did not want farmed for fur. Rabbit is the best example before us today, but the Minister, advised by his experts or by English Nature, may decide that other species, of which I am unaware, should not be included in the schedule because they ought not to be banned as they can be farmed in conditions suitable to their welfare. The Minister has sole charge of those welfare conditions.

Two approaches may be taken. I could have said that there are two ways to skin a rabbit, but that would have been inappropriate. We could adopt the restrictive method contained in the Bill, which might cause definitional problems over fur, as my hon. Friend the Member for North Shropshire has pointed out. Or we could adopt a schedule of the species that the hon. Member for Garston wishes banned. We could also build in some provision allowing the Minister to change the schedule by regulation by adding species or taking them away.

I urge the latter route on the hon. Member for Garston. She will receive plaudits from her colleagues and others for banning the animals that she does not wish to be farmed for fur, but I am sure that if the Bill passes in its present form, we shall have to return to say, "Oops, sorry, we made a bit of a mistake on fur and we caught rabbits or other species that have been determined by Europe to have fur." We may all think that those species have wool, but if the European Union decides that they are furry, that is that.

I have been a MAFF Minister, and I have argued similar points before over such things as milk, ice cream and cheese, and over whether carrots are fruit or vegetables. The Minister may say that we all know what sheep are, but if Europe decides that something is covered in fur, we could have a problem. The schedule provides an easy escape route for the Minister, and that is the sensible approach.

Mr. Forth: It is desperately disappointing that the Minister is not going to enlighten us further. I am tempted to divide the House to find out whether it is convinced of the arguments that my hon. Friends and I have made.

Mr. Morley: I do not know whether the right hon. Gentleman's attention wandered earlier, but I contributed to the debate by saying that because of the anomalies in the schedule—there is an argument for having such a schedule, but there will always be anomalies and the drafting of the Bill deals with the problem satisfactorily—it would cause more problems, even given the opportunities to amend the legislation at a later date, than the Bill as it stands. The Bill is better drafted now than it would be with the amendment.

Mr. Forth: In a spirit of good will and co-operation, I accept that significant contribution as the Minister's considered response to the debate. So that we can make progress—we have already done so today and we will make further progress in a moment—I will not divide the House on the amendment. I am not convinced by what has been said and my right hon. and hon. Friends are obviously not convinced either. We have found a serious flaw in the Bill even at this late stage in our deliberations. However, to allow us to press on, on this occasion I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 3

EFFECT OF FORFEITURE ORDERS

Mr. Forth: I beg to move amendment No. 36, in page 2, line 20, at end insert—

'(c) in Northern Ireland, to the Crown Court'.

Mr. Deputy Speaker: With this, it will be convenient to discuss the following amendments: No. 37, in clause 5, page 3, line 42, at end insert—

'(c) in the case of businesses or parts of businesses carried on solely or primarily in Northern Ireland, the Lands Tribunal for Northern Ireland.'.

No. 38, in clause 6, page 4, line 6, at end insert—

'(d) in relation to Northern Ireland, the Secretary of State'.

No. 35, in clause 7, page 4, line 13, leave out subsection (5).

Mr. Forth: This amendment concerns another matter that was raised in Committee, but has not been dealt with properly. There was a rather cursory debate on the matter, although I believe—and my right hon. and hon. Friends agree—that it raises some important and fundamental issues.

I can think of few subjects of more fundamental importance than the relationship between Northern Ireland and the rest of the United Kingdom. That matter arises because of the provisions in the Bill. In Committee, there was some discussion on the relationships that exist between England, Scotland, Wales and Northern Ireland, their different political dispensations, the different stages of development of the political institutions in those parts of the United Kingdom and the fact that fur farming is no longer conducted in Scotland—I do not think that it has ever been conducted in Northern Ireland, a point which at this stage is of only glancing relevance. It was almost suggested that that was partly the reason for not including Northern Ireland, which may or may not be so.

Surely two more important points are at issue. One is a political point, and I make no excuse for saying so. At this time more than any other, one cannot lightly exclude Northern Ireland from the provisions of a Bill without thinking through carefully what might be read into the exclusion and what the implications might be. That consideration stands on its own, but a subset of it would rightly be the extent to which one judges that Northern Ireland along with Scotland and Wales should be dealing with these matters in their very different ways.

The irony is that the promoter of the Bill seems to have shied away from ensuring a uniformity of approach even in a matter that is so important to her. I cannot believe that anyone who feels as strongly as I know the hon. Member for Liverpool, Garston (Maria Eagle) feels about this matter would be prepared to allow it to be devolved. If that happened, it would be subject to the variations of politics in the different parts of the United Kingdom and different provisions might apply.

Mr. Maclean: Is there not a greater inconsistency in the Bill in that the hon. Member for Liverpool, Garston (Maria Eagle) extends the measure to Scotland, which has its own Parliament and will be able to take action on it, but not to Northern Ireland, where no proper Government or Parliament is as yet in place, and possibly may never be, given the present circumstances?

Mr. Forth: As ever, my right hon. Friend has read my mind. I was about to come to that consideration, but first I wanted to clear my mind on whether the issues raised by the Bill were sufficiently important to justify a United Kingdom approach being imposed from the House of Commons and the Lords in Westminster, or whether with our new, modern joined-up politics these days, or whatever one likes to call them, they should be left to the discretion of the voters and institutions that are being set up in their very different ways in Scotland, Wales and Northern Ireland.

The Bill does neither. We are falling between all those stools—I am sorry, I should say "among" and attempt to be grammatically accurate. There is a large unanswered question about exactly what the relationship is between the matters raised in the Bill and the United Kingdom and about how we want to progress them. I would have been prepared to accept, as a matter of consistency, either that the whole United Kingdom would be covered by this Westminster legislation or that the matter should properly be dealt with by the exciting, new, modern political institutions that we are setting up in the different parts of the kingdom. The Bill does neither the one nor the other.

Mr. Morley: Perhaps I can help the right hon. Gentleman. When the Bill was drafted, we thought that,

[Mr. Morley]

because we had set up the Scottish Parliament and the Northern Ireland and Welsh Assemblies, it would be better to consult them as a general principle on such changes. Fur farms exist in England, and it was possible that a fur farm could have moved to Scotland; it is more difficult to move to Northern Ireland. The Scottish Office agreed that, to stop such moves, it would be better to have this as a Great Britain measure. Although there are no fur farms in Northern Ireland, his logic follows. The Government do not object to the principle of the amendment. My hon. Friend the Member for Liverpool, Garston (Maria Eagle) may have something to say about it.

Mr. Forth: That is encouraging. I shall take a nod and a wink from the Minister, sit down immediately and hear what the Bill's promoter has to say.

Maria Eagle: I endorse what the Minister said. I have had some assistance from his Department on the Bill's scope. One accepts such help from the Government even in pursuing a private Member's Bill. Their channels for finding out what other Ministries think are speedier than mine. When the Bill was drafted, there were no answers from Northern Ireland, but I understand that the Northern Ireland Office is content for it to be a UK rather than a GB Bill. If it proceeds, it would be possible so to amend it.

Mr. Maclean: I listened carefully to the hon. Lady. I am not surprised by the Northern Ireland Office, because it is usually two months behind the other territorial Departments in responding on such measures.

I was surprised by the Minister's response that, in discussion with the Scottish Office, the Government decided to make this a UK matter. If the matter were urgent, I could have understood it. The Scottish Parliament comes into effect on 1 July. If it were an animal health measure or an emergency prohibition on paralytic shellfish poisoning, we would have to move quickly to cover the whole United Kingdom. However, the Bill comes into force on 1 January 2002, and an amendment proposes to put it back to 2003. In all conscience, I cannot accept the Minister's suggestion that he made it apply to Scotland because the Scottish Parliament will not have time to consider or implement it. This is only 1999. The Scottish Parliament could have considered it in July or any time thereafter and made its own legislation.

I do not want go down the Scottish route because the amendment applies to Northern Ireland. There is an inconsistency. The Minister is not applying a measure to Northern Ireland when it is possible to do so. It could be done by Order in Council. Northern Ireland does not have a properly working devolved Assembly with government powers, yet we are applying it to Scotland, which has just got devolution and whose Parliament is responsible for mega-issues. The Scottish Parliament will have power to deal with big things, but it is not trusted to deal with this matter.

It is extraordinary that the Bill's provisions apply to Scotland and Wales despite the pending devolution of power to the Scottish Parliament and Welsh Assembly. However, the provisions do not apply to Northern Ireland. Of course, at present there are no fur farms in Northern Ireland. I think that the Minister said that it would be extremely difficult to set up a fur farm in Northern Ireland. *[Interruption.]* Hon. Members say "to transfer"—

Mr. Deputy Speaker: Order.

It being half-past Two o'clock, the debate stood adjourned.

Debate to be resumed on Friday 21 May.

Remaining Private Members' Bills

POVERTY AND SOCIAL EXCLUSION (NATIONAL STRATEGY) BILL

Order for Second Reading read.

Hon. Members: Object.

Second Reading deferred till Friday 23 July.

CHEQUES (SCOTLAND) BILL

Order read for resuming adjourned debate on Question [19 March], That the Bill be now read a Second time.

Hon. Members: Object.

Debate to be resumed on Friday 23 July.

BIRTHS AND DEATHS REGISTRATION (AMENDMENT) BILL [*LORDS*]

Order for Second Reading read.

Hon. Members: Object.

Second Reading deferred till Friday 11 June.

MOTOR ACCIDENT INJURY COMPENSATION BILL

Order for Second Reading read.

Hon. Members: Object.

Second Reading deferred till Friday 23 July.

STREETWORKS BILL

Mr. Deputy Speaker (Sir Alan Haselhurst): Not moved.

ENERGY CONSERVATION (HOUSING) BILL

Order read for resuming adjourned debate on Question [30 April], That the Bill be now read a Second time.

Hon. Members: Object.

Debate to be resumed on Friday 11 June.

ENERGY EFFICIENCY BILL

Order read for resuming adjourned debate on Question [12 March], That the Bill be now read a Second time.

Hon. Members: Object.

Second Reading deferred till Friday 11 June.

CRIMINAL CASES REVIEW (INSANITY) BILL [*LORDS*]

Read a Second time.

Motion made, and Question put forthwith, pursuant to Standing Order No. 63 (Committal of Bills),

That the Bill be committed to a Committee of the whole House.—[*Mr. Pound.*]

Question agreed to.

Bill immediately considered in Committee; reported, without amendment.

Third Reading deferred till Friday 23 July.

HEDGES (CONTROL) BILL

Mr. Deputy Speaker: Not moved.

AGE LIMITS ON HEALTH CARE BILL

Order for Second Reading read.

Hon. Members: Object.

Second Reading deferred till Friday 21 May.

HEALTH CARE AND ENERGY EFFICIENCY BILL

Order read for resuming adjourned debate on Question [23 April], That the Bill be now read a Second time.

Hon. Members: Object.

Debate further adjourned till Friday 21 May.

ACCESS TO ENVIRONMENTAL INFORMATION BILL

Order for Second Reading read.

Hon. Members: Object.

Second Reading deferred till Friday 21 May.

PLANNING APPEALS BILL

Order for Second Reading read.

Hon. Members: Object.

Second Reading deferred till Friday 21 May.

BUS FUEL DUTY (EXEMPTIONS) BILL

Order read for resuming adjourned debate on Question [12 March], That the Bill be now read a Second time.

Hon. Members: Object.

Debate further adjourned till Friday 21 May.

PUBLIC HOUSE NAMES BILL

Order for Second Reading read.

Hon. Members: Object.

Second Reading deferred till Friday 21 May.

EUROPEAN PARLIAMENTARY ELECTIONS (GIBRALTAR) BILL [*LORDS*]

Order for Second Reading read.

Hon. Members: Object.

Second Reading deferred till Friday 21 May.

SELECT COMMITTEES (QUORUM)

Motion made,

That, for the remainder of the present Session of Parliament, Standing Order No. 152 (Select committees related to government departments) shall have effect subject to the following modification in line 48, at the end to add—

'(4A) Notwithstanding paragraphs (2) and (4) above, where more than two committees or sub-committees appointed under this order meet concurrently in accordance with paragraph (4)(e) above, the quorum of each such committee or sub-committee shall be two.'.—[*Mr. Hill.*]

Hon. Members: Object.

Mr. David Maclean (Penrith and The Border): On a point of order, Mr. Deputy Speaker. One is grateful for the presence throughout those proceedings of the Parliamentary Secretary to the Ministry of Agriculture, Fisheries and Food. For his benefit, and in case he is tempted to say that only Conservatives objected, may it be noted that Labour Front Benchers also objected to Bills today?

Mr. Deputy Speaker: That is not a point of order for me.

Beta Interferon

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Hill.]*

2.35 pm

Mr. John Bercow (Buckingham): I am moved to raise the issue of the funding of beta interferon for the treatment of multiple sclerosis by the sad plight of two brave young constituents of mine, Miss Caroline Cripps and Mr. Marc Smith. However, it is only right to say at the outset that there is widespread interest on both sides of the House and outside the House in the subject of beta interferon for the treatment of multiple sclerosis. As the Minister is well aware, that interest is reflected in the 114 written representations that his Department has received from Members of Parliament, patients groups and the public since 1 January 1999; the nine oral questions on the subject since June 1998; the Adjournment debate on a closely related subject introduced by the hon. Member for Sutton and Cheam (Mr. Burstow) on 15 February this year; the 32 written questions on the subject since 1 May 1997; and, last but not least, early-day motion 47, which has attracted 145 signatures, including my own.

In preparing for today's debate, I have spoken to several people who have a direct interest in the subject. I have of course spoken to Caroline Cripps and Marc Smith, but I have also had contact with Dr. Dennis Briley, consultant neurologist at Stoke Mandeville hospital; Dr. Chris Fursdon Davis, consultant neurologist at the Radcliffe Infirmary; Mrs. Jackie Haynes, the chief executive of Buckinghamshire health authority; and Katherine Mercer, the government and industry affairs manager of Schering Health Care plc, which is one of the three manufacturers of beta interferon in this country and the only one thus far to have received a licence for that version of the product that treats people, not with the relapsing-remitting form of the disease, but with the secondary progressive form. Last but not least, I have spoken to and benefited from the briefing of Dr. Matthew Sowemimo, the policy officer of the Multiple Sclerosis Society.

Caroline Cripps is 28 years old; she lives in Westcott, a village in my constituency, and is by training a senior hair stylist at Diamonds in Aylesbury. I am sorry to say that, in June 1997, she was diagnosed with multiple sclerosis. She suffers from the relapsing-remitting form and, shortly after diagnosis, she was obliged to give up her work, although she has subsequently taken a computer training course and would be qualified and equipped to return to work, if her condition were to improve. After three relapses, she applied through her consultant neurologist Dr. Dennis Briley for funding of beta interferon to treat her condition. That request, made in June 1998, was rejected by Buckinghamshire health authority.

Caroline Cripps has to live with the misery and turmoil of that rejection. She has to live with the physical symptoms of multiple sclerosis, with which the House will be familiar—symptoms that are many, varied, unpredictable and the source of continuing fear and anxiety. She has to live with the social consequences of her condition and the denial of the most effective currently available treatment for it: the loss of independence, the deprivation of unemployment, the

problem of transportation from one part of the country to another and the unenviable challenge of access to and movement within buildings.

Marc Smith is 32 years old and works for Reynard Motorsport as an assembly technician. He was diagnosed as having multiple sclerosis in 1996, although he had in fact been suffering from the disease since 1991. After suffering three relapses, he, too, applied through his consultant neurologist for funding for beta interferon. Like Caroline Cripps, he was also rejected by Buckinghamshire health authority. That leads me to ask: what evidence is available on the effectiveness of beta interferon as a treatment?

We know that there have been four independent and separate clinical trials of the effectiveness of the drug. The results of those trials have shown that beta interferon can reduce the frequency and severity of relapses, increase the period of remission and slow down the progression of that chronic and debilitating neurological disease. What is more, that evidence has been accepted by the Government—as I hope the Minister will acknowledge. The Department of Health acknowledged that beta interferon could be an effective treatment and issued guidance to health authorities in November 1995 encouraging the prescription of it when consultant neurologists believe that it is clinically appropriate.

Yet how have those at the grassroots responded to that national guidance? Their response has been depressing. For at least two years, Buckinghamshire health authority wholly ignored the national guidance. After much pressure, it now funds only three patients for treatment with beta interferon, even though—and this emphasises the significance of the denial of funding—experts believe that between 20 and 40 people in the county of Buckinghamshire alone could benefit from treatment with it in the short term and that potentially up to half of the relevant client group, some 200 people, could benefit in the long term.

Earlier this year, the priorities forum established by Buckinghamshire health authority recommended against the provision and funding of beta interferon. That caused a furore. There was outrage. I believe that that furore and that outrage were justified, and I was part of it along with several of my right hon. and hon. Friends. On 24 March, Buckinghamshire health authority held a meeting and changed its position. It acknowledged the outcry and strength of feeling and the specialists' belief that the health authority was wrong. It said that it would provide some funding, although it added the caveat—which is enormously distressing to the sufferers and their loved ones, and arguably highly insulting—that it was "not a high priority" and that only "limited funding" of the drug treatment should be identified.

I regret to inform the Minister that, 51 days later, we still do not know how much money the authority will make available, how many people will be treated or by what means those who are to benefit will be identified. This is a serious state of affairs, but it is not peculiar to the county of Buckinghamshire. The problem is widespread—as the Minister, to his credit, has regularly acknowledged. There is a patchwork of provision the length and breadth of the United Kingdom and great disparities between what particular areas and health authorities might provide. That is a serious problem.

The Association of Quality in Healthcare has said that few authorities seem to know how much money they are spending on beta interferon or who exactly should qualify for the treatment. We know that 16 per cent. of authorities treat fewer than six patients with beta interferon. We know that only 1.5 to 2 per cent. of multiple sclerosis sufferers in the United Kingdom are treated with beta interferon and that that level compares unfavourably with other countries. In other western industrialised nations, the percentages of sufferers who benefit from the treatment range from 8 to 25 per cent.—the figure is slightly higher in north America than in western Europe, but the rate on the continent is still much better than in this country.

I draw attention to a point that arose during Health questions last week. The Minister of State will recall that, on 4 May, he said that the patchwork of provision and gross disparities in what was available were, as often as not, attributable to differences of opinion among consultant neurologists about whether it was appropriate to prescribe the drug. I counsel the hon. Gentleman against over-egging that pudding. I hope that he will not pray that in aid of his response. Above all, I hope that he will not use it as a cloak for a covert change of policy against the existing funding of beta interferon altogether. I shall tell the hon. Gentleman why I say that.

I have no doubt whatever that the Minister was sincere and his motives were, as always, of the highest, but I believe that he was wrong for two reasons. First, all 18 consultant neurologists in the south-west of England were convinced of the clinical appropriateness of prescribing beta interferon and yet it was continually denied patients in that area for a long period. In other words, even where there was unanimity among consultants, the drug was not provided, so the argument that its lack of provision is due to a difference of opinion is not valid.

Secondly, even where there are differences of opinion—as there are about many medical matters that are not subject to certain correctness and exactitude—surely it does not follow that because some consultant neurologists do not believe that the drug is appropriate for their patients and do not therefore want to prescribe it, it should be denied to patients whose consultants have judged that it is appropriate and should be provided. My challenge is that the drug should ordinarily be prescribed if it is judged to be clinically appropriate.

I have a series of specific challenges to the Minister, to which I should very much appreciate his response. First, I hope that he will put on the record today that it would be wholly unacceptable for any health authority to use the interim period between now and the issue of updated guidance by the National Institute for Clinical Excellence as an excuse to stop or restrict its current funding of beta interferon. That would be cynical; it would be wrong; it would be resented, and I hope that the Minister will declare it thus.

Secondly, I seek the Minister's reassurance that the National Institute for Clinical Excellence will be genuinely independent of the Department of Health and able to make its own clinical judgments. The hon. Gentleman will know that on 11 May, a mere three days ago, in Standing Committee A, which is considering the Health Bill, he was pressed on those important matters, first, by my hon. Friend the Member for Runnymede and Weybridge (Mr. Hammond), at column 505 of *Hansard*; then by my hon. Friend the Member for Lichfield

[Mr. John Bercow]

(Mr. Fabricant), at columns 506 and 512, and finally by my right hon. Friend the Member for Maidstone and The Weald (Miss Widdecombe), the shadow Secretary of State for Health, at column 513.

I hope that the Minister, who is a very agreeable fellow, will not take offence if I say that his answers to their challenges did not inspire me with confidence. He wobbled; he sat on the fence; he was non-committal; he committed the abiding politicians' sin of failing to answer a simple question. I hope today that he will make it clear that NICE will be independent of the Department of Health.

Thirdly, I hope that the Minister will tell me that NICE guidance will be mandatory and enforceable; otherwise it will be useless. The problem until now is that guidance has not been mandatory, and therefore it has not been capable of being readily enforced. Authorities have cocked a snook and said, "Well, we don't have to implement the guidance, so we won't." Will the Minister invoke the powers of the National Health Service Act 1977 to force recalcitrant authorities to come into line, and not welsh on their obligations but honour their responsibilities to the patients who look to them for assistance?

Fourthly, I am concerned about the appraisal committees that are to be established. It appears, from the consultation document, that only three specialist doctors will sit on each of those committees, but health economists, local commissioners and academics will also sit on them. Many hon. Members believe that the process of making a clinical judgment about what should be provided should be driven by a majority of people who are concerned not with the theory or financing of health care but with the professional responsibility of day-to-day delivery of health care to those who depend on it. Will such people be in the majority?

Fifthly, should the appraisal committee be anonymous to protect its integrity, as Ministers suggested in the consultation document? No, it should not be anonymous. These people will be highly qualified. They will have important responsibilities. Their decisions will greatly impact upon the health and life chances of thousands, tens of thousands or perhaps hundreds of thousands of people suffering from a variety of conditions. It is crucial that they should be identified to the public.

Sixthly, the economic appraisal should not just be about prescribing costs; it should take account of the costs of home care, of domestic adaptation, of social security costs, of forgone tax revenues. I hope that, as "The Pharmacoeconomics Journal" has requested, the Minister will make clear his commitment on this.

Seventhly, he should not strengthen the criteria on the targeting of the drug, either. There is already targeting. There are already criteria that must be satisfied. There are already limits beyond which people will not get the drug. I hope that he will not use that as an excuse to back down on existing commitments.

Eighthly, the Minister has raised the issue of specialist nursing provision, which of course is an important part of a package of care. Yet although there are great merits in specialist nursing care, there is no evidence that it can reduce the progression of the disease. There is evidence that beta interferon can reduce the progression of the disease. That is why it should be in pole position in this debate.

Finally, the Government have floated the possibility that there could be a significant management challenge in a change of policy resulting in a significant funding of a new drug. I acknowledge that it is a challenge. It is a problem and it is not to be sniffed at in any way, but it must not be an obstacle to doing what is right by the people who look to us for assistance.

I have spoken today with conviction and with passion—and without apology for that conviction or that passion—on behalf of my constituents, but also on behalf of a great many other people throughout the country in other constituencies, who look to the Government for help. I look forward with eager anticipation to what the Minister of State says in reply.

2.51 pm

The Minister of State, Department of Health (Mr. John Denham): I congratulate the hon. Member for Buckingham (Mr. Bercow) on securing the debate, and thank him for the way in which he has presented the case—not just the way in which he spoke about his constituents, but the way in which he addressed the issues, which was mercifully free of some of the more rhetorical elements of the debate that sometimes surround this important issue.

With regard to the hon. Gentleman's constituents, Caroline Cripps and Marc Smith, whom he obviously knows, I cannot comment on individual cases, but he spoke movingly of their position. Many of us know, from constituents or through people who are known personally to us, of the enormous impact that multiple sclerosis can have.

As the hon. Gentleman said, multiple sclerosis—one of the commonest diseases of the central nervous system—is an issue of great importance to the Department of Health, to health professionals, to sufferers and to their families and friends. That is reflected in the constant concern that is shown in the House about the matter.

I will try to answer the hon. Gentleman's specific questions in the time available. He knows what Adjournment debates are like. I assure him that, should I fail to do so, I shall write in follow-up. I hope that I can touch on some of the key points that he raised.

Multiple sclerosis can be very difficult to diagnose and treat. There is no conclusive diagnostic test. The symptoms that patients experience could be symptomatic of many other conditions. A complete clinical examination is key to the diagnosis.

Four categories of multiple sclerosis are recognised by experts: benign, primary progressive, relapsing-remitting and secondary progressive MS. As the hon. Gentleman suggested, until earlier this year, the immunomodulating drug beta interferon was licensed only for the treatment of the relapsing-remitting form of the disease.

Relapsing-remitting multiple sclerosis is characterised by periodic attacks of the symptoms characteristic of multiple sclerosis, such as fatigue, disturbed vision, difficulties in eating and drinking, and the inability to walk. Those attacks are followed by full or partial recovery.

Following guidance issued in 1995, health authorities now have procedures by which suitable patients with relapsing-remitting multiple sclerosis can receive treatment with beta interferon. The guidance recommends that prescribing should be initiated by hospital neurologists, where clinically appropriate, and asks health authorities to develop local arrangements with hospitals for purchasing and prescribing the treatment.

Not all patients with the relapsing-remitting form of multiple sclerosis will be suitable for treatment with beta interferon. The licensed indications for those drugs specify certain criteria for treatment, relating, for example, to the frequency of relapse and degree of disability, and—as with all licensed drugs—there are various contra-indications, including pregnancy and severe depression. There will, of course, be some patients who may otherwise be suitable but who are unable or unwilling to tolerate regular injections, or the side effects that may be associated with taking beta interferon, including inflammation at the site where the drug is injected, flu-like symptoms and mood changes.

Earlier this year, Schering's beta interferon product with the brand name Betaferon was licensed for treating the secondary progressive form of multiple sclerosis, which is characterised by deterioration without periods of relief, and more severe disablement. Again, only certain patients will be suitable for, or will want, beta interferon treatment. I understand that Schering is undertaking further research, which may identify further subgroups of patients with secondary progressive multiple sclerosis who may benefit.

I know that the hon. Gent did not do this, but it is terribly important that no one raises false expectations about the ability of beta interferon or any other drug to combat an extremely debilitating and distressing condition. Beta interferon is not a cure for multiple sclerosis; there is no cure for it. The evidence seems to suggest that some patients with a particular form of the disease can benefit, perhaps briefly, from the use of beta interferon. Sadly, the evidence also suggests that those short-term improvements are not always sustained.

I understand that current evidence suggests that beta interferon drugs reduce the rate of relapses in relapsing-remitting MS by some 30 per cent. on average, in a range from 14 to 44 per cent. Betaferon was licensed for treating secondary progressive MS on the basis of evidence suggesting that, if used for three years, it delays disease progression by up to one year.

In dealing with beta interferon, clinicians treating individual patients and those advising health authorities on their overall policy need to take account of both the clinical and cost-effectiveness of this drug. As I said, the evidence appears to suggest that some patients with the relapsing-remitting and secondary progressive forms of multiple sclerosis can benefit from the use of beta interferon, but that, sadly, those short-term improvements are temporary. The cost of beta interferon treatment is some £10,000 a year per patient.

However, it is entirely right that existing treatments for that debilitating disease should be evaluated constantly. We should also support research into new and better treatments. Indeed, the Government are directing funding into research in that area. The Medical Research Council spent approximately £640,000 specifically on MS research during 1997–98, and we have awarded the Multiple Sclerosis Society £15,000 a year from 1997–98 until 1999–2000 for its emergent therapies project. In addition, two pieces of work have been funded through the Department of Health's health technology assessment programme, and we have actively supported the Royal Pharmaceutical Society in developing the protocol for a trial of cannabinoids in multiple sclerosis.

Mr. Bercow: Can the Minister confirm that, in appraising the cost of beta interferon treatment, the social costs to which I referred will be considered as part of the equation?

Mr. Denham: The hon. Gentleman anticipates one of the points that I wanted to cover. The position is that we published a document earlier this year on the method of appraisal to be used by the National Institute for Clinical Excellence. One part of that document looked at how the cost-effectiveness of various interventions might be measured against national health service costs, and invited comments on the circumstances in which wider costs might be taken into account. As with a number of the questions that the hon. Gentleman raised about NICE, which stem from the discussions about that document, we are, as I told the Standing Committee the other day, considering a wide range of responses, and we shall make our position clear in due course. The document certainly did not rule out the possibility of wider costs being taken into account, but we must consider very carefully whether, and the extent to which, that happens.

The Department is also in the process of commissioning systematic reviews of existing evidence across the range of specific service interventions and service delivery options, including beta interferon, for people with multiple sclerosis. Those will help identify further research questions, and will provide technical evidence to enable a rigorous appraisal to be completed as rapidly as possible.

The Government are committed to improving standards of health care and to ensuring that newer treatments, including new medicines, are introduced into the national health service as fast as possible where they represent a genuine therapeutic advance and are cost-effective.

Unfortunately, there is at present no consistent view about whether that can be said about beta interferon, even among specialists. A wide spectrum of views is held by the 250 or so neurologists in the UK about beta interferon's place in treating multiple sclerosis. It is clear that some neurologists are keen to prescribe beta interferon, although even they acknowledge that it is no wonder drug, but others think that other health care options represent a more responsible use of resources. Those differing opinions can occur within a single health authority.

At Question Time recently, I drew attention to the fact that those differing views are one reason why there are differences in practice. I understand that the four neurologists working in Buckinghamshire hold differing views—two generally choose to prescribe beta interferon according to defined clinical guidance; the others, given the resources available, prefer to provide MS nurse specialist support.

It is clear from what the hon. Gentleman said that discussions in Buckinghamshire on a wider level—within the health authority's priorities forum, in the health

[Mr. Denham]

authority itself and in public life—reflect the differing priorities that different people might put on the approaches to handling this condition.

I understand that, since the board meeting in March, the health authority has met local neurologists within the county to agree a protocol for identifying which patients are eligible for treatment. That process has yet to be finalised, but Buckinghamshire health authority will of course review the situation as new evidence or guidelines become available. Without authoritative national guidance, the current uncertainty is bound to lead to variations from one part of the country to another when 100 health authorities and their neurologists are taking such complex decisions.

We have set up the National Institute for Clinical Excellence to help to ensure that patients can have access to consistent, high-quality NHS services. I have made it clear previously that we are likely to ask NICE to prepare guidance on the place of beta interferon among the range of interventions and services available to MS patients.

Under the appraisal system, companies will be free to submit any relevant data, with the core of NICE's appraisal focusing on the health benefits achievable from NHS budgets—including hospital beds and staff, not only the cost of drugs.

The hon. Gentleman asked about the current position, ahead of any referral to NICE. My officials will shortly be consulting with the Multiple Sclerosis Society, the medical profession, health authorities and the pharmaceutical industry on a draft health service circular relating to the treatment of the secondary progressive form of multiple sclerosis. For the avoidance of doubt, that circular will make it clear that existing guidance on the treatment of relapsing-remitting multiple sclerosis continues to apply until further guidance is available.

It is important that we do not lose sight of the other treatments and services available to MS patients and new health care options that may be on the horizon, such as MS nurses, physiotherapy, treatments for fatigue and for pain and immunomodulating therapies, including beta interferons, copolymer 1, azathioprine, and others. It is likely that we will want NICE to examine all the elements that make up the complete management of MS.

In respect of the independence of NICE, which is a special health authority, I made it clear in Committee this week that NICE will operate within a framework agreement set with the Secretary of State. As I have said, the consultation on the appraisal approach has produced a wide range of views about the form that that guidance should take, which we are currently considering. I made the promise that the process would be open and transparent, which is important.

The hon. Gentleman asked for NICE guidance to be mandatory and enforceable, but I ask him to consider the fact that clinicians have to take judgments with their patients in the consulting room. However, we will of course be reviewing the way in which NICE guidance in general is applied in the health service through the Commission for Health Improvement. That will be one of its important roles.

The hon. Gentleman raised a number of issues, but I fear that the clock will beat me. He referred to NHS resources, and he would expect me to draw attention to the £21 million of extra investment in the NHS that the Government are making over the next three years. I thank him for the way in which he has approached the debate; the House will return to this matter, which is of great interest to all our constituents, on many occasions.

Question put and agreed to.

Adjourned accordingly at five minutes past Three o'clock.

House of Commons

Monday 17 May 1999

The House met at half-past Two o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

Oral Answers to Questions

CULTURE, MEDIA AND SPORT

The Secretary of State was asked—

Libraries

1. **Mr. Shaun Woodward** (Witney): What plans he has to prevent the closure of local libraries. [83407]

The Secretary of State for Culture, Media and Sport (Mr. Chris Smith): On 19 February, I wrote to all library authorities to emphasise the importance that the Government attach to libraries, and to underline the point that unjustified closures risk placing authorities in breach of their statutory duties. I have subsequently initiated inquiries of a number of authorities, and shall continue to do so as necessary.

Mr. Woodward: I am grateful to the Secretary of State for his response. However, does he not recognise that the Minister for the Arts recently said that he saw no justification for cuts in library services in the present financial climate? Yet in my county of Oxfordshire, over the past two years, more than £400,000 has been slashed from the budget for local libraries, resulting in cuts in the number of hours that libraries are open to those who wish to use them, cuts in book-buying ability, to the point that some libraries cannot buy books at all, and cuts recently in mobile library services—two mobile libraries have been removed. Mobile libraries provide a crucial service in a rural area and a crucial service for the elderly. Given the Minister's statement, does not the background that I have described make a complete mockery of the Secretary of State's belief that, somehow, the Government have a positive libraries policy?

Mr. Smith: All library authorities have a duty under statute to provide a comprehensive and efficient library service. It is precisely because we had concerns about whether 10 authorities were fulfilling their obligations under statute that we have taken action. I am pleased to say that, following the inquiries that we have made of those authorities, many of them have already withdrawn proposals for closure or scaling down of their library services. I very much hope that others will follow.

Mr. Derek Wyatt (Sittingbourne and Sheppey): Does my right hon. Friend think that the Public Libraries and Museums Act 1964, which I am proud to say was introduced by a Labour Government, is strong with respect to libraries? If libraries are closed, will he look to amend that Act?

Mr. Smith: I believe that the statute as it stands is strong enough, but that it has not been clearly enough defined. Nowhere is the definition of a comprehensive and efficient public library service spelled out. That is why I have initiated discussions with the Local Government Association and the Library Association. I wish to ascertain whether we can arrive at a consensus throughout the country on precisely what the interpretation of the statute should be.

Mr. David Heath (Somerton and Frome): Is it not the case that increasing demands for all library services, particularly IT, are being met with diminishing budgets because of pressure from other service areas? Is it not also the case that book funds throughout the country are being raided to maintain libraries and keep them open? Is there not a case for the right hon. Gentleman to look to match the statutory duty with a specific standard spending assessment element for libraries which is directly related to the level of service provided?

Mr. Smith: The hon. Gentleman is right to draw attention to the development of IT services in libraries and the extra burden that that is undeniably placing on some library authorities. That is precisely why we have ensured that through the development of the new opportunities fund, which is funded by the lottery, we are making available not only £20 million for the training of librarians and £50 million for the development of digitised content, but £200 million for the development of IT services in libraries themselves. We have recognised that as additional expenditure that libraries will face and we are doing something about it. As for standard spending assessments, the hon. Gentleman will have noticed that this year's revenue support grant settlement is the best for years.

Sport Governing Bodies

2. **Mr. Graham Stringer** (Manchester, Blackley): What representations he has received about the democratic accountability of governing bodies within sport. [83408]

The Minister for Sport (Mr. Tony Banks): I receive representations on a wide range of issues from, and about, many of the 414 governing bodies of sport in the UK which are, of course, independent and autonomous bodies and are accountable to their members. However, where governing bodies are in receipt of Exchequer funding, they are required to address issues of equity and representation.

Mr. Stringer: I thank my hon. Friend for that answer. However, I was thinking more about the democratic accountability of international sporting bodies. Given the corruption that has been proved in the International Olympic Committee and the corruption that has been alleged against members of FIFA, can my hon. Friend

assure the House that the public money that is going into supporting England's bid to host the 2006 world cup will not be wasted by corrupt practices in FIFA?

Mr. Banks: I am not responsible for international governing bodies, but I can certainly give my hon. Friend the assurances that he seeks with regard to the 2006 bid. Our bid is based on openness, honesty and merit. We expect all bids to be put forward on those same bases. We would not tolerate anyone putting his case forward on anything other than those bases.

With regard to the allegations and innuendo that I have been reading in relation to FIFA and President Sepp Blatter, we have no evidence. I would prefer to react when or if we have evidence. I can assure my hon. Friend that were evidence to be put before us, there would be an appropriate response from the Government.

Mr. Peter Ainsworth (East Surrey): On the subject of accountability, will the Minister tell the House what consultation with the governing bodies took place prior to last week's announcement that team sport would be downgraded in schools?

Mr. Banks: Of course team sport will not be downgraded in schools. The hon. Gentleman should stop believing the stuff that he reads in newspapers. As he knows, there is a recommendation from the Qualifications and Curriculum Authority with regard to key stage 4. The idea is that team sport will be compulsory from key stage 1 to key stage 3. At key stage 4, where there is a clear indication that team sport lacks popularity among many children, particularly young women—

Mr. John Bercow (Buckingham) *indicated dissent.*

Mr. Banks: The hon. Gentleman shakes his head, but he is not a young woman, so he would not know that fact. *[Interruption.]* I hope the operation is entirely successful.

We want to make sure that the broadest choice of sport is given to youngsters. Let me make it clear that the Government, the Secretary of State and I are irrevocably committed to the promotion of competitive team sports in schools. If I thought that the Government were going to retreat from the promotion of com[illegible] team sports, I would tender my resignation to th[illegible] Minister.

Mr. Ainsworth: The hon. Gentleman had better get on with it. He spins one thing to the teachers, and another to people in sport, but he failed to answer my question. I asked what consultation took place with the governing bodies. I can help him, as we have spoken to the governing bodies. The Football Association, the All England Netball Association, the Rugby Football Union and the England and Wales Cricket Board all say that the news came as a complete shock.

On the subject of reading newspapers, those bodies, like everyone else, had to find out the information through press reports of a leaked parliamentary answer in advance of that answer being given. Is that a responsible way for the Government to proceed? Before the Minister goes on to comment on the accountability of the sporting bodies, he might like to examine the Government's accountability in this regard.

Mr. Banks: The recommendation is from the Qualifications and Curriculum Authority and it is now out for consultation. For the first time, the Government have set an aspiration that all children should do two hours of sport every week. It is interesting that David Moorcroft, the chief executive of UK Athletics, said how much he welcomed that.

I have had discussions about the erroneous and misleading caricature of our policy in the press, and I have had personal discussions with the England and Wales Cricket Board and the Football Association. They know that we are totally committed to team sports. Nothing that the hon. Gentleman can say will stop me making that clear. There is no question of the Government doing anything other than encouraging competitive team sports in our schools and outside them.

Mr. John Maxton (Glasgow, Cathcart): Is it not a strange anomaly that when the sports councils give lottery money to golf clubs, they insist that the clubs practise gender equality, yet the Royal and Ancient golf club, which controls all golf in this country and much golf throughout the world, discriminates against women in terms of its membership and in terms of entrance into its clubhouse in St. Andrews? What pressure will my hon. Friend apply to ensure that the club obeys the same rules as golf clubs in the rest of the country?

Mr. Banks: I have to be a little careful when I start treading into Scotland, as hon. Members know. We utterly condemn any discrimination by any governing bodies against women and ethnic minorities. The pressure that we can apply is to withhold funding from governing bodies that do not follow policies of equity. We were able to help to influence the progressive forces in the MCC to admit women to membership.

In the final analysis, policy is a matter for members of governing bodies, and I am pleased to say that we have a very good working relationship with most governing bodies. Where there are any clear examples or evidence of discriminatory practices by governing bodies, if they are in receipt of Government and Exchequer funding, they will find that withdrawn. However, I am pleased to say how encouraging the attitudes of governing bodies now are. They recognise the need for equity and full representation, and they know that the Government will support them in their advances.

Mr. Bercow: Why does not the Minister give up the unequal struggle, abandon his bluster and admit that there is no significant problem whatever of governing bodies not being accountable to sportsmen? The problem is that the Government are not accountable to the governing bodies or to those whose interests those bodies seek to promote. Given that, in the past week alone, the England and Wales Cricket Board, the National Playing Fields Association, Sir Bobby Charlton and Darren Gough have all publicly expressed their support for the continuation of compulsory team games, why cannot the Minister bring himself to admit that the decision to abolish that requirement post-14 is crass, insensitive and should be reversed?

Mr. Banks: Because that is not true—it is as simple and as straightforward as that. At key stage 4, young people aged from 14 to 16 will be given a wide range of sports that they can pursue, including competitive team sports. The hon. Gentleman continues to propagate

the lies and misleading propaganda that were in the newspapers, which other people tend to follow, but he will find that the governing bodies and the people he has mentioned trust me far more than they trust him.

Touring Productions

3. **Helen Jones** (Warrington, North): What steps he is taking to encourage national theatre, opera and ballet companies to put on more touring productions. [83410]

The Minister for the Arts (Mr. Alan Howarth): We continually make it clear that improving access to the arts is among our highest priorities, and the Arts Council of England shares our commitment. Many of the national companies, including the royal ballet, the Birmingham royal ballet, the Royal Shakespeare Company and the royal national theatre, already tour extensively across the country. Further touring has been supported by the Arts Council through the new audiences programme, which covers the whole of England.

Helen Jones: I am grateful to my hon. Friend for that reply, but is he aware of the increasing disquiet in areas such as mine about the absence of many touring companies and the feeling that the regions are paying for companies that they never see? Is not it time that some of those companies became truly national rather than London companies and were made to tour as a condition of their grants? Will he put pressure on the Arts Council to bring that about?

Mr. Howarth: We have increased the budget of the Arts Council touring department by nearly 6 per cent. and my hon. Friend will, of course, be aware that the budget for North West Arts is up 12.8 per cent. this year. She is right to say that increased public funding should bear with it an entitlement to increased access to the arts by all those who contribute funding.

Among the major companies that have visited the north-west in the past year are the Royal Shakespeare Company, which has been to Ellesmere Port and to Morecambe; the royal national theatre, which has also been to Morecambe; the English national ballet, which has been to the Liverpool Empire and is returning for another week and for two weeks at the Palace theatre in Manchester; and the Birmingham royal ballet, which has also been to Liverpool and is going to Salford.

I hope that my hon. Friend will agree that Manchester and Salford are not a million miles from Warrington. We will continue to do all we can to ensure that her constituents have the cultural opportunities that they ought to have.

Mr. Nicholas Soames (Mid-Sussex): The Minister should ignore the dismal whingeing from behind him and we should all rejoice in the scale and breadth of touring that companies undertake across the country, but will he see what he can do to encourage some of the great picture galleries of this country to lend more pictures to other institutions—perhaps to town halls and other places—so that people have the chance to see more of the regional aspect of some of the remarkable national picture collections in Britain?

Mr. Howarth: The hon. Gentleman is absolutely right. He may be aware of the heritage lottery fund's £7 million allocation for ensuring that there is access to such opportunities, which it will use at its discretion. He will also have noticed that my right hon. Friend the Secretary of State launched the 24-hour museum last week. This new national museum will, using new technology, provide remarkable opportunities for people to see great works of art in amazingly vivid imagery.

Mr. Andrew Mackinlay (Thurrock): I congratulate my hon. Friend on his reply on production companies, but what strategy do the Government have for making theatre, opera and ballet available to and appreciated by working-class children? There needs to be a strategy and there is not one, and I hope that this radical Government see it as their duty to make theatre, opera and ballet available to kids in the most deprived parts of the United Kingdom. What does he say about that?

Mr. Howarth: I assure my hon. Friend that that point is absolutely central to our strategy. We have made a commitment to ensuring that the arts play the wonderful part that they can play in education, and we insist on that in all the funding agreements that we have negotiated with the bodies that we fund. We find that those bodies readily welcome that, and share our strategy of ensuring that the arts play a far fuller part in education than they have hitherto.

Mr. Dafydd Wigley (Caernarfon): Given that the Minister represents Newport, he will be well aware of the considerable contribution made by the Welsh national opera, not only by way of touring in Wales, but in a number of centres in England. Can he say whether a draft concordat has been developed with the Executive of the National Assembly for Wales with regard to the future of the funding and organisation of that sort of activity, which clearly is of benefit both sides of the border?

Mr. Howarth: I join the right hon. Gentleman in his praise for the Welsh national opera. I am pleased that it is jointly funded by the Arts Council of Wales and the Arts Council of England. Yes, my officials are working on the preparation of a draft concordat to take account of the new circumstances in Wales and we look forward to publishing it for consultation.

Out of School Hours Activities

4. **Mrs. Sylvia Heal** (Halesowen and Rowley Regis): How many schools he estimates will benefit in the first year of the national lottery–funded out of school hours activities. [83411]

The Secretary of State for Culture, Media and Sport (Mr. Chris Smith): The number of schools that will benefit in the first year of the programme of out of school hours activities under the new opportunities fund will depend on the number of successful applications initially submitted. I hope, however, that many schools and local communities will want to take early advantage of the programme. It provides a good opportunity for the development of activities for pupils in homework, extra learning, arts, music and, I am very pleased to say, sport, including competitive team games.

Mrs. Heal: While I welcome my right hon. Friend's comments, will he assure the House that the development

of the new opportunities fund and the initiatives that it provides will not have an adverse impact on the work of the other lottery distributors?

Mr. Smith: I can, indeed, give that assurance to my hon. Friend. The number of people playing the lottery has been such that the expectations of the original lottery distributors have not only been met, but are already well on course to be exceeded. I can tell the House today that the money that good causes will receive from the national lottery is, according to the latest estimates, likely to be at least £250 million more than had previously been expected. Those new figures should mean at least £40 million extra each for the arts, heritage, sport and charities—and it could be considerably more.

Mr. James Gray (North Wiltshire): Does not the Secretary of State find it odd to be answering questions that should much more properly be answered by the Secretary of State for Education and Employment? Is he doing so because the so-called new opportunities fund removes £3.7 billion from the good causes that should be funded from the lottery, and even if the money from the lottery goes up, it will do so by £3.7 billion less than it would otherwise have gone up? Is he not ashamed of that, and would not he prefer to answer questions on culture, media and sport rather than on education, the environment and health?

Mr. Smith: We spelled out clearly during the election what we intended to do in terms of the creation of the new opportunities fund, and we have proceeded to do precisely that. We are a Government who believe in fulfilling the promises that we make to the electorate.

Youth Theatre

5. **Ms Sally Keeble** (Northampton, North): What support his Department is providing for children's and youth theatre. [83412]

The Minister for the Arts (Mr. Alan Howarth): Drama for and by children and young people receives funding provided by my Department through allocations of grant in aid to the Arts Council of England and the regional arts boards.

Ms Keeble: Is my hon. Friend aware of the Royal, the Derngate and the Masque theatre groups in Northampton, which provide exceptional services in getting young people in my constituency involved in the theatre? Would he consider putting a requirement on the regional arts boards to provide, as part of their three-year deal, financing for new theatre groups, both those that involve young people and those that put on performances for children and young people?

Mr. Howarth: I share my hon. Friend's enthusiasm for youth theatre. The funding agreement between the Arts Council and the regional arts boards will reflect our commitment to excellence, access and education. The Arts Council and the RABs will want to give the best support they can to youth theatre. I heard about "The Great Angels Bazaar", the Masque's successful production by children about the suffragettes. I am glad that Arts for Everyone is supporting New Perspectives' work with Masque, and that the Derngate has been involved in a new audiences fund project to help young people in Northamptonshire to come to the theatre. I know that my right hon. Friend is looking forward to seeing some of the good things that are happening in the arts in Northamptonshire and in her area on his forthcoming visit to my hon. Friend's constituency.

Museums (Free Entry)

6. **Mr. Phil Sawford** (Kettering): What plans he has to extend the provision of free entry for children to those national museums and galleries outside London. [83413]

The Secretary of State for Culture, Media and Sport (Mr. Chris Smith): Since 1 April, entry for schoolchildren to all national museums and their branches has been free. I am delighted to say that that includes Duxford airfield in Cambridgeshire, the eight national museums and galleries on Merseyside, the zoological museum at Tring, the national railway museum at York, the Tate gallery in St. Ives, Fort Nelson in Portsmouth, and the museum of science and industry in Manchester.

Mr. Sawford: I thank my hon. Friend for that answer. First, what action is his Department taking to encourage non-national museums to give children free entrance? Secondly, will he accept an invitation from me to visit the excellent Alfred East art gallery and the wonderful award-winning museum in Kettering, neither of which will charge him an entrance fee?

Mr. Smith: I thank my hon. Friend for that generous invitation. When I have the opportunity to visit Kettering, I shall undoubtedly take him up on that offer. We have put in place a new fund for the designated museums—the 43 pre-eminent regional museums. That is a £15 million fund over the next three years. We have also supported the heritage lottery fund's ambitions by establishing a £7 million access fund. I hope that that will enable museums around the country to follow our example and ensure that children have the best possible access to our great collections.

Mr. Mike Hancock (Portsmouth, South): I welcome the fact that the museums outside London that the Secretary of State has listed give free entry to school children. Will he widen that list to include the heritage area in Portsmouth, which contains HMS Victory, Warrior and Mary Rose, and the Royal Naval museum? It would benefit enormously from an influx of schoolchildren. More importantly, schoolchildren would learn a great deal about our history, especially our maritime history, if it were included on the list.

Mr. Smith: The Mary Rose, with its associated exhibitions, is a designated collection. I am sure that the trustees of the Mary Rose collection are making a good application to the Museums and Galleries Commission for the use of some of the funds for designated museums. I am also sure that the hon. Gentleman will exercise his powers of persuasion over his colleagues about precisely what they should bid for.

Mr. Richard Spring (West Suffolk): In a parliamentary written answer after the comprehensive spending review, the Secretary of State announced free

access for children this year, for pensioners next year, and for everyone in 2001. Will he confirm that sufficient sums are available to carry out his pledge?

Mr. Smith: We have provided sufficient funds for the current year to meet the free access for children pledge, which has now been fulfilled, and sufficient funds for next year to ensure that the pledge on pensioners can be carried out, and we have allocated £30 million in the budget for the third year. As we made clear at the time, it is up to the trustees of each national collection to decide whether they want to take up that offer.

Tourism (Dorset)

7. **Mr. Robert Walter** (North Dorset): What is his assessment of the working time directive's impact on the tourism industry in Dorset. [83414]

The Minister for Tourism, Film and Broadcasting (Janet Anderson): The Government believe that the working time regulations are business friendly for all parts of the United Kingdom. They strike a balance between the need for effective legislation, providing fair minimum standards for workers, and ensuring that businesses are not subject to unnecessary burdens.

Mr. Walter: The businesses involved in the tourism industry in my constituency will be disappointed by that reply. In North Dorset, tourism is conducted by small commercial businesses and voluntary organisations, which are having imposed on them more and more regulations—of which the working time directive is but one. Will the Minister tell us in a simple, factual way what is the Government's estimate of the extra cost to those businesses of the working time directive and the other Government regulations that have been introduced in the past two years? She has so far failed to answer that question.

Janet Anderson: As the hon. Gentleman will know, it is difficult to estimate the typical costs, and many businesses have been completely unaffected; but we are aware of the concern that has been expressed in some quarters about possible burdens placed on employers in the maintaining of records for the purpose of the regulations. The record-keeping requirements were, however, designed to be implemented flexibly, and in many cases, existing records can be used. The Government propose shortly to provide supplementary guidance, which will aim to give businesses practical advice.

Dr. Brian Iddon (Bolton, South-East): Is my hon. Friend aware that during most of the period when the Conservatives were in control, Britain's share of the world tourism industry fell—from 6.7 per cent. in 1980 to 5 per cent. in 1997—and that they did nothing to combat that?

Janet Anderson: My hon. Friend is right. That is why we produced our strategy for tourism in February this year.

I remind my hon. Friend that, for the first time in many years, the Secretary of State announced an increase in funds for the British Tourist Authority of £5 million over the next three years, and an extra £2.8 million for the new English Tourism Council over the next two years. That compares very favourably with cuts imposed by the last Government, who reduced the funding of the English tourist board from £25 million to less than £10 million.

Arts Funding (Scotland)

9. **Mr. Tam Dalyell** (Linlithgow): What progress he has made on preparing a draft concordat with the Scottish Executive on the funding of the arts in Scotland. [83416]

The Minister for the Arts (Mr. Alan Howarth): My officials have been working closely with officials at the Scottish Office in drafting a concordat covering all my Department's areas of responsibility. Good progress has been made, and a final draft will be published shortly. The funding of the arts in Scotland will, however, be a responsibility of the Scottish Executive, and is not therefore an issue for the concordat, other than for joint and cross-border activities.

Mr. Dalyell: Do not the director of the National Gallery of Scotland and others expect some charity, given their rather immediate funding problems?

Mr. Howarth: That must be a matter for my ministerial friends in Scotland; but, as I have said, we will as soon as possible present a draft of the new concordat for consideration by all parties.

Libraries

10. **Mr. Roger Casale** (Wimbledon): How the lifelong learning initiative announced by the new opportunities fund will benefit local libraries. [83418]

The Secretary of State for Culture, Media and Sport (Mr. Chris Smith): The £200 million new opportunities fund stream for community access to lifelong learning will make a substantial contribution to developing the infrastructure for a public libraries information technology network, linking local libraries to each other and to the national grid for learning by 2002.

Mr. Casale: Does my right hon. Friend agree that, as well as providing a vital educational resource, local libraries provide local communities with a key civic amenity, and a focus for civic engagement and local civic pride? Will he join me in calling on local authorities across Britain—including my local authority, Merton, which is considering the closure of Wimbledon Park library—to take full account both of the educational resource provided by local libraries and their civic importance when undertaking their local library reviews?

Mr. Smith: I have made precisely that point to library authorities and library professionals on a number of occasions. I would add that the development of information technology resources in public libraries is a vital way of ensuring that we do not develop an underclass of people who have no access to information technology, and to the wealth of new information and resources of knowledge that it makes available. We are determined to ensure, by means of the money that we are putting in, that that does not happen.

Sporting Projects (Barnsley)

12. **Mr. Eric Illsley** (Barnsley, Central): What steps he is taking to encourage the greater distribution of national lottery money to sporting projects in Barnsley. [83420]

The Minister for Sport (Mr. Tony Banks): Following the coalfields lottery conference, we are conducting a special investigation into how extra help can be given to lottery applicants in coalfield and former coalfield areas, including Barnsley. More generally, measures introduced in the National Lottery Act 1998 will ensure that lottery funding is distributed more equitably across the country. Barnsley is one of Sport England's priority areas, and is able to apply for extra funding for sporting projects in the area.

Mr. Illsley: My hon. Friend will be aware that applications from Barnsley, or from the Barnsley area, have been few and far between. In the case of the Dodworth miners' welfare, following the submission of an application, the sponsors were advised to revise the application and increase the amount claimed from the lottery, only for the application to be rejected. Can my hon. Friend give me some idea of when he hopes to publish the findings of the special investigation?

Mr. Banks: I understand the point. That is precisely why we are conducting special investigations into areas such as Barnsley. The findings are due to be published very shortly. We are critically aware of the fact that areas such as Barnsley have suffered from the lottery in not having a fair distribution of resources. That is something that we are determined to deal with.

MILLENNIUM EXPERIENCE

The Secretary of State was asked—

Archbishop of Canterbury

29. **Mr. James Gray** (North Wiltshire): What role the Archbishop of Canterbury will have in the events in the Dome on 31 December. [83437]

The Secretary of State for Culture, Media and Sport (Mr. Chris Smith): The New Millennium Experience Company is discussing the arrangements for the opening celebrations at the dome with a number of interested parties, including the royal household, the Government and Lambeth palace. The nature and scope of the celebrations will be announced in due course.

Mr. Gray: Having ducked my question on two previous occasions, will the Secretary of State take this opportunity to inform the House whether he agrees that, whatever else it may be, the millennium is the celebration of the 2,000th anniversary of the birth of Jesus Christ; that, at the very least, the Archbishop should be invited to attend the ceremony and, as we do in the House at the beginning of proceedings, to say a prayer; and that the same duty should be asked of the Moderator of the General Assembly of the Church of Scotland, to be undertaken in Scotland?

If the right hon. Gentleman will not acknowledge that fact, will he tell us what his input is in those discussions with Lambeth palace and what the Archbishop has said, so far, about what he would like to do at midnight on 31 December?

Mr. Smith: As I have said consistently, the millennium is an important Christian anniversary and our celebrations should reflect that fact, but it is also important that those celebrations should be inclusive and accessible to people of all faiths and none. That is the spirit in which we have always approached the matter; the same was true of the previous Government. Clearly, it is important that the spiritual significance of the millennium is reflected in the celebrations both during the first weekend of 2000 and throughout the year.

Mr. Ben Bradshaw (Exeter): Is my right hon. Friend aware that a number of Christians, including me, are somewhat puzzled by the apparent attempts of the Archbishop of Canterbury to dictate the conditions of his presence at the millennium party, because we were under the impression that Christmas is the Christian festival and that new year's eve is a secular one?

Mr. Smith: The Archbishop of Canterbury and the leading figures of other branches of the Christian family are closely involved in discussions about preparations for the millennium celebrations, and that is right. Indeed, on the afternoon of 2 January, the first Sunday of 2000, at our proposal, national church services will be held in each of the home countries.

Mr. Peter Ainsworth (East Surrey): The Secretary of State has to admit that he has a problem on his hands. Is a minute of Christian contemplation too much to ask? If it is, what steps will be taken to avoid an embarrassing boycott by Church leaders? I presume that Ministers wish to avoid the scenario of reluctant Church leaders being prised from their churches and congregations and shunted along the Jubilee line on new year's eve to a secular knees up.

Mr. Smith: The hon. Gentleman is premature in jumping to conclusions about what will happen on the night of 31 December/1 January. He should wait until the discussions that are under way in a warm and co-operative spirit between all the Churches, leaders of other faiths, the Government, the royal household and the New Millennium Experience Company have reached some conclusions. Then, perhaps, we can have a sensible discussion.

Millennium Dome (Medical Facilities)

30. **Ms Claire Ward** (Watford): If he will make a statement on the provision of medical facilities at the millennium experience. [83438]

The Minister for Tourism, Film and Broadcasting (Janet Anderson): A fully equipped medical centre will be established at the dome. It will be managed and staffed by the local national health service, and wholly funded by the New Millennium Experience Company. The centre will be operational from October 1999, and staffed both during the celebrations on new year's eve and throughout 2000.

Plans for the medical centre were agreed following detailed discussions between NMEC, Bexley and Greenwich health authority, Greenwich Healthcare NHS trust, Queen Mary's Sidcup NHS trust, Lewisham Hospital NHS trust, local general practitioners, the London ambulance service and Greenwich council.

Ms Ward: I thank my hon. Friend for that reply. What will be the ratio of medical staff to visitors? Does she share my concern that, because of the number of people attending the dome, there may be serious medical problems if many of them require medical assistance? Will she assure the House that she will be keeping the facilities under careful check?

Janet Anderson: I assure my hon. Friend that we shall, of course, be monitoring the situation. As Jennie Page—the NMEC chief executive—said:

"With more than 12 million people expected to visit the Dome during 2000 and 5,000 staff, we have sought to establish on-site medical care of the highest possible standard. The health and safety of our visitors—including children and senior citizens—is paramount".

Marketing

31. **Kali Mountford** (Colne Valley): What progress is being made with plans to market the millennium experience across the country. [83439]

The Secretary of State for Culture, Media and Sport (Mr. Chris Smith): The New Millennium Experience Company's marketing strategy incorporates a number of means of promoting the millennium experience, and its associated national programme, across the United Kingdom and worldwide. Among the initiatives currently being undertaken are the development of the "Our Town" story programme, to enable towns across the length and breadth of the United Kingdom to tell their story in the millennium dome; proposals to ensure that 1 million school children will be able to visit the dome for free; and the negotiation of special packages of travel combined with entry tickets, to ensure that people are able, at the cheapest possible price, to get to the dome and the millennium experience.

Kali Mountford: I thank my right hon. Friend for his answer, and particularly for its focus on children. I do not know whether he has seen a copy of the *Huddersfield Daily Examiner*, but I hope that he has, as it states that although children are very enthusiastic about the millennium experience, their parents and grandparents are less so. Will he ensure that the millennium experience marketing strategy will examine the effects of that varying enthusiasm, and perhaps focus more attention on encouraging parents and grandparents to help those enthusiastic youngsters to attend?

Mr. Smith: It just so happens that I have, indeed, seen the *Huddersfield Daily Examiner* report to which my hon. Friend refers. I was extremely interested to see that pupils at Spring Grove Junior, Infant and Nursery school, in Springwood,

"all agreed it would be a wonderful experience."

The article also helpfully points out that the £57 pound charge for five people on a family ticket—including at least one adult and four children—is less than the £59 that it costs for four people to go to Alton Towers, in Staffordshire.

We shall be ensuring that the new millennium experience puts specific emphasis on the marketing strategy to attract families. The millennium experience will be a major opportunity for families to have an enjoyable and challenging day out in 2000.

Mrs. Virginia Bottomley (South-West Surrey): Does the right hon. Gentleman agree that it is very important for the Government to show some restraint in marketing the millennium experience, and that, by launching the contents at The Peoples Palace—where the Labour party celebrated its general election victory—they have caused great concern to the many people who believe that the millennium celebration should not be party political and that it certainly should not be regarded as the launch pad for the Labour party's next election campaign?

Mr. Smith: On our part, there is no intention or wish at all to make the celebration party political—which is precisely why the former Deputy Prime Minister sits on the Millennium Commission and is intimately involved in the development and detailed proposals for the dome itself.

Children's Promise

34. **Mr. Gareth R. Thomas** (Harrow, West): If he will make a statement on progress made on the children's promise initiative as part of the millennium experience's national programme. [83442]

The Secretary of State for Culture, Media and Sport (Mr. Chris Smith): Children's promise is one of the exciting and innovative projects within the millennium experience's national programme of events and activities, many of which are already under way across the UK. Children's promise is supported by Marks and Spencer and aims to encourage as many people as possible to donate the value of their final hour's earnings of 1999 for the benefit of the children of the next millennium. The money raised will be distributed by seven of the UK's major charities that work with children.

Mr. Thomas: Does my right hon. Friend agree that children's promise is further proof of how wrong the doom and gloom merchants were when they predicted that the millennium experience would not be enjoyed by everyone around the country, but just by those in London? What action is my right hon. Friend taking to promote that excellent initiative?

Mr. Smith: I am delighted to say that the take-up of children's promise has already far exceeded expectations. Many companies and individuals have signed up to ensure that we give some of our income from the final hours of 1999 to help children in the next millennium. We are also writing to all Members of Parliament to encourage them to set an example by signing up to the idea. I hope that it will be widely taken up on both sides of the House.

HOUSE OF COMMONS

The President of the Council was asked—

Modernisation

38. **Ms Karen Buck** (Regent's Park and Kensington, North): If she will make a statement on what representations she has received on progress made in modernising the House since May 1997. [83447]

43. **Ms Hazel Blears** (Salford): If she will make a statement on the steps taken to modernise the working of the House since May 1997. [83452]

The President of the Council and Leader of the House of Commons (Mrs. Margaret Beckett): Setting up the Modernisation Committee was a manifesto commitment from the Government. The Committee has reported nine times. The procedure for the scrutiny of EU legislation has been overhauled, new mechanisms for pre-legislative scrutiny are in operation and certain old-fashioned aspects of conduct in the Chamber have been updated. The House will have an opportunity next week to consider the proposal for an experiment involving sittings in Westminster Hall.

Ms Buck: I thank my right hon. Friend for that answer. Is she aware that there is some disquiet about the minimal increase in this year's office costs allowance? Does she agree that, given the solid progress that has been made on the modernisation of the House, it is time to extend that agenda to look at issues connected with the sufficiency and appropriateness of the office costs allowance, to ensure that Members of Parliament are able to deliver a comprehensive and modern service to their constituents?

Mrs. Beckett: I understand the anxiety of my hon. Friend and of all hon. Members to deliver the right service to constituents. However, I am not sure that that is a matter for the Modernisation Committee. The recommendation is made by the Senior Salaries Review Body. The recent uprating is a consequence of the implementation of a resolution of the House, carried some time ago, to uprate the office costs allowance by the all items retail prices index. I suspect that the SSRB is the right avenue for anyone wishing to reopen the issue.

Ms Blears: I am particularly pleased that our modernisation programme is improving the quality of our legislation, particularly through pre-legislative scrutiny.

On an entirely different matter, last week I had the pleasure of meeting the victorious Labour Members of the Scottish Parliament. They have some radical ideas about how their Parliament will function, particularly in relation to the sitting hours, which I understand may be from 10 am until 6 pm. That is an excellent way of conducting business. Will my right hon. Friend confirm that we shall learn from the Scottish experience to inform our House and take our modernisation prospects even further?

Mrs. Beckett: I am grateful for my hon. Friend's welcome for pre-legislative scrutiny. I share her view that it will be to everyone's benefit for us to have sounder legislation that should need less amendment as it goes through this place than has become the custom over the past 10 years.

I note what my hon. Friend says about the new Scottish Parliament and the Welsh Assembly. I am sure that we shall study the experience of those bodies with great interest and we shall no doubt seek to learn what we can from them. However, I fear that the extent to which that experience translates here may be another matter.

Dr. Julian Lewis (New Forest, East): One of the features of the newly modernised House of Commons is the number of times that the Prime Minister is absent from it. In view of the recent revelation that the Prime Minister has attended just one 30-minute meeting of his own Cabinet in the whole of the past month, why does the Modernisation Committee apparently have no plans to hand that part of the Prime Minister's duties permanently to the Deputy Prime Minister?

Mrs. Beckett: None of the issues that the hon. Gentleman raises is for the Modernisation Committee. It is a matter of fact that of the past few meetings of the Cabinet, one was postponed because of the recess and another because many Cabinet members were away from London for the local elections. The contention is frequently, and wrongly, put by Opposition Members that, in some way, the Prime Minister is neglectful of his duties. I remind the hon. Gentleman that on one of the occasions to which he referred, the Prime Minister was engaged in negotiations in Ireland—something that most hon. Members would think was quite important. The hon. Gentleman's underlying contention is that the Prime Minister does not attend the House regularly. In fact, one aspect of the Government's modernisation is that this Prime Minister attends Prime Minister's Question Time much more regularly than his predecessors.

Mr. David Heath (Somerton and Frome): In the Modernisation Committee, will the right hon. Lady look again at the procedure for private Members' Bills? If we are to consider antique areas of procedure, that must be one to look at. Can it be right that a Bill, such as that proposed by the hon. Member for Liverpool, Garston (Maria Eagle) last week, can be frustrated by the actions of two—or, at most, three—hon. Members when the vast majority of Members on both sides of the Chamber wish it to proceed? Should not we properly scrutinise private Members' Bills in the expectation that if they receive the approval of the majority of the House, they will reach the statute book?

Mrs. Beckett: I understand the anxieties expressed by the hon. Gentleman, and I have sympathy with his remarks about that Bill. However, it has always been difficult for private Members' Bills to reach the statute book if they are in some way contentious across the House, or if they raise issues of difficulty. That has been the case under Governments of all colours, and that is why we have procedures that do not make it easy for private Members' Bills to reach the statute book unless there is general consent. It is open to the Modernisation

Committee to look at the procedures—as others have done—but that has always been the attitude and expectation with regard to private Members' Bills.

Normally in the past, whatever the colour of the Government or the Opposition, Members have not objected frivolously to private Members' Bills. One of my anxieties is that if we continue to have objections which appear to be for the sake of objecting, it will call into question the way in which the private Member's Bill system operates, which might be unfortunate.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich): Will my right hon. Friend look carefully at the modernisation plans, as it is now clear that the lengthening of the hours on the first three days of the week is not only having an effect upon the efforts of individual Members of Parliament, but—since large numbers of Select Committees are losing their members either to Standing Committees or to other parliamentary business that normally has not been held at the same time—is having a deleterious effect upon the work of the House? Any further attempt to shorten the hours artificially, while extending them in reality, would be counterproductive.

Mrs. Beckett: I am not aware of any proposal to shorten the hours of the House. There is a proposal to offer extra debating time, with which my hon. Friend may or may not be happy, but that will be a matter for the House as a whole to decide. Since hon. Members on both sides ask continually for more opportunities for scrutiny, they will bear that matter in mind.

Mrs. Virginia Bottomley (South-West Surrey): The right hon. Lady has commented on the office costs allowance and the Scottish Parliament. Does she plan to recommend a change to the office costs allowance to recognise not only the smaller constituencies of Scottish Members of Parliament, but the fact that they now have more limited responsibilities than those in England?

Mrs. Beckett: No. It is patently not the case that Scottish Members have less responsibility; there are no two-tier memberships of the House. I am surprised that the right hon. Lady should suggest that that would be desirable.

House of Lords Reform

39. **Kali Mountford** (Colne Valley): What representations she has received on progress made by the royal commission on reform of the House of Lords. [83448]

The President of the Council and Leader of the House of Commons (Mrs. Margaret Beckett): I have had no representations on progress, but I understand that the royal commission has received more than 500 written submissions concerning the long-term reform of the House of Lords, from members of the public, Members of Parliament, peers, academics and a range of organisations.

Kali Mountford: The second Chamber plays an important role in scrutiny, and I hope that it will continue to do so, but not in opposition to this House. I notice that the Conservative party has made a submission containing two contradictory options. Can my right hon. Friend assure us that the royal commission will ensure that narrow party interests are not uppermost in its mind, and that an in-built majority will not be maintained in that Chamber in opposition to this one?

Mrs. Beckett: I share my hon. Friend's view that this House should be the prime House in the legislature. That is clearly the steer that the royal commission has been given. I am aware that the Conservative party has made two different, and to some extent contradictory, proposals, but that is becoming so much par for the course that I am not entirely surprised by it. I certainly strongly share the view that the matter should not be governed by narrow party interests. That is why the Government have said consistently that we do not believe that any one party should have an in-built majority in the House of Lords. To the best of my recollection, I have yet to hear that view echoed by Conservative Members.

Mr. Nicholas Soames (Mid-Sussex): In view of the ill-judged and unsatisfactory manner in which the Government are conducting their programme of reform of the upper House, does the President of the Council agree that the work with which the royal commission has been charged is extremely onerous and may well lead to its requiring longer to come to a proper, sensible and detailed conclusion, especially as it has received so many important and weighty submissions? Will she assure me that, if the royal commission requires more time to do its work, that time will be forthcoming?

Mrs. Beckett: I am sorry to hear that the hon. Gentleman thinks that the proposal for reform of the House of Lords is either ill-judged or unsatisfactory. As there is every chance that it will reach the statute book, it seems to me that it will have appeared satisfactory to most people in the country. I share the view that the royal commission's work is important and, in its way, onerous. Should it come to the view that it needs a little more time than the Government originally allotted, it will no doubt make that known. I gently remind the hon. Gentleman that when the royal commission was set up, Conservative Members were desperately anxious that it should report as speedily as possible, so that the proposals could be considered as soon as possible.

Summer Recess

40. **Mr. Mike Gapes** (Ilford, South): What plans she has to introduce a three-month notice period of the dates of the summer recess. [83449]

The Parliamentary Secretary, Privy Council Office (Mr. Paddy Tipping): The approximate dates of the summer recess are generally well known and do not vary much over the years. The uncertainties that affect parliamentary business make it very difficult for the precise dates to be announced as early as the end of April.

Mr. Gapes: Is my hon. Friend aware that, in addition to Members of Parliament, there are thousands of staff

here—especially those with young children—who would benefit greatly from being able to plan and book holidays some time in advance, when it is more convenient, and perhaps cheaper? Is he also aware that the families of many Members of Parliament live in other parts of the United Kingdom, where the school holidays vary, and that there is a trend towards four-term school holidays in some parts of the country? Can further consideration please be given to giving at least a reasonable period of notice for those with families, to allow them to book their holidays in the summer recess?

Mr. Tipping: It is of course important to give reasonable notice of the holiday period, and I am sure that my hon. Friend, who has taken a close interest in the matter, will welcome the extra notice that was given for the Easter and Whitsuntide holidays. I join him in thanking the staff of the House and commending their efforts. It is important to treat them and hon. Members properly. We are aware of the issue, but he will be aware that a week is a long time in politics, never mind 12 weeks.

Mr. John Bercow (Buckingham): Would the Minister confirm that even if three months' notice of the dates of the summer recess were introduced, the Government have no intention whatever of allowing a situation in which the Cabinet decides not to sit during the summer recess? Will he confirm that the Government recognise that Parliament being in recess does not justify the Government abandoning their responsibility to the people who put them there?

Mr. Tipping: The hon. Gentleman will be aware that this is a modernising and progressive Government who work not only when Parliament is open, but all the year round. People across the country are feeling the benefits of the hard work of the Cabinet.

Points of Order

3.31 pm

Mr. Peter Ainsworth (East Surrey): On a point of order, Madam Speaker. You will have noticed the allegation by Mr. Greg Dyke that the Secretary of State for Culture, Media and Sport, in answering my parliamentary question on 10 May, misled the House about discussions between the two of them on whether Mr. Dyke would apply to become the next Director-General of the BBC. Setting aside the question of whether Mr. Dyke is an appropriate person for that job, which is a matter for the governors, I wonder whether you have received any request from the Department for Culture, Media and Sport for a statement to set the parliamentary record straight and to clarify the confusion that exists about what discussions took place between Ministers and one of the Labour party's biggest donors of recent years about the appointment to that important role.

The Secretary of State for Culture, Media and Sport (Mr. Chris Smith): Further to that point of order, Madam Speaker. There has been no misleading of the House, either intentional or unintentional. The matter is clear: in the course of a lengthy meeting on the subject of the European film industry, I inquired in passing of Mr. Dyke whether the newspaper reports were true that he intended to put his name forward for the director-generalship of the BBC. He said at the time that he was still considering the matter and had not yet made up his mind. That was the content of the conversation, and it was reflected in my parliamentary answer and in Mr. Dyke's letter to *The Independent* on 13 May. To make the position even clearer to those who do not appear to appreciate clarity, I would add that at no stage has Greg Dyke lobbied me in connection with the director-generalship of the BBC, nor have I sought to persuade him to stand. I have not at any stage discussed any individual candidate or candidates for the post with any of the governors of the BBC, nor will I. It is an appointment for the BBC governors alone to make, and that remains firmly the case.

Mr. Brian H. Donohoe (Cunninghame, South): On a point of order, Madam Speaker. I have written to you in connection with the matter that I am about to raise. It concerns the role of Members of the Scottish Parliament in matters that are reserved in this House. Is it possible for you to have an early meeting with your counterpart in the Scottish Parliament to resolve what will become—if not nipped in the bud—a possible problem?

Madam Speaker: I am grateful to the hon. Gentleman for giving me notice of the point that he has raised and I appreciate his concern. However, I must make it clear to him and to the House that it is not for me to arbitrate on relationships between constituents and those who represent them in whichever legislature they may sit. That is a problem that will have to be resolved outside the House by good sense and mutual respect, not by me as Speaker of this House.

Mr. John Swinney (North Tayside): On a point of order, Madam Speaker. Have you had a request today from the new Secretary of State for Scotland to make a statement to the House on the composition of his new ministerial team? Some of us are bewildered that, at the time of substantial devolution of power to the Scottish Parliament, it is necessary to have four salaried Scottish Office Ministers. It is also not clear whether those four salaried Ministers will continue after 1 July and the assumption of full powers by the Scottish Parliament. A statement could clear up the confusion about whether that is a good deal for Ministers or a raw deal for the public finances.

Madam Speaker: No, I have had no request from a Minister to make a statement on that issue. Of course, it is always open to the hon. Gentleman to put questions on the Order Paper in due course and get an answer to his questions.

Mr. Tam Dalyell (Linlithgow): On a point of order, Madam Speaker. In view of information that I have submitted to you—and the press reports on the front pages of newspapers that have been submitted to you—on the apparent situation of authority having been given to alert a number of reservists for possible service in the armed forces—not necessarily in Kosovo, but possibly taking the place of people who might be called to go to Kosovo—has there been any request from the Secretary of State for Defence to make a statement on exactly what authority has been given, and to whom?

Madam Speaker: The Secretary of State for Defence has not informed me that he is seeking to make a statement on that issue. In my judgment, it may well be an issue which will come before the House tomorrow, at the appropriate time.

Orders of the Day

Welfare Reform and Pensions Bill

As amended in the Standing Committee, considered.

Ordered,

That the Welfare Reform and Pensions Bill, as amended, be considered in the following order, namely: New Clauses; amendments relating to Clauses 1 to 6, Schedule 1, Clauses 7 to 16, Schedule 2, Clause 17, Schedule 3, Clauses 18 and 19, Schedule 4, Clauses 20 to 29, Schedule 5, Clauses 30 to 44, Schedule 6, Clauses 45 to 50, Schedule 7, Clauses 51 to 61, Schedule 8, Clauses 62 to 64, Schedule 9, Clause 65, Schedule 10, Clauses 66 to 70, Schedule 11 and Clause 71; New Schedules; amendments relating to Clauses 72 and 73, Schedule 12, Clauses 74 to 76, Schedule 13 and Clauses 77 to 79.

3.36 pm

Mr. Iain Duncan Smith (Chingford and Woodford Green): On a point of order, Madam Speaker. It is relevant to the Bill and to the way in which the Government treat the House. Late on Thursday, at the last moment, the Government tabled new clauses and amendments that will add three new subject areas to what is already a very big and complex Bill. You will be aware that on Second Reading and throughout the Bill's consideration in Committee, we complained that the Bill already resembled three to four Bills compressed into one, which has meant that proper scrutiny has always been difficult, and that proper voting intentions could not be properly declared.

The Government have now compounded that. On Thursday evening, essentially two working days ahead of Report, with little or no notification, they tabled new clauses and amendments on three areas: state maternity allowances, the effect of insolvency on pension rights, and earnings of workers supplied by service companies. At least two of those matters were mentioned in the Budget and are currently out for consultation—but this is way ahead of any return on that consultation—and they refer directly to the Finance Bill.

Some six Government new clauses and 12 Government amendments were tabled on Thursday night, with no warning, lengthening the Bill. That is an abuse, and it makes it very difficult indeed to deal with the Bill in a decent time.

Madam Speaker: I am sympathetic to the burdens that are placed on hon. Members in such a situation, but I assure the hon. Gentleman that the usual procedures were carried out. I remind the House that Friday is a proper working day for the House—for some of us, at least. Amendments may be tabled from 9.30 am until 3 o'clock, so there was an opportunity to do so at that juncture.

New Clause 5

EXTENSION OF ENTITLEMENT TO STATE MATERNITY ALLOWANCE

'.—(1) In section 35 of the Contributions and Benefits Act (state maternity allowance), for subsections (1) and (1A) there shall be substituted—

"(1) A woman shall be entitled to a maternity allowance, at the appropriate weekly rate determined under section 35A below, if—

(a) she has become pregnant and has reached, or been confined before reaching, the commencement of the 11th week before the expected week of confinement; and

(b) she has been engaged in employment as an employed or self-employed earner for any part of the week in the case of at least 26 of the 66 weeks immediately preceding the expected week of confinement; and

(c) (within the meaning of section 35A) her average weekly earnings are not less than the maternity allowance threshold; and

(d) she is not entitled to statutory maternity pay for the same week in respect of the same pregnancy."

(2) In subsection (3) of that section—

(a) for "Schedule 3, Part I, paragraph 3" there shall be substituted "section 35A below"; and

(b) for "and (c) above" there shall be substituted "above or in section 35A(2) or (3) below".

(3) After that section there shall be inserted—

"Appropriate weekly rate of maternity allowance

35A.—(1) For the purposes of section 35(1) above the appropriate weekly rate is that specified in whichever of subsection (2) or (3) below applies.

(2) Where the woman's average weekly earnings are not less than the lower earnings limit for the relevant tax year, the appropriate weekly rate is a weekly rate equal to the lower rate of statutory maternity pay for the time being prescribed under section 166(3) below.

(3) Where the woman's average weekly earnings—

(a) are less than the lower earnings limit for the relevant tax year, but

(b) are not less than the maternity allowance threshold for that tax year,

the appropriate weekly rate is a weekly rate equivalent to 90 per cent. of her average weekly earnings or (if lower) the rate specified in subsection (2) above.

(4) For the purposes of this section a woman's "average weekly earnings" shall be taken to be the average weekly amount (as determined in accordance with regulations) of specified payments which—

(a) were made to her or for her benefit as an employed earner, or

(b) are (in accordance with regulations) to be treated as made to her or for her benefit as a self-employed earner,

during the specified period.

(5) Regulations may, for the purposes of subsection (4) above, provide—

(a) for the amount of any payments falling within paragraph (a) or (b) of that subsection to be calculated or estimated in such manner and on such basis as may be prescribed;

(b) for a payment made outside the specified period to be treated as made during that period where it was referable to that period or any part of it;

(c) for a woman engaged in employment as a self-employed earner to be treated as having received a payment in respect of a week—

(i) equal to the lower earnings limit in force on the last day of the week, if she paid a Class 2 contribution in respect of the week, or

(ii) equal to the maternity allowance threshold in force on that day, if she was excepted (under section 11(4) above) from liability for such a contribution in respect of the week;

(d) for aggregating payments made or treated as made to or for the benefit of a woman where, either in the same week or in different weeks, she was engaged in two or more employments (whether, in each case, as an employed earner or a self-employed earner).

(6) In this section—

(a) "the maternity allowance threshold", in relation to a tax year, means (subject to subsection (7) below) £30;

(b) "the relevant tax year" means the tax year in which the beginning of the period of 66 weeks mentioned in section 35(1)(b) above falls; and

(c) "specified" (except in subsections (7) and (8) below) means prescribed by or determined in accordance with regulations.

(7) The Secretary of State may, in relation to any tax year after 1999–2000, by order increase the amount for the time being specified in subsection (6)(a) above to such amount as is specified in the order.

(8) When deciding whether, and (if so) by how much, to increase the amount so specified the Secretary of State shall have regard to the movement, over such period as he thinks fit, in the general level of prices obtaining in Great Britain (estimated in such manner as he thinks fit); and Secretary of State shall in each tax year carry out such a review of the amount so specified as he thinks fit."

(4) This section applies in relation to the payment of maternity allowance in cases where a woman's expected week of confinement (within the meaning of section 35 of the Contributions and Benefits Act) begins on or after 20th August 2000.'.—*[Mr. Bayley.]*

Brought up, and read the First time.

The Parliamentary Under-Secretary of State for Social Security (Mr. Hugh Bayley): I beg to move, That the clause be read a Second time.

Madam Speaker: With this, it will be convenient to discuss Government amendments Nos. 9 to 11.

Mr. Bayley: When we debated the Bill on Second Reading, my right hon. Friend the Secretary of State for Social Security explained that it is an essential step in our modernisation of the welfare state, and that it takes forward our reforms in four key areas.

First, the Bill contains a package of measures to keep people in touch with the labour market, including new employment zones and the single gateway. Secondly, it brings disability benefits up to date, to give new opportunities to disabled people who want to work and to provide extra help for those in greatest need. Thirdly, it modernises the system of bereavement benefits to bring fairness and equality to the system. Finally, the Bill is a starting point for our pension reform. It introduces pension sharing on divorce and paves the way for future pensioners to have a more secure retirement.

Since Second Reading, the Bill has been thoroughly discussed in Committee. In fact, I believe that it has been scrutinised at greater length than any social security Bill in recent history. I pay tribute to my hon. Friends who served on the Committee—indeed, to all hon. Members who were involved with the Committee—for their hard work. Thanks to that, I am confident that the Bill that I am presenting to the House today is an even better piece of legislation.

In particular, we have improved the Bill by including new reforms to the structure of national insurance, to ensure that work pays and that people keep more of what they earn. We have made a new provision to prevent disabled people from being treated unfairly by the way in which overpaid benefits are recovered.

We are not stopping there, as we are proposing more improvements today. The first is a reform of maternity benefits that further develops our principle of work for those who can and security for those who cannot. New clause 5 will extend entitlement to maternity allowance to pregnant women on low earnings and increase the basic rate of maternity allowance for self-employed women.

That is not an isolated reform. We made a manifesto commitment to help families balance work and family life. Since coming to power, we have put in place a range of policies across Government to support families and children. We are providing better financial support for families, including the biggest ever increase in child benefits, a working families tax credit that will guarantee a minimum income for working families earning the national minimum wage of £200 a week and a child care tax credit to help make child care more affordable. From 2001, children's tax credit will be worth £416 a year.

Today, my hon. Friend the Paymaster General has further improved the working families tax credit and our disabled person's tax credit proposals. She has offered new help to enable disabled people, whose health is deteriorating while they remain at work, to retain their jobs and the provision of increased support for parents of disabled children who seek to work and to benefit from the working families tax credit. Our new Employment Relations Bill sets out a basic framework of family friendly employee rights. We are investing £450 million in our sure start project in England over the next three years to improve the life chances of children in disadvantaged areas. We are delivering our commitment to a national child care strategy that provides families with genuine choices so that they can balance the combination of paid work, education or training and parenting. All that is in stark contrast to the policies of the Conservative Government before the 1997 general election.

Our reforms to maternity allowance are yet another step forward. At the moment, maternity benefits are focused on pregnant working women who pay national insurance contributions or who earn enough to do so. Statutory maternity pay is paid by employers for up to 18 weeks to women who have worked for them for six months or more, and who earn at least £66 a week—the lower limit for paying national insurance contributions. Maternity allowance is paid by the Benefits Agency for up to 18 weeks to women who cannot get statutory maternity pay. It also supports self-employed women who have worked and paid contributions.

All working pregnant women are entitled to 14 weeks maternity leave. My right hon. Friend the Secretary of State for Trade and Industry is taking forward measures in his Employment Relations Bill to increase this period to 18 weeks to bring it in line with maternity benefits. That has been widely welcomed, both by employers and other interest groups. However, we believe that the current maternity leave and pay arrangements have a number of serious flaws. To start with, low-paid pregnant working women—those who earn less than £66 a week—have the right to take time off work to have their baby, but receive no financial help to do so. Secondly, around 20 per cent. of working women are potentially excluded from maternity benefits because they do not earn enough to qualify. Thirdly, women whose earnings are more than

[Mr. Bayley]

£66 a week but who do not pay national insurance contributions because they earn small amounts from more than one employer are also excluded. Finally, self-employed women currently receive less maternity allowance than employed women—£51.70 instead of £59.55. That is also unfair.

The reforms in new clause 5 address all those issues. Under the revised arrangements, women will still need to satisfy an employment test and an earnings test to qualify for maternity allowance.

We are not changing the employment test, but the earnings test for employed earners will now be based on actual earnings rather than payment of national insurance contributions. In future, all mothers-to-be who earn at least £30 a week on average will be entitled to help from maternity allowance. Earnings from all sources, including self-employment, will count towards average weekly earnings.

Fourteen thousand low-paid women will gain from that improvement. Women whose average weekly earnings are at least equal to the lower earnings limit will receive the standard weekly flat rate of maternity allowance—£59.55 a week. Women who earn between £30 and the lower earnings limit will receive a weekly maternity allowance of 90 per cent. of those earnings.

3.45 pm

Mrs. Angela Browning (Tiverton and Honiton): Before the Minister continues, will he clarify what will be the basis of the calculation of earnings for self-employed women in the year that they claim the benefit? I ask that question because when self-employed people file their accounts with the Inland Revenue, the last set of accounts may be for the previous financial year. Will the accounts for the previous financial year be taken to establish earnings, or will, for example, the previous three years be averaged out, which is not unprecedented for self-employed people in our tax system? What about the woman who becomes pregnant in her first year of self-employment? On what basis will her earnings be calculated?

Mr. Bayley: The hon. Lady raises an important point. I regret to say that I cannot respond immediately, but I will do so before the debate concludes as it is important for the House to be absolutely clear about how the earnings are to be calculated. Of course, we will retain the existing rules for calculating the earnings of self-employed people. The change is that in the past the self-employed have been unfairly treated because they have received a lower rate of maternity allowance. As a result of our change, self-employed women will now receive the full rate of benefit—£59.55 instead of £51.70, which is an increase of £7.85 a week.

Also, we are helping self-employed women with low earnings. If they hold a certificate to exempt them from national insurance contributions, they will be treated as having notional earnings of £30 a week and will receive maternity allowance of £27 a week—90 per cent. of £30.

To summarise, as a result of the changes, low-paid women who earn below the lower earnings limit for national insurance contributions and at least £30 a week will receive maternity allowance of 90 per cent. of their average earnings. Women with more than one low-paying job will be able to add together their earnings to reach the level needed to qualify for maternity allowance.

Mr. Steve Webb (Northavon): The Minister mentioned the category of women whose wages are between £30 and the lower earnings limit and we support the extension of the allowance to them. Clearly, that group do not pay income tax or national insurance and, therefore, are largely unknown to the authorities. What will be the Government's take-up strategy to ensure that people claim that new entitlement?

Mr. Bayley: We will be using similar means to those that we use to ensure take-up at the moment to inform the self-employed of their rights.

Mr. Webb: What about employers?

Mr. Bayley: I thought that the hon. Gentleman was talking about the self-employed. Clearly, employers will have a responsibility to pass on information to employees, as they do with existing employees.

Mr. Duncan Smith: I was intrigued by the Minister's answer. He seemed rather hesitant. Is there some mechanism whereby employers will know clearly that they will have to pass on that information and has he costed the changes that that would entail?

Mr. Bayley: The basic mechanism for establishing entitlement to maternity allowance is to show a wage slip. Every employer, however large or small, has a legal obligation to provide a wage slip for employees. It will be the passport to maternity allowance for those on low wages, as it has been for those on higher wages.

To summarise, low-paid women who earn below the lower earnings limit, provided that they earn at least £30 a week, will receive maternity allowance worth 90 per cent. of their average earnings. Women with more than one low-paid job will be able to add together their earnings to reach the level necessary to qualify for maternity allowance. Self-employed women will receive the same basic rate of maternity allowance as employees. Low-earning, self-employed women who are exempted from paying national insurance contributions will qualify for maternity allowance of £27 a week.

The Labour party has long campaigned for these reforms. Now that we are putting them into practice, they have been warmly welcomed by many voluntary bodies including the Maternity Alliance and the Low Pay Unit. These important changes will enable more women to strike a balance between paid work and parenting. They are fully in line with our strategy on family friendly employment. They will give low-paid mothers-to-be the financial help that they need to take their full entitlement of maternity leave. They will be good for the health and welfare of low-paid mothers and their children. I commend them to the House.

Mrs. Jacqui Lait (Beckenham): It is a pleasure to join the debate, but I am sorry to have to speak to new clause 5 because, as my hon. Friend the Member for Chingford and Woodford Green (Mr. Duncan Smith) said, it adds to an already extensive Bill. The Minister listed the

Bill's contents, which were sufficient to keep the Standing Committee going for 25 sittings. This is only the first of at least three more significant additions.

New clause 5 is an unnecessarily hurried addition to our debate. We have complained that the Bill is already far too long but, now, new clause 5 has been tabled at the last moment. My hon. Friend the Member for Tiverton and Honiton (Mrs. Browning) pointed out the difficulties that self-employed women will have. The hon. Member for Carshalton and Surbiton—

Mr. Webb: Northavon.

Mrs. Lait: My apologies; there are so many experts on the subject in the Liberal party. The hon. Member for Northavon (Mr. Webb) made a point to which answer came there none. We all know that the consultation has not finished, so why the rush to discuss new clause 5? We are happy to debate it, but cannot help wondering why we must do it today. We had no hint of it in Committee and, my goodness, it was a long Committee. We even sat on Budget day without any such hint. The Chancellor mentioned the proposal, en passant, in the Budget debate, as did the Secretary of State for Social Security, who also mentioned this Bill in that debate, but without putting the two together. No connection between them was made.

I am not naturally of a conspiratorial turn of mind. I prefer the more random view of life, but I wonder why new clause 5 has suddenly emerged. It is 15 months before its provisions come into effect.

Mr. Duncan Smith: It is a sop.

Mrs. Lait: Looking around the Government Benches, I can only agree, that it may be a sop. One or two may just fall for it. I am more inclined to believe that, while it has something to do with the later amendments, it is more likely that the Government desperately hope that any vote on the later amendments takes place at the dead of night.

The new clause was tabled last thing on Thursday because the Government took one look at the list of amendments that had already been tabled, noticed that the Opposition had not tabled their amendments and panicked. The Secretary of State sent out his messengers like Lars Porsena of Clusium. They went out north and south, east and west. The Chancellor of the Exchequer obliged and decided to let the Secretary of State for Social Services have the honour of proposing the amendment set out in the Budget. The Government are trying desperately to hold off a debate and vote on benefit cuts. However, the debate is taking place before any consultation has finished. I am surprised that the Government should do such a thing. There is much in the Bill to discuss, and we shall make sure that it is discussed.

Last week, we had a debate, introduced by the Liberal Democrats, on the abuse of Parliament. Those who were present will remember that they were not even effective enough to be able to vote on the motion. However, during the debate, my right hon. Friend the Member for South-West Surrey (Mrs. Bottomley) made an excellent point about the abuses that the House is facing.

Mr. Dale Campbell-Savours (Workington): On a point of order, Madam Speaker.

Madam Speaker: Does the point of order concern relevance?

Mr. Campbell-Savours: It does.

Madam Speaker: I think that the hon. Member for Beckenham (Mrs. Lait) is coming to her point.

Mrs. Lait: I am indeed, Madam Speaker. However, one of the factors in this debate is the speed with which the new clause was tabled and the lack of consultation.

We have before us another example of the abuse that the House is suffering. We could easily have discussed the new clause in Committee. It could easily have been laid before the Committee. Once the split among those on the Government Benches became clear, we had to discuss the new clause.

Part of the abuse of the House is the volume of legislation that is being brought forward by regulation, and the new clause introduces further regulations on maternity allowance. The Minister has denied that the clause would have much impact on business, notwithstanding the fact that all the women involved will need their wage slips. My hon. Friend the Member for Tiverton and Honiton has already pointed out how difficult it will be for self-employed women to produce the information that the Benefits Agency will need to enable it to pay the maternity allowance.

No Opposition Member suggests that employers should not produce wage slips, but we are wary of the Government's tendency to introduce creeping regulations. It is easy to say that the Benefits Agency will pay out on the basis of wage slips only. However, when there is the slightest opportunity for anybody to query a wage slip, there will be a call to the employer. Suddenly, a case will be built up for the employer to justify. He will be called upon to fill in forms, to verify and to check. There has not been any reaction from employers so far because of the speed with which the new clause was tabled.

Mr. John Bercow (Buckingham): I am grateful to my hon. Friend because she highlights an important consideration, which is the exponential rise in regulation that this country has had to contend with since 1 May 1997. Has she made any assessment of the likely increase in the net number of regulations that we face as a result of the new clause? Does she think that that is important, given that the Secretary of State for Trade and Industry has already said that the Government have not got it right on regulations?

4 pm

Mrs. Lait: I assure my hon. Friend that we would be happy to work that out, but, because of the speed with which the new clause was tabled, it has been impossible to do so yet.

I am sure that employers' organisations will rapidly make their views clear. No regulatory impact assessment has yet been produced. I hope that the Government will give us an assurance that they intend to produce one, because otherwise we shall oppose the Bill on the basis of the costs to business.

[Mrs. Lait]

Many hon. Members have been lobbied by the Pre-School Learning Alliance, which held a reception in our Dining Room last week. I have visited many playgroups in my constituency. Every single one of them has pointed out to me the difficulties that it is experiencing with Government regulations. Playgroups are paying the minimum wage, but their objection is that the people who run them are turning from good-hearted volunteers who want to help children into unpaid form-filling slaves. They must deal with the working time directive, they will potentially have to deal with the stakeholder pension, as laid out in the Bill, and now they are likely to have to deal with the maternity allowance forms.

The maternity allowance will affect primarily women who have been out of work, who are desperate to get back into work and who can work only part-time, either because they are not qualified or because they have children. Those are the very women who are likely to find employers less willing to employ them. As the Minister said, about 14,000 women are excluded—14,000 women who could potentially get further jobs, but whom employers are likely to find it difficult to employ. We are speaking of a relatively small sum in the overall total of social security spending.

Kali Mountford (Colne Valley): I am trying desperately to follow the argument, now that we have finally got on to the clause. Is the hon. Lady telling the House that the Conservative party is opposed to extending maternity allowance on the basis of filling in forms?

Mrs. Lait: If the hon. Lady listened to my earlier points, she would realise that the crucial point is that there is no time for us to consider the proposal, and there has been no consultation. Our concern is that, with the best will in the world, employers will be unable to employ precisely the sort of women whom the hon. Lady is trying to help. The inability to balance the two interests is the focus of our discussion and, probably, our opposition.

Some 14,000 women are excluded because they have been earning too little. The sum involved is relatively small compared to the overall total of social security spending, but weekend figures from the Library show that the Government's social security control total is spinning out of control. They promised to reduce social security spending, but it is increasing at a rate of 3.2 per cent. a year, which is more than inflation. Hence, the relatively small sum will add to social security control problems.

I asked the Library to find out why it would take 16 months to introduce the changes. The answer was illuminating. Let us count back from 20 August 2000. Women are eligible for the allowance from the 11th week before the baby is due. It is also payable if the baby is born prematurely. That can be as early as 19 weeks before the expected week of birth. That takes the date back to April 2000. However, if the rules were to come into force in April 2000 to cover women who give birth to premature babies, women could claim from November this year.

The interesting comment was that November this year is too early for the necessary legislative and administrative arrangements to be put in place. It cannot be too difficult or time consuming for the Benefits Agency to extend a known benefit. Do I detect a concern that the Bill will be delayed either here or in the other place? With the Government's majority, I can hardly believe that, but perhaps that it what they fear.

As the Minister said, changes to maternity leave are going through the House, so it is not clear what the final pattern will be, but we must look at the interaction of this extended benefit with maternity leave. I should like the vulnerable women who would need to get back into the workplace to be encouraged to do so. We need to ensure that low-paid, self-employed women have the opportunity to have children, if that is what they want.

The effect of the national minimum wage is that women who work for between eight and three-quarter and 18 and a third hours a week will receive this allowance, which is the point of the figure of £30 to £66 a week.

Mr. Campbell-Savours: Can the hon. Lady make the position absolutely clear? Is she for or against the extension of the maternity allowance?

Mrs. Lait: As I have said time and again, the Bill is the wrong place in which to put that allowance without full consultation.

We want the single mums who need to get back into the workplace, or those who have few qualifications, to be working, and they are the ones who will be working part-time. Even if, as the Government have said, the initial regulation is minimal—because the Benefits Agency carries out the work on the basis of wage slips—and if maternity leave is extended, it will, over time and taking those two together, be much less attractive for employers and charities to employ women who could bear children. *[Interruption.]*

The Minister may disagree—he looks at though he does—but small employers have to ask themselves whether they need this hassle. There will be no clear decision, but it will gently emerge that employers will choose to employ mature women or young men, who also need jobs. That could be damaging to the sort of women who everyone in the House would like to get back into the workplace.

The Government say that they want a flexible, modern work force. The measure will make it much harder for women to get back into that flexible, modern work force. We cannot see the need for the new clause to be rushed through the House. There has not been proper time to consider it and to get the views of interested bodies. Tabling it at the very last moment was not the best way to help women; it is a shoddy attempt to cover up the splits between Labour Members, which shows their contempt for the House. We will oppose the new clause.

Mrs. Browning: The Minister was kind enough to take an intervention from me specifically on the tax position and the claims of self-employed women. I should like to expand a little on my intervention.

The Minister will be aware of the position under self-assessment for self-employed people—men and women. For example, a self-employed woman who needed to make a claim for the new benefit during this year would have to rely on her income from her filed accounts for the 1997-98 tax year. People will be looking to file their returns for the present tax year with the Inland Revenue at the end of September, if they want it to

calculate the tax liability, or by 31 January next year, if they are doing that themselves. There will also be a period in which the Inland Revenue will examine and agree those returns.

For self-employed women, we are therefore looking at a time scale in which income would not be immediately available, even to themselves, because it would have to be confirmed by the Inland Revenue. One factor differentiates self-employed women from self-employed men when they first set up a business: the income from the new business is often the second income in the household. Thus, many women start up a business in a modest way, perhaps working from home, so the income that they draw from the business in the first year or two is minimal because they want the business to grow before deriving a bigger income from it. The Minister's colleagues in the Department of Trade and Industry will confirm that pattern.

Earlier, I asked the Minister about how such women would make a claim under this new provision. I am also concerned that, in the first or second year of a new business, it might be extremely difficult for some women to qualify for the benefit because of the way in which self-employed accounts are prepared. I do not imply that there is any irregularity in their preparation, but the owner of the business will have forgone earnings. To compare the earnings of such a person with those of someone under the PAYE system would be complex.

When the Minister replies, as he promised that he would, to my specific questions about the tax point and the data that would be taken into account in determining those women's earnings, I hope that he will look carefully at the new way in which tax, particularly under self-assessment, is worked out for new businesses and people setting up as self-employed. He will be aware, that under his party's new deal, many people are being encouraged to become self-employed, and they will be particularly vulnerable to how their first and second-year accounts are treated in terms of their qualifying for the benefit.

It is a matter of great disappointment that the Government have brought this proposal to the Floor of the House without even thinking through how it will be put into practice for self-employed women. The Labour party is good at launching new measures, but not very good at thinking them through.

Mr. David Rendel (Newbury): May I make just a few points on behalf of the Liberal Democrats? We accept the Conservatives' point that the proposal is being rushed through with minimum consultation. As my hon. Friend the Member for Northavon (Mr. Webb) succeeded in pointing out in an intervention, little thought seems to have been given to how the measure will be put into practice. The Minister might do well to think again about his response to my hon. Friend and come up with some clearer plans on how he will ensure that those concerned realise that they may be eligible for new benefits. Simply telling them to look at their pay slips—if they have a pay slip at all—is not good enough.

None the less, we welcome the new clause. We have been pressing for some time for better and wider maternity benefits, and this is an attempt to provide them. The Government continually tell us that the Bill's aim is to provide more benefits to those who need them most, and we seem to be proceeding a little way down that path. However, as is so often the case with this Bill, it is not the very poorest who will be helped because they earn below the limits covered by the new clause—or perhaps earn nothing at all. A number of mothers will therefore not be affected by the provision, which will give a little more to those who are not quite the very poorest, but who are poorer than those who have been receiving the benefit until now. That is at least a step in the right direction.

One of the most important things that any child can have is a good start in life, and we can help babies in that respect by reducing the stress on their mothers. Reducing financial stress, both before and immediately after birth, must therefore be of benefit not just to mother, baby and the bonding process, but to the whole of society. The Liberal Democrats welcome the new clause in so far as the Government are at least making a move towards providing those advantages by the extension of this benefit.

4.15 pm

Mr. Bayley: I shall begin by responding to the hon. Member for Tiverton and Honiton (Mrs. Browning). I welcomed her intervention because she made an important point. Having listened to her speech, I am now clear that she misunderstands the basis on which maternity allowance is currently paid to self-employed people. The benefit is based not on income, but on national insurance contributions. The national insurance contribution records will permit or deny access to maternity allowance.

The contributory conditions for self-employed women are unchanged by the new clause. A woman will have had to have paid 26 contributions in the 66 weeks leading up to the birth. What is new is that maternity allowance at the reduced rate will now, for the first time, be available to self-employed women on low earnings who have small earnings exemptions from national insurance contributions for at least 26 weeks before the birth, so they will not have to file accounts to prove earnings. The hon. Member for Tiverton and Honiton is suffering from a misapprehension.

Mrs. Browning: I am familiar with the contributions aspect, but my understanding is that there will in addition be an earnings threshold at which the benefit would apply. If there is to be an earnings threshold, there will clearly have to be some proof of earnings.

Mr. Bayley: Hitherto, a self-employed woman has been able to obtain the maternity allowance on the basis of having paid 26 national insurance contributions in the 66 weeks before the birth. Some self-employed women, such as those who are setting up a business for the first time—precisely the women to whom the hon. Lady referred—will not have paid national insurance contributions because their earnings from their business will be too low to require them to pay contributions. If they have applied and qualified for the small earnings exemption for at least 26 weeks in the period leading up to the birth, they will qualify for the £27 rate of maternity allowance that we propose, which is 90 per cent. of the £30 bottom earnings limit that we are introducing for employed people.

Mrs. Browning: In addition to their national insurance contributions exemption, a mechanism will have to be

[Mrs. Browning]

agreed in advance to establish the exact tax point in the earnings of those women at which the threshold will make them eligible. As I said, often their drawings from their business accounts may be minimal in order to enable their business to grow, and the accounts may show that they plough more back into the business. Will that be taken into account?

Mr. Bayley: The hon. Lady has raised an important point, but she is making the matter more complicated that it needs to be. We do not need new regulations. People who run their own businesses do not need to submit accounts to qualify for maternity allowance. It will depend on their national insurance record. If people apply for the small earnings exemption from national insurance contributions for 26 weeks before the birth, that would passport them on to a maternity allowance. We do not need a new test of earnings: women who have established their entitlement through the existing national insurance system will now, for the first time, receive maternity allowance.

The hon. Member for Newbury (Mr. Rendel) asked how we will get the word out. Self-employed people, particularly those who have started up businesses through the new deal, will get support from their mentor. Under the new deal, someone setting up a new business gets a mentor for two years. If the new entrepreneur is a woman who becomes pregnant during those two years, it will be the responsibility of the mentor to explain her rights.

As for other women who are employed, at present a woman who is earning £66 a week knows how to claim. Now a woman earning £65 a week, who has hitherto been unable to claim, will submit her claim in exactly the same way. The only difference is that now, when women earning £65, £45 or £30 a week claim maternity allowance, they will be told that they qualify rather than that they do not, and will receive benefit.

Let me tell the hon. Member for Beckenham (Mrs. Lait) that if the Conservatives oppose the new clause, they will perpetuate a two-tier system—indeed, two-tier systems. They will be saying that it is right for the law to provide maternity allowance for women on higher incomes, but wrong for it to provide the allowance for those on lower incomes. That is an absurd attitude. Moreover, the hon. Lady will be saying that it is right for a woman who is employed to receive maternity allowance at a rate of nearly £60 a week, but that those who are self-employed should be paid a lower rate.

We are correcting those two wrongs. We are enabling all women earning £30 a week or more to receive maternity allowance, which must be a good thing. It is extraordinary that the hon. Lady should suggest that members of her party will vote against the new clause.

The question that the hon. Lady must answer is the question that some of my hon. Friends posed to her during her speech: is her party in favour of extending maternity allowance to low-paid women or not? Low-paid women already have a right to maternity leave, but those who are so low paid that they are below the lower earnings limit do not receive maternity allowance, and therefore cannot afford to take the leave. Women on higher incomes receive maternity leave, and the allowance enabling them to afford to take it. That is good for their health and the health of the child; but women below the lower earnings limit are denied the same opportunity.

If Conservative Members shoot through the Lobby to vote against the new clause, they will be condemning women on lower earnings to a denial of their right to maternity allowance. I should find it extraordinary were that to happen.

The hon. Lady complained that the Government had tabled the new clause only on Thursday of last week. I can only assume that she has been asleep, not just over the weekend but since 6 May, when the new clause was actually tabled. Moreover, although 11 days' notice may not have been enough for her, the issue was flagged up for her two months ago in the Chancellor's Budget speech. The proposal has not been sprung on the House without warning or prior consideration. In the case of every Bill, new measures are presented as the Bill proceeds; and that is exactly what is happening now.

The new provision will not impose a burden on business. Under existing provisions, the Benefits Agency checks a percentage of claims with employers to confirm employment, and to confirm that the appropriate national insurance contributions have been paid. We believe that the new scheme will reduce the need for the agency to check claims, because wage slips will constitute an additional verification of employment. The extra burdens on business will therefore be negligible.

Mr. Bercow: The Minister said, to a fanfare of trumpets, that the new clause would not be burdensome on business. Does he seek to distinguish it from, for example, another measure to which he referred in his opening remarks—the working families tax credit, whose implementation has already been denounced by employers' representatives as distinctly burdensome?

Mr. Bayley: The hon. Gentleman should listen to what I am saying. Under the new clause, there is no requirement for businesses to file additional returns or answer additional questions. In fact, we believe that the use of wage slips as passports to maternity allowance will somewhat reduce the need for the Benefits Agency to carry out checks. The hon. Gentleman's fears are therefore groundless.

The argument of the hon. Member for Beckenham that the new provision might deter employers from employing women of child-bearing age is a crassly stupid point. It is a point that her party made when the Equal Pay Act 1970 was introduced—that equal pay should not be introduced for women because employers would not employ women if it were. We know what has happened since the Act has come in. Even though pay may not quite have equalised, the relative earnings of women have increased dramatically, and the number of women in the labour market has continued to grow. The hon. Lady's fear is absolutely groundless.

The hon. Member for Beckenham said that the provision would affect just 14,000 people. She may have misunderstood something that I said earlier. There are 14,000 employed women on wages that have hitherto been judged to be too low to qualify for maternity allowance. In future, they will qualify; they will get the allowance. That is at the core of what the new clause is about. In addition, however, there are the 13,000 self-employed people who either have never qualified because their earnings were too low, or who have qualified for some allowance; in future, they will qualify

to a greater extent because of our decision to pay the self-employed woman who has a baby the same rate of maternity allowance as the employed woman.

The hon. Member for Beckenham complains on two fronts. She complains that we will not put the measure into effect until 2000 and that we are dragging our feet, yet at the same time, she says that we are abusing our role by introducing the measure so quickly. She cannot have it both ways.

The Conservative party does not have long to make up its mind. It will have to decide one way or the other how to vote on the measure. It has to decide whether women on low earnings should get the same right to paid time off when they have a baby as women who are on higher earnings. If it believes that they should, it will vote with the Government. If it believes that one should discriminate against women on low pay and against the self-employed, it will vote against. That is the simple question that it has to consider. I hope that it will support the Government's proposal.

Mr. Duncan Smith: I will not detain the House long because the Government have already done that. I want to make just a few points to the Minister about some of his assertions and allegations.

Two or three interesting things arise from the debate. First, the Government have presented the proposal not at the start of proceedings on the Bill, but on Report, which means that there is no possibility of understanding from business, or from anyone else who is involved in the matter, what the balance of cost is.

The Government have produced no cost assessment. We are meant to take the Minister's word for it. It is yet again a great Government trick. It may work with their Back Benchers, who seem to take their word for everything, but the fact is that we cannot possibly accept their word when they say, "Don't worry. We know that the measure will cost no money."

The question was raised by my hon. Friend the Member for Beckenham (Mrs. Lait), who said that we do not know what effect the measure will have on people employing the very women whom the measure is aimed at, given that the Government have produced no assessment of the extra cost or burden that may come through on the back of it. We have no idea, so the first point is that the Government want everyone simply to take their word for it.

This is the same Government who have produced a raft of extra costs on business: the national minimum wage, the working time directive, the European works councils and parental leave. When each of those initially came through, the Government said, "Don't worry. There is no extra cost. There will be no problems." On each one, business said, "Rubbish."

The Government said that there would be no cost at all in relation to the working families tax credit. They even voted down amendments that were tabled by the Conservative party and by the Liberal Democrats. Now we find that those in the other place are up in arms because they realise how much it will cost.

The second point was raised by my hon. Friend the Member for Tiverton and Honiton (Mrs. Browning); it is a powerful one, although I do not think that the Minister finally answered it. She was talking about the profits level of £3,770 a year. The point that she was making was that there is a grey area about exactly where the earnings threshold—the earnings assessment—would be. Because money may have been ploughed back into the business, profits may not be high enough to break through, so there is a grey area.

The Minister did not deal with that point. Certainly I do not feel that the point was clarified in his reply, and certainly the people about whom my hon. Friend the Member for Tiverton and Honiton spoke would not have understood what he meant in trying to deal with it. Although the Minister may be right in his answers to our questions, at this point, it is simply too early to know the right answers. The Government want to rush through the provision even though they have 15 months before it is implemented.

4.30 pm

Mrs. Browning: I am grateful to my hon. Friend for again raising the issue with the Minister. The Minister seemed to be under the impression that, once self-employed people opt—based on expectations of their business's profitability—to make national insurance contributions as self-employed people at a certain level, that level will be set in tablets of stone. As we know, once a financial year has ended and a self-employed person's accounts have been approved by the Inland Revenue, and if there has been an NI contribution underpayment, the Inland Revenue will come back to that self-employed person for any shortfall.

Mr. Duncan Smith: I am grateful to my hon. Friend, who makes the point very well—I hope that my hon. Friends have understood it. She was making the point that we are not questioning whether the Minister was right or wrong in his reply, but saying that, ultimately, he does not yet know the answer to our questions.

It is incredible that, on Report, a very important provision is being included in the Bill, but Ministers cannot answer our questions. As I said, although Labour Members may accept anything that the Minister says—such as "This is night, not day", or "Tomorrow will be not tomorrow, but the day after"—the Opposition's job is to ask questions. I ask: on balance, will the new clause make it more or less likely that those whom the Government intend to benefit will so benefit? Unless our questions are answered, there is no way in which we can possibly support the new clause.

The Government talk endlessly about benefiting a specific group of women, but for one year, Ministers will be taking away from those same women £1.6 billion in married couples allowance. Those women will receive not one penny of that money; it will go straight into the Treasury's back pocket.

Ministers ask us to believe that they are showing a bit of largesse and are really very decent, giving a hard-pressed group of women some extra money—but I do not believe a word of it. The public will not trust the Government on the issue. The Government should not be trusted on it.

Ministers have 15 months—plenty of time—before implementing the proposals. Why do they not make proper proposals and give us time to consider them? The new clause is simply a sop to their own Back Benchers, to try to buy them off. What a joke.

Mr. Bayley: With the permission of the House, I should like to answer the additional question asked by

[Mr. Bayley]

the hon. Gentleman and deal with the point, which he reiterated, made by the hon. Member for Tiverton and Honiton.

First, the hon. Gentleman asked what the cost of implementing the measure will be. The cost to the Government will be £15 million. The cost to employers—for reasons that we have already discussed—will be nothing.

Secondly, on the point originally made by the hon. Member for Tiverton and Honiton, I shall repeat my earlier reply. This time, however, I hope that the hon. Member for Chingford and Woodford Green might listen to it and understand it. Entitlement to maternity allowance is based not on earnings but on national insurance contributions. The NI contributions that are taken into account are those on an individual's record at the time that person applies for maternity allowance. That is how the system has operated in the past, and how it will operate in the future. The rule is simple, understandable and easy to operate.

In future, however, self-employed women on lower earnings will benefit from an allowance; previously, they have not so benefited. Self-employed women, regardless of earnings level, will benefit from the same rate of allowance as employed women. That must be a good thing. Employed women on low earnings, who have previously been denied maternity allowance, will be entitled to the allowance and will receive it, so that they are able to take and use their maternity leave. That must be good for the women concerned, for their health and for the health of the children. It is a sensible measure from a Government who want family-friendly employment policies. Labour Members will vote for it. I shall be astonished if Conservative Members vote against it, but that is in their hands.

Question put, That the clause be read a Second time:—

The House divided: Ayes 365, Noes 130.

Division No. 177] **[4.35 pm**

AYES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allan, Richard
Allen, Graham
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Armstrong, Rt Hon Ms Hilary
Ashdown, Rt Hon Paddy
Atherton, Ms Candy
Atkins, Charlotte
Austin, John
Ballard, Jackie
Banks, Tony
Barnes, Harry
Barron, Kevin
Battle, John
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Begg, Miss Anne
Beggs, Roy
Beith, Rt Hon A J
Bell, Martin *(Tatton)*
Bell, Stuart *(Middlesbrough)*
Benn, Rt Hon Tony
Bennett, Andrew F
Benton, Joe
Berry, Roger
Best, Harold
Betts, Clive
Blears, Ms Hazel
Blizzard, Bob
Boateng, Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brake, Tom
Breed, Colin
Brinton, Mrs Helen
Brown, Rt Hon Gordon *(Dunfermline E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Bruce, Malcolm *(Gordon)*
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnett, John
Butler, Mrs Christine
Byers, Rt Hon Stephen
Cable, Dr Vincent
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Rt Hon Menzies *(NE Fife)*
Campbell, Ronnie *(Blyth V)*
Campbell–Savours, Dale
Cann, Jamie
Caplin, Ivor
Casale, Roger
Caton, Martin
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Coleman, Iain
Colman, Tony
Connarty, Michael
Corbett, Robin
Corbyn, Jeremy
Cotter, Brian
Cousins, Jim
Cox, Tom
Cranston, Ross
Crausby, David
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Rt Hon Dr Jack *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Curtis–Thomas, Mrs Claire
Dafis, Cynog
Dalyell, Tam
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dean, Mrs Janet
Denham, John
Dismore, Andrew
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Drew, David
Drown, Ms Julia
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Ewing, Mrs Margaret
Field, Rt Hon Frank
Fisher, Mark
Fitzsimons, Lorna
Flynn, Paul
Follett, Barbara
Forsythe, Clifford
Foster, Don *(Bath)*
Foster, Michael J *(Worcester)*
Foulkes, George
Fyfe, Maria
Gapes, Mike
Gerrard, Neil
Gibson, Dr Ian
Godsiff, Roger
Goggins, Paul
Gordon, Mrs Eileen
Gorrie, Donald
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Gunnell, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hancock, Mike
Hanson, David
Harman, Rt Hon Ms Harriet
Heal, Mrs Sylvia
Healey, John
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Hoey, Kate
Home Robertson, John
Hood, Jimmy
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hughes, Simon *(Southwark N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Mrs Fiona *(Newark)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Jon Owen *(Cardiff C)*
Jones, Martyn *(Clwyd S)*
Jowell, Rt Hon Ms Tessa
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keetch, Paul
Kelly, Ms Ruth
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Laxton, Bob

Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Terry *(Worsley)*
Linton, Martin
Lloyd, Tony *(Manchester C)*
Lock, David
Love, Andrew
McAllion, John
McAvoy, Thomas
McCabe, Steve
McCartney, Rt Hon Ian *(Makerfield)*
McDonagh, Siobhain
McDonnell, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
Mackinlay, Andrew
Maclennan, Rt Hon Robert
McNamara, Kevin
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
Mahon, Mrs Alice
Mallaber, Judy
Mandelson, Rt Hon Peter
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Marshall–Andrews, Robert
Martlew, Eric
Maxton, John
Meacher, Rt Hon Michael
Meale, Alan
Michie, Bill *(Sheff'ld Heeley)*
Miller, Andrew
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Alasdair *(Galloway)*
Morgan, Ms Julie *(Cardiff N)*
Morley, Elliot
Morris, Ms Estelle *(B'ham Yardley)*
Morris, Rt Hon John *(Aberavon)*
Mountford, Kali
Mowlam, Rt Hon Marjorie
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr Doug
Oaten, Mark
O'Brien, Bill *(Normanton)*
O'Hara, Eddie
Olner, Bill
Organ, Mrs Diana
Osborne, Ms Sandra
Pearson, Ian
Pendry, Tom
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quinn, Lawrie
Radice, Giles
Rammell, Bill
Rapson, Syd
Raynsford, Nick
Reid, Rt Hon Dr John *(Hamilton N)*
Rendel, David
Robertson, Rt Hon George *(Hamilton S)*
Roche, Mrs Barbara
Rooker, Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Roy, Frank
Ruane, Chris
Ruddock, Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Sanders, Adrian
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheldon, Rt Hon Robert
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Rt Hon Chris *(Islington S)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Smith, Sir Robert *(W Ab'd'ns)*
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stewart, David *(Inverness E)*
Stinchcombe, Paul
Stoate, Dr Howard
Stott, Roger
Strang, Rt Hon Dr Gavin
Straw, Rt Hon Jack
Stringer, Graham
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Gerry
Swinney, John
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Temple–Morris, Peter
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Vaz, Keith
Vis, Dr Rudi
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
Webb, Steve
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Wigley, Rt Hon Dafydd
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Willis, Phil
Wills, Michael
Wilson, Brian
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Wood, Mike
Worthington, Tony
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Ayes:
Mr. Greg Pope and
Mr. Jim Dowd.

NOES

Ainsworth, Peter *(E Surrey)*
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, Rt Hon James
Atkinson, Peter *(Hexham)*
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Burns, Simon
Butterfill, John
Chapman, Sir Sydney *(Chipping Barnet)*
Chope, Christopher
Clappison, James
Clark, Rt Hon Alan *(Kensington)*
Clark, Dr Michael *(Rayleigh)*
Clifton–Brown, Geoffrey
Colvin, Michael
Cormack, Sir Patrick
Cran, James
Curry, Rt Hon David
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice & Howden)*
Day, Stephen
Duncan, Alan
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Forth, Rt Hon Eric
Fowler, Rt Hon Sir Norman
Fraser, Christopher
Gale, Roger
Garnier, Edward
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Goodlad, Rt Hon Sir Alastair
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Gummer, Rt Hon John
Hague, Rt Hon William
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hawkins, Nick
Heald, Oliver
Heathcoat–Amory, Rt Hon David
Hogg, Rt Hon Douglas
Horam, John
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jenkin, Bernard
Johnson Smith, Rt Hon Sir Geoffrey
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
McIntosh, Miss Anne
MacKay, Rt Hon Andrew
McLoughlin, Patrick
Maples, John
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Nicholls, Patrick
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Randall, John
Redwood, Rt Hon John
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Ruffley, David
St Aubyn, Nick
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Simpson, Keith *(Mid–Norfolk)*
Soames, Nicholas
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy
Trend, Michael
Tyrie, Andrew
Walter, Robert
Wardle, Charles

Waterson, Nigel
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Wilkinson, John
Willetts, David
Wilshire, David
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Noes:
Mr. Tim Collins and
Sir David Madel.

Question accordingly agreed to.

Clause read a Second time, and added to the Bill.

New Clause 10

OPTIONAL WORK-FOCUSED INTERVIEWS

'. After section 2B of the Administration Act (inserted by section 49 above) there shall be inserted—

"Optional work-focused interviews

2C.—(1) Regulations may make provision for conferring on local authorities functions in connection with conducting work-focused interviews in cases where such interviews are requested or consented to by persons to whom this section applies.

(2) This section applies to persons making claims for or entitled to—

(a) any of the benefits listed in section 2A(2) above, or

(b) any prescribed benefit;

and it so applies regardless of whether such persons have, in accordance with regulations under section 2A above, already taken part in interviews conducted under such regulations.

(3) The functions which may be conferred on a local authority by regulations under this section include functions relating to—

(a) the obtaining and receiving of information for the purposes of work-focused interviews conducted under the regulations;

(b) the recording and forwarding of information supplied at, or for the purposes of, such interviews;

(c) the taking of steps to identify potential employment or training opportunities for persons taking part in such interviews.

(4) Regulations under this section may make different provision for different areas or different authorities.

(5) In this section "work-focused interview", in relation to a person to whom this section applies, means an interview conducted for such purposes connected with employment or training in the case of such a person as may be prescribed; and the purposes which may be so prescribed include—

(a) purposes connected with the existing or future employment or training prospects or needs of such a person, and

(b) (in particular) assisting or encouraging such a person to enhance his employment prospects." '.—*[Mr. Andrew Smith.]*

Brought up, and read the First time.

4.45 pm

The Minister for Employment, Welfare to Work and Equal Opportunities (Mr. Andrew Smith): I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker (Sir Alan Haselhurst): With this, it will be convenient to discuss the following: Amendment (a) to the proposed new clause, leave out lines 22 and 23.

Amendment No. 87, in clause 49, page 48, line 40, leave out from beginning to end of line 3 on page 49.

Amendment No. 89, in page 48, line 40, leave out 'designated authority' and insert 'Secretary of State'.

Amendment No. 90, in page 48, line 46, leave out 'designated authority' and insert 'Secretary of State'.

Amendment No. 88, in page 49, line 17, leave out from beginning to end of line 22.

Government amendments Nos. 16, 17, 78, 48, 49, 19, 51, 50 and 52.

Mr. Smith: Clause 49 supports the introduction of the single work-focused gateway to the benefit system.

The single gateway will radically change the way in which people access benefits. Under the single gateway, claimants will have an interview and get a personal adviser. They will be treated as individuals, and offered the help that they need to become more independent, where appropriate, through work. The single gateway will also provide a better quality service, by bringing together the relevant services currently operated by the Benefits Agency, the Employment Service and local authorities. The gateway approach will stop people being shunted from pillar to post and it will give them more help, as well as underlining that with rights go responsibilities. After extensive scrutiny in Committee, this part of the Bill received a measure of cross-party support, and I hope that the same will be the case today.

I shall start by dealing with the Government amendments in this rather large group as they are make minor, technical changes to this provision to ensure that the gateway works in the way intended. I shall then move on to deal with the more substantial issues raised by the Opposition in their amendments.

New clause 10 and the consequential Government amendment No. 48 will enable local authorities to conduct voluntary work-focused interviews and advice. That has always been the intention. We want local authorities to be able to provide additional help to people who want it—above and beyond the interviews that we will require under clause 49. As it is currently drafted, the Bill only enables local authorities to carry out compulsory interviews. New clause 10 will correct that position.

Government amendment No. 16 also relates to the role of local authority staff in administering the gateway. It clarifies the definition of "designated authority" in clause 49. It makes it clear that that includes the common arrangement for administering housing benefits in which people are contracted by local authorities to deliver services on their behalf. That change reflects the definition of "local authority" in Clause 63, which enables such staff to participate in the information flows that that clause allows.

Mr. Duncan Smith: Originally, there were three definitions in clause 16 and now there are four. What or who prompted the right hon. Gentleman to add a definition? There was no mention of the need to do so in Committee, but the extra definition has suddenly emerged on Report.

Mr. Smith: On looking closely at the provisions of the Bill, we were advised that in order to operate the single gateway as intended—which, as I have said, enjoys a measure of support from the Opposition—it is only sensible to include people who have been contracted to

supply services in administering housing and council tax benefit on behalf of local authorities, as well as staff employed by local authorities. It is a straightforward provision to ensure that local authorities will act fully within the law when they operate the single gateway in the integrated way that is intended. The change provides consistency, and will ensure that such staff are not excluded from playing a part in the administration of the new programme.

Government amendment No. 17 is a simple consequential amendment which re-numbers the subsection. Government amendment No. 49 will ensure that local authorities can be paid for their role in helping to deliver the single work-focused gateway and our plans for a modern, integrated social security system. At present, local authorities can deal only with claims for housing benefit and council tax benefit. Clauses 49 and 62, and new clause 10, will extend their statutory powers—enabling local authorities to conduct work-focused interviews, and handle claims and information relating to a range of social security benefits. Existing powers to pay subsidy to local authorities do not cover those additional functions.

Mr. Duncan Smith: The right hon. Gentleman is now talking about local authorities conducting interviews. Employment agencies are skilled in conducting such interviews. What skills will the staff of local authorities obtain that allow them to talk to people about possibilities in the jobs market? I am somewhat thrown as to how those people, who have never been involved in such work, can suddenly become involved in it.

Mr. Smith: The hon. Gentleman cannot have been following events quite as closely as his hon. Friends who served on the Committee. It is a central aim of the single work-focused gateway that we stop people being shunted from pillar to post by drawing together in one place, at one point of contact, functions that are at present discharged separately. It is and will be an integrated operation. Therefore, positions for staff operating the single work-focused gateway and personal advisory interviews have been open to application from, and have been applied for by, staff of local authorities as well as those of the Employment Service and the Benefits Agency.

The hon. Gentleman would do well to remember that many local authorities have initiated one-stop shops and advice services, so it is perfectly reasonable to expect their staff to have relevant experience. The amendment provides, not only that they can play their part in those functions, but that, where subsidy is payable, the powers in the Social Security Administration Act 1992 will be extended so that those local councils can be paid subsidy in respect of those functions.

Mr. Eric Pickles (Brentwood and Ongar): The right hon. Gentleman will recall that, in Committee, there were many discussions regarding confidentiality of information and people employed on a contract. I cannot see among the amendments anything that would apply to employees of local authorities the confidentiality provisions that apply to employees of the Employment Service. I am sure that they are included, but I should like an assurance to that effect.

Mr. Smith: I thought that I had said that equivalent arrangements for sharing information with such staff were in the Bill, as amended. However, it is important not only that they can share that information but that there is a legal basis for them to do the work, and that the local council can receive appropriate subsidy in respect of those functions.

Amendments Nos. 19, 50 and 51 are purely technical. They enable regulations relating to clause 49, new clause 10 and new paragraph 68A to schedule 12 of the 1992 Act to be made within two months of Royal Assent. We want to be able to present regulations to Parliament as soon as possible after that. That will allow staff and the outside world as much time as possible to prepare for the onset of the compulsory phase of the gateway, which, under the Bill, will commence in April 2000. The amendments are simply necessary to ensure that that can happen.

Amendment No. 52 is a technical amendment, which ensures that the changes introduced by amendment No. 49 will apply in England, Wales and Scotland. Amendment No. 78 expands the definition of a work-focused interview, to clarify that such interviews can deal with future employment or training prospects. It makes it clear that its purposes may also include encouraging people to enhance their employment prospects over time. It spells out our intention to ensure that the interview will be helpful and relevant—not just for those with an immediate prospect of work. The amendment helps to ensure that work-focused interviews will be available to the greatest possible number of people, providing them all with the opportunity to move towards independence.

As I explained, these are largely technical amendments, which ensure that the policy intention, so thoroughly examined in Committee, can be delivered. I commend them to the House.

I shall now discuss the Opposition amendments. Amendment (a) attempts to remove subsection (4) from new clause 10. The purpose of that subsection is to ensure that those local authorities within the 12 pilot areas of the single gateway have the additional powers that they need to conduct voluntary work-focused interviews. There is no need for all local authorities to have those powers at this stage. Subsection (4) gives us the ability to ensure that areas not involved in the pilots remain unaffected by the provision.

5 pm

Amendment No. 87 would remove our ability to give personal advisers discretion to defer or waive the requirement to take part in a work-focused interview. We need that discretion because the heart of the policy is that staff will be able to make decisions on whether or not an interview is appropriate on a case by case basis and in a way that takes account of the needs and circumstances of the individual.

Our expectation is that the vast majority of people will have an interview immediately, but advisers will judge whether the help and support they can offer will be of use to the client immediately, or whether intervention might be more effective later. There may be clients—a grieving widow, for example, or a mother who has just given birth—for whom an immediate interview is not appropriate. In other situations, people may benefit from an interview straight away, even if there is no early prospect of work.

[Mr. Smith]

It would completely undermine the policy if we attempted to set out in regulations the precise categories to which that principle applies. We want work-focused interviews to be as helpful as possible. We think that they will provide an excellent opportunity for clients to discuss their situations and the action that they might take. We want to get away from categorising people by some predetermined label.

Mrs. Browning: I hope to expand on this point later in the debate, but I am concerned by the Government's apparent and remarkable failure to understand the groups who may be required to attend interviews. Many of those who receive severe disablement benefit have lifetime conditions. I am not labelling them, just recognising that they have medical conditions. For many such people, to have to attend an interview straight away would be a major trauma. While the Minister recognises the impact of an interview on someone who has just been bereaved, he does not seem to appreciate that for those who suffer certain types of medical condition, the suddenness of having to appear at an interview would be extremely traumatic.

Mr. Smith: Recipients of that allowance suffer a wide range of conditions. I do not say that it is appropriate in every case that they should have an interview straight away, but nor is it right to defer the interview in every case. Flexibility and sensitivity to clients are at the centre of our approach on the single work-focused gateway, but we want, as far as possible, to provide an early interview. Those interviews are not just about exploring barriers to employability, although that is important. They also provide people with an opportunity to meet their personal advisers to discuss a wide range of issues to do with their circumstances and their entitlement to benefit.

We shall see how well the pilots work, but I believe firmly that sensitively and expertly conducted interviews will be welcomed by claimants who will receive more effective support and advice. They will have a point of contact to which to turn for advice, and that point simply does not exist with any constancy at present. The hon. Lady should be cautious about saying that so-and-so should or should not have interview. We intend that people should find the interviews helpful and should welcome the opportunity to have them as soon as is sensible.

Amendment No. 87 would remove our ability to give personal advisers that discretion to defer or waive the requirement. It would totally undermine the policy if we attempted to be overly prescriptive in regulation in the way in which the hon. Lady appeared to suggest. Staff need discretion to decide whether an interview is appropriate according to the individual circumstances of each claimant.

Furthermore, and this may further allay the hon. Lady's concern, advisers need to have the discretion to defer the work-focused part of the interview if it becomes apparent during the interview that it is not appropriate, for example if the client is distressed or something about his or her personal circumstances emerges that was not previously apparent.

Mrs. Browning: The right hon. Gentleman is saying that we should go ahead with the interview and curtail it if it causes distress. It is almost 100 per cent. certain that the way in which he intends to make people attend the interview will cause distress to people with certain medical conditions. I ask him to think again. His suggestion shows a remarkable lack of knowledge and sensitivity on his part and on the part of the Government. I am thinking of conditions that might broadly be categorised as mental health problems and developmental disorders.

Mr. Smith: We are sensitive to the position of people who have those difficulties. Indeed, they were the subject of extensive debate and consideration in Committee. I remind the hon. Lady that clients can be accompanied to the interviews if they want. Of course, the advisers are being carefully trained to undertake the interviews. The whole point of the pilots is to learn from the experience.

The hon. Lady should be careful about producing yet more regulations that attempt to specify in fine detail matters that must be decided in large measure by professional judgment informed by good experience and sensitivity to the needs of clients. That is the way in which the system will operate.

The Opposition amendment could have some bizarre consequences, as it would be impossible to identify in regulations every situation in which the interview should be waived or deferred. Therefore, someone with a genuine case for deferral could be made to have the interview straight away if his or her precise circumstance had not been specified in secondary legislation.

Mrs. Browning: Can the right hon. Gentleman guarantee that the sensitivity and experience will be such that no one from the two categories of people about whom I am concerned—those with mental health problems and developmental disorders—will do a runner or suffer a relapse in their overall mental health when invited to attend such an interview? That is the reality of what happens to such people when they suddenly get that sort of letter.

Mr. Smith: It is ridiculous for the hon. Lady to ask me to assure her that no one who is invited to attend an interview will ever do a runner. She cannot be well informed about the day to day realities of life within the Benefits Agency and the Employment Service to suggest that a Minister could possibly give such an assurance. I will give her the assurance that people who are suffering from mental illness or other acute difficulties will be treated with sensitivity in the single work-focused interview and, moreover, that the purpose of the interview is to provide them with help, which they are not getting as a result of the way in which the system operates at present.

Mr. Simon Burns (West Chelmsford): The right hon. Gentleman says that he envisages and desperately hopes that the system will be sensitive and I in no way disagree. I believe that that is what he is seeking. Given that the National Schizophrenia Fellowship has carried out a review of the client group in question, which suggests that the mental health of 55 per cent. of people with schizophrenia and 65 per cent. of those with depression had worsened as a result of the Government's review of the benefits system, how can he be confident that the

change that will be put into operation by the legislation will not have a similar effect on those who sadly suffer from mental illness?

Mr. Smith: Because we are listening carefully to the groups that represent such people in the design of the single work-focused interviews. From the outset, I proposed organising sessions where we invited representatives from the various groups to test the process to destruction and ask what could possibly go wrong, to ensure that every possible contingency was prepared for in how the process is designed and delivered, and in the training that people receive. One cannot train and prepare people for everything that might happen, but that is the case in the present system. This system will be infinitely better than the anonymous, alienating and sometimes unhelpful way in which many clients are processed now.

Mr. Burns: The Minister said that the Government were listening carefully to the views of special interest groups. Of that, again, I have no doubt, but it is one thing to listen sensitively and another to act on what one hears. If the Government are listening sensitively, what changes have they made as a result? Why will they not accept the view of all the groups that it would be better to exempt people suffering from mental illness?

Mr. Smith: I disagree with the hon. Gentleman. He mentioned the National Schizophrenia Fellowship, which is one of the bodies that runs a pilot to help disabled people into work under the new deal for disabled people. Of course, with them and other groups, we will learn from the experience of the new deal for disabled people, which again involves interviews and all the hazards that he noted. They are clearly being dealt with in a way that commands the confidence of the group or it would not be involved.

Mr. Burns: The Minister said that he disagreed with what I said because he had been working with the NSF. Of that, again, I have no doubt but can he explain the NSF's briefing, dated 17 May, which states:

"We believe that people with a severe mental illness should be exempted from the compulsory work focused interviews"?

Mr. Smith: The Government's problem in attempting to act on that would be the definition of "severity". I have already assured the House that where it is inappropriate to hold such an interview, the advisory service will, of course, defer it to an appropriate time. I have also given the assurance that where it becomes apparent during the course of an interview that it would not be right to have the work-focused part of the interview, that part can be deferred. It is not as though such problems cannot arise in the present system when someone goes into a social security office or job centre. The difference is that our proposed arrangements make systematic and sympathetic provision for such people's needs that is not made in the present system.

Mrs. Browning: I disagree with the Minister. As long as their medical professionals provide them with regular certification, people who receive severe disablement allowance do not go through this inquisitorial process at all. The Minister's arrangements introduce something that a group of people with lifelong disabilities will be exposed to for the first time.

Mr. Smith: I have always counted the hon. Lady as one of those who, like us, believed in mainstreaming rights for disabled people and giving them a full and equal opportunity to take part in society, yet she erects a definition that would set them apart. We know from evidence and surveys, for example, that 1 million disabled people want to work. They want the dignity of being treated like everyone else. They want that civil right. They want the same opportunities that others enjoy.

We are talking about an advisory interview. Except for those for whom the jobseeker's allowance is the appropriate benefit, no requirement is being made except that those concerned attend an interview and discuss their circumstances. Help will be available which is not available now. I am surprised that the hon. Lady would deny disabled people that help.

5.15 pm

Mrs. Browning: The Minister fails to understand the specific groups of people about whom I am talking. One of the categories consists of those with a lifelong developmental disorder. Many of them are in receipt of the severe disablement allowance. Many of them would like employment, and for most of my adult life I have been active in trying to help them into employment. However, we must face realities. When they receive the letter to attend an interview, and even with somebody to support them, the process will have to be dealt with extremely sensitively. The Minister should make further inquiries about the categories of people that he will invite into an office. If they are set up to fail yet again in their lives, which could well happen, that will have a dramatic effect on their lives.

Mr. Andy King (Rugby and Kenilworth): The hon. Lady is failing them entirely.

Mr. Smith: As my hon. Friend says, the hon. Lady appears to be failing them entirely before they start. The Government agree with her about the importance of sensitivity and care. However, if she is saying that by definition disabled people should not have the interview, we shall have to agree to differ. There has been talk, understandably, about people going in for interviews. Where it is better to do so, the interview can and would be held in the prospective claimant's home or in another location of his or her choosing.

Mrs. Lait: The right hon. Gentleman will know that in Committee, I raised the case of one of my constituents who is a paranoid psychotic. He is in the process of going to the appeal tribunal, and I alluded to that in Committee. I saw him on Friday. His condition is deteriorating by the minute and by the day. He is now being prescribed further drugs to calm him down so that he does no damage to himself or to anyone else. That is because of the stress that has been created by having to go to the tribunal.

My hon. Friend the Member for Tiverton and Honiton (Mrs. Browning) is making precisely the same point about the single work-focused gateway. I am sure that my

[Mrs. Lait]

constituent would get himself into exactly the same state as he is in now if he, too, was called for interview during that process. Does not the Minister see the point—it was made by the Royal College of Psychiatrists: people with certain mental and developmental disorders deteriorate under the pressure of the form of interview that is proposed?

Mr. Smith: I understand the point that the hon. Lady is making, and that is why we must be careful. However, that is not a reason for excluding disabled people from the interview.

Mr. Tony McWalter (Hemel Hempstead): Concern about this matter is not confined to one side of the House. I have sought in correspondence with the ministerial team to make many of the points that are now being made by Opposition Members.

Those of us who think that this is a good Bill which will constitute a significant advance for our country and for many people who have welfare and pension needs may nevertheless take the view that there is a group of people who, when invited to an interview by an authority, will have a condition that is significantly exacerbated by that very offer. I have sought assurances from the ministerial team that sensitivity will involve recognising that some people should have their interview not only deferred, but deferred sine die. If an interview is merely deferred, the additional psychological burden will cause their depression, concern and anxiety to deepen over time. I urge my right hon. Friend to have regard to the fact that unless full medical records are available and those records are used sometimes to defer such interviews sine die, there is a group of people who will unquestionably be affected deleteriously by the Government's proposal.

Mr. Smith: I take serious note of the points made by my hon. Friend. Of course any medical recommendation in such instances would carry enormous weight. Just as it is appropriate in many circumstances to defer an interview, equally in circumstances where people's condition improves, it can be appropriate and helpful for them later to have the interview.

Through the Bill and particularly through the single work-focused gateway, we are trying to get away from the practice of categorising people, pigeonholing them and treating them in a particular way in advance, rather than treating them as individuals in the light of their individual needs. We will have a more individually sensitive and responsive system.

Ms Hazel Blears (Salford): Does my right hon. Friend agree that it is vital for us to address people's individual needs, rather than writing them off for years? I have people coming to my surgery who have been put on benefit and simply ignored—given no help, advice or support and not made to feel part of our society. They have been written off and left almost to rot. Is it not important that we make sure that everybody in our society is given help, support, encouragement and, of course, handled with sensitivity? People are part of our society, whatever condition they are suffering from. It is important that the Government recognise their value and their individual contribution.

Mr. Smith: Very well said. I agree with every word of what my hon. Friend says. It underlines the fact that our proposals for the single work-focused gateway are wholly consistent with our approach to the Disability Rights Commission, the new deal for disabled people and the other measures that we are taking to ensure that disabled people have full opportunities in the mainstream of our society.

Mrs. Theresa May (Maidenhead): If the Minister believes that individuals' needs should be taken into account, should he not accept that there are some individuals whose need is not to be forced to attend an interview? As has been ably set out by my hon. Friends the Members for Tiverton and Honiton (Mrs. Browning) and for Beckenham (Mrs. Lait), there are some people who will be severely affected by the mere fact of receiving a letter requiring them to go to an interview.

The Minister speaks about sensitivity and individual needs. Will the letters that are sent out be differentiated according to the circumstances of the individual, or will there just be a standard letter, so that someone who falls into one of the categories referred to by my hon. Friend the Member for Tiverton and Honiton would receive the same letter as someone in receipt of jobseeker's allowance? How will the letters inviting people to an interview be worded?

Mr. Smith: On the hon. Lady's first point, we have not said that everyone must have an interview. We accept both that it may be appropriate to defer the interview, and that in some cases—terminal illness is an obvious case, which we discussed extensively in Committee—it would indeed be inappropriate to suggest any interview in the future.

With regard to the sensitivity of the letters, in most cases letters will not be necessary. There are two stages to the single work-focused gateway. There is the initial registration and orientation stage—the first approach in making a claim for benefit. At that stage the interview will be arranged, as far as possible within three days. In the case of someone with a mental illness, the first approach for benefit may not even be made by the person himself, but by another member of the family or a social worker. Sensible account will of course be taken of the information given when that first approach is made in deciding whether and how to arrange the interview.

Mr. Burns: Will the Minister explain the situation of people suffering from schizophrenia or other severe mental illnesses who have a history of violence, but are not in a secure unit or in prison, and who enjoy freedom as a result of the Mental Health Act 1983 and subsequent legislation? Why will they not be exempt, given the difficulties that the strain of such an interview could cause them? He said that some interviews might take place in the interviewee's home. A number of people suffer from mental illness; the interviewer may not know a person's mental history and could be in danger. That is an important point to consider.

Mr. Smith: Sensible security precautions must be taken, whether the interview takes place in the single gateway

centre, somebody's home or somewhere else. At root, our difference concerns not the judgment about what it is right or not right to do in particular circumstances, but the hon. Gentleman's naive expectation that everything can be finely defined in regulations so that we will know who will fall on one side of the line and who will fall on the other. I do not believe that that can be done.

Mr. Chris Pond (Gravesham): Is my right hon. Friend aware that, like many other Members, I held a consultation meeting about the Bill with local disability organisations? Mine was well attended and they warmly welcomed the proposals on the gateway for two reasons. First, they believe that it is wrong that any category of person should be written off—exempted beforehand—and therefore given no opportunity to build on their abilities, hopes and aspirations. That was a powerful feeling among the people I spoke to.

Secondly, although some hon. Members have discussed the stresses that might be linked to the requirement to attend an interview, is not considerable stress related to unemployment, to the prospect of having no future in the labour market and being unable to make contributions, and to people finding that they have been written off and isolated from the rest of society?

Mr. Smith: Yes, indeed; my hon. Friend puts it well. Those who would, let us remember, deny people an interview would cut them off not only from immediate contact, but from the immediate help that could ease their circumstances and which their situation dictates. I start from the presumption that it is a good thing for as many people as possible to have an interview, although I accept that it makes sense to defer the interview for some people or not require them to take part in one.

Mr. Duncan Smith: I hear what the Minister says, but, given what many of my colleagues have said about the problems in the grey area and the Government's commitment to holding interviews within three to four days of someone becoming eligible for benefit, does he not agree that problems will be created for the individual making the decision about who should or should not attend? Three to four days is a tight time scale; does he still stand by it, in which case does he not recognise what is the problem?

Mr. Smith: I do, because we are determined that our operation of the system will be more efficient and effective than that with which Conservative Members were content to put up when they were in government.

Amendments Nos. 88 to 90 would remove the phrase "designated authority" and its definition from clause 49. That term has been introduced to allow certain decisions about the requirement to attend a work-focused interview to be taken not only by the Secretary of State, but by local authority staff or by those contracted to provide services to either. Where a claimant's first point of contact with the benefits system is the housing benefit department, for example, local authority staff will be able decide whether an immediate work-focused interview is appropriate, or whether the requirement should be waived or deferred to a more appropriate time.

5.30 pm

One of the key changes that the single gateway will introduce is that it will streamline the delivery of benefits. We will provide claimants with a better service through a one-stop shop, which will give people a single point of contact for all of their needs.

The amendments would prevent those working for local authorities from taking decisions in relation to imposing the requirement to attend an interview. All decisions would need to be taken on behalf of the Secretary of State. If the amendments were accepted, we would be left with two choices: we could either exclude local authorities from the single gateway process altogether, which would mean continuing the present inefficient, piecemeal delivery mechanisms, with all their disadvantages for claimants; or we could refer decisions to the Secretary of State while allowing local authorities to retain responsibility for all other aspect of delivery of the single gateway, including conducting the interviews. However, that would be administratively cumbersome and would inevitably lead to delays in processing benefit claims. Moreover, it would run directly counter to the streamlined service that we all want to see provided.

I appreciate that the Opposition's amendments may have been tabled to probe the Government. They have raised some important points during our debates. However, if enacted, the amendments would be damaging and would prevent us from achieving one of the prime aims of the single gateway initiative—an efficient, integrated service for benefit claimants, which would be better than anything that they have had before. I therefore urge the Opposition to withdraw their amendments.

Mr. Duncan Smith: This is an important element of the Bill. As I said on Second Reading, when I was last directly involved in the Bill, the trouble is that a provision such as this deserves a Bill of its own. Lumping it together with parts of the Bill with which we disagree has meant that the only option for us is to vote against all of it, which creates problems.

As we said on Second Reading, we do not have a problem with the idea of the single gateway in principle. After all, it is nothing more or less than a continuation of what we started with the jobseeker's allowance. There is great logic in directly connecting a claimant's interview process and eventual job achievement with the claiming of benefit. We made that clear years ago when we introduced the jobseeker's allowance. The Labour party in opposition opposed the jobseeker's allowance. We are prepared to let bygones be bygones, as Labour Members have now seen sense. They have come round to accepting not only the JSA, but the logic behind it, which is to try to connect those in receipt of benefit with their employment prospects.

As my hon. Friends made clear in Committee, we have no problem with this provision in principle. We hope that it continues our JSA policy successfully. However, we have tabled amendments because the Government appear to point in two directions at the same time. We agree with the principle that people should be interviewed and should, hopefully, be moved into work unless they have a reasonable reason for not working, in which case they should receive benefit—they may suffer from certain disabilities, as my hon. Friend the Member for Tiverton and Honiton (Mrs. Browning) said, or have some

[Mr. Duncan Smith]

other problem, which could be clearly set out. However, the problem in general—I shall proceed to the particular—is that, in conjunction with this provision, the Government have taken a series of measures that will make it more difficult for those people to find employment.

One of the keys to this whole process is that the gateway, if it is to be successful, must not become a bottleneck. The problem that we face is that the Government have talked about creating a gateway, but at the same time, they have succeeded in dramatically ramping up the costs on business—and there are more such proposals to come. I mentioned some of those costs in the previous debate, and I shall now wrap them up.

Mr. Andrew Smith: What costs arising from the gateway fall on business?

Mr. Duncan Smith: If the Minister holds his enthusiasm for a second, he will find that I am talking about costs across the board.

Mr. Smith *rose—*

Mr. Duncan Smith: Hold on; I shall give way in a moment. The Minister must acknowledge that the gateway cannot be dealt with in isolation, because a gateway to employment requires jobs to be found on the other side of the gateway for those who would be employed. Perhaps I have missed something, but the Minister is surely not telling us that the gateway is an isolated idea, and that once people are through the gateway, it does not matter whether they get a job because that is an irrelevance. He is not saying that, is he? No. He is not going to intervene on that point, because that is obviously not what he is saying.

For a gateway to be successful, there must be employment on the other side—not only the current levels of employment, but increasing employment to deal with the numbers of people who are likely to be made available for work. Just under 1 million lone parents will be looking for jobs, as well as many others to whom my hon. Friends and others have referred. It is wrong and, indeed, impossible to consider the gateway in isolation. Before I deal with the particular amendments that we have tabled, I must examine carefully what the Government are doing on the other side of the fence.

As a result of the windfall tax, the Government imposed a £5.2 billion cost on industry. That money does not come out of thin air: it must be found in some shape or form, and the cost is likely to find its way through to employment. It is estimated by others, including the Confederation of British Industry and the Institute of Directors, that the Government's first Budget cost business £14.25 billion. Their March 1998 Budget placed a further almost £5 billion-worth of costs on business. The national minimum wage is estimated by most people to cost employers an extra £8 billion, and will increase the cost of taking on employees. The working time directive, which the Government are keen on, will cost business an extra £6.65 billion. The European works councils will cost almost an extra £1 billion, and the parental leave elements will cost £0.11 billion.

I have probably missed something; there may be other costs that we have not picked up. *[Interruption.]* Labour Members may laugh, but they have tenure of employment for up to five years. Many people do not have the same security of employment as Labour Members, although I wonder just how secure that employment will be come the next election.

Those extra costs have a bearing on this matter, because if employers have to pay an extra £39 billion, they will find it more difficult to provide employment on the other side of the gateway. If there is not a serious and increasing number of jobs available, there will be frustration. People will be brought for interview in the hope of obtaining work, only to find that they hit a barrier on the other side of the gateway. They will have the interview, and nothing further will happen. There is no obligation on them to take work, so the people who come forward in the initial stages will be those with a deliberate and keen desire to find work. Hon. Members make the point time and again that people do not want to be left on the shelf.

My general point is that the Government cannot have it both ways. They want to ape some of what is going on in the United States. They have examined the Wisconsin programme, and other programmes involving people returning to work. In those cases, people are obliged to take work, whoever they are—including lone parents—but the Government have decided that there is a halfway house. Here, people will not be obliged to take work, but will be obliged to undergo interviews as a first step towards taking work. I know about the exclusions, and I shall deal with them shortly.

It is not possible, however, to copy only part of a scheme; it is necessary to take both sides into account. In the United States, the cost of employing people has been lowered, while here the Government are intent on raising the cost. The Americans recognise that there must be a balance in the equation: they do not see just one side.

The Minister asked whether we were concerned about the cost of the programme. As I said earlier, we do not have a problem with the programme in principle. The cost that we are concerned about is outside the problem: the direct cost of the Government's decisions from Budget to Budget, as well as from subject to subject.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich): Is the hon. Gentleman really telling us that the Opposition have no problem with the idea of people being interviewed, but have a problem with the idea that people will not be forced to take whatever job is offered to them during the interviews?

Mr. Duncan Smith: That is not what I am talking about. I am saying that the principle follows the jobseeker's allowance principle. As the hon. Lady knows, jobseekers are obliged to take employment if it is there, and this process follows from that. My point is that, over the next few years, the Government will realise that they have not dealt with the second part of the equation. If new jobs are to be created, industry's costs must fall; if they rise, the jobs cannot be created.

As was pointed out earlier, there are nearly 1 million lone parents out there, a large proportion of whom will want and need work as a result of the Government's present attitudes. Not enough work will be created for those people, let alone all the others involved. My point is very simple: this is a standard equation.

Mr. James Gray (North Wiltshire): May I develop the analogy that my hon. Friend used earlier, in order to

help the hon. Member for Crewe and Nantwich (Mrs. Dunwoody)? Am I right in thinking that my hon. Friend means that, if a gate is to work properly, it must be well oiled and easy to open? The costs imposed on business mean that firms will employ fewer people, and in particular, the non-wage costs of the working time directive mean that fewer will be employed. There is no point in entering the gateway if it is not possible to emerge on the other side.

Mr. Duncan Smith: That is essentially what I am saying, but my answer to the hon. Member for Crewe and Nantwich (Mrs. Dunwoody) was quite simple. I shall explain it once more—again, very simply.

This may represent a clear dividing line between the two sides of the House, but, whether the Government like it or not, if the cost of employing people is raised, there will be no jobs for them. If we do not believe that, and if a division is created between supply and demand, we shall experience the problem that now exists in Euroland, of which the hon. Lady knows only too well. There, the costs and burdens imposed on business have risen dramatically over the past 18 years or so, which has resulted in probably the highest levels of unemployment that various European countries have experienced since before the war. That has happened simply because those countries have not dealt with the equation to which I refer, whereas, by and large, the United States accepts that there are two sides to it.

The Government are trying to have it both ways. As was said earlier, the Secretary of State for Education and Employment is now talking about "three strikes and you're out". The Government are using lots of big tough language about getting people into work, but—this is the other side—what happens when the costs bite, as they are already beginning to? How many jobs will be created that are not already there, or likely to be there—jobs that are relevant to the legislation, and that the Government appear to expect?

Mr. Pond: Is the hon. Gentleman aware that, in recent years, countries in what he describes as Euroland have been rather more successful than us in creating employment, and that the previous Conservative Government left a larger proportion of non-pensioner households with no one in work than was the case in any other EU member state? Is he also aware that, in the United States, increases in the minimum wage were associated with growth in employment in those very sectors? Is it not a fact, therefore, that the Government's employment measures will ensure that, when people come through the other side of the gateway, there will be jobs for them?

5.45 pm

Mr. Duncan Smith: With respect, I do not know where the hon. Gentleman has been for the past 10 years. If he honestly thinks that employment in Euroland is better than it is here and that its policies have a fantastic effect, why does he think that his Prime Minister goes over there, lecturing all those countries almost weekly—the hon. Gentleman is off-message on the subject—that it is not good enough and that they have to be more like us? The hon. Gentleman has to realise that he cannot have it both ways. I hope that it does not get back to 10 Downing street and to Millbank that he is off-message. I hope that *Hansard* does not record it correctly because it is just rubbish.

We have been more successful at creating jobs here because of the pressure to keep costs down. That lid is now blown off. We will find that it becomes more and more difficult.

Mr. Frank Field (Birkenhead): Does not the truth lie between the two points that have been made? Over the past 20 years, this country has been far more successful in creating jobs than Europe, but our Governments have been far more successful in destroying those new jobs. What is significant about the past two years is that we have not had the economic downturn that practically everyone prophesied.

About 7,000 people are registered unemployed in Birkenhead. We have not recovered from the loss of a shipyard and a steel mill, which occurred under the previous Government after the foolish way in which they managed the exchange rate. However, even in an area of high unemployment, within a single year, more people come on and off the books than, at any point, are a stock of unemployment.

Given the extraordinary mobility of numbers moving on and off the books, even in an area such as Birkenhead, is not there everything to be said for the Minister's argument that, if we have a proactive welfare service, one of its tasks is to help those who stay longest in the queue, and who find it most difficult to get jobs, to the front of the queue to take some of the jobs that are there—despite what Governments do as they come and go—so that they are not left languishing at the back? That means, of course, that unless there is an increase in the number of jobs available, some people will have to spend slightly longer in the dole queue than they would otherwise have done. But, even if we take that static—

Mr. Deputy Speaker: Order. I should say to the right hon. Gentleman that the intervention is getting rather long.

Mr. Field: To bring a long intervention to a conclusion, surely there is a case for having these work-focused, single gateway interviews to help those who have been in the queue the longest to the front of the queue, and to get the jobs that are available.

Mr. Duncan Smith: I always enjoy listening to the right hon. Gentleman. I recognise that it was a long intervention, but it was very interesting. The first point that he made was about conditions in Europe and Britain. If he looks at the figures over the past 12 years or so, he will find that, by and large, this country has been successful at producing private sector jobs. In the rest of Euroland, the public sector has been the main area of job creation.

As the right hon. Gentleman knows, if one gets an imbalance, in the way that those other countries have, it creates more and more costs and fewer and fewer private jobs. In essence, that is what has been going on. We can call someone employed but if, in a year's time, that employment falls through and no one else is able to be employed, that is destroying jobs, not making them.

[Mr. Duncan Smith]

On the other general point that the right hon. Gentleman makes about what we should be doing, I said earlier—I hope that he gives us credit for it—that we are not opposed to the principle of bringing people in.

He will remember that when he was a Minister, in many discussions I agreed that, regardless of whether one agrees with the jobseeker's allowance, interviews are a continuation of implementing the JSA idea, although perhaps by applying fewer strictures than were applied under the JSA regime.

Opposition Members generally have said that requiring interviews is the right move, and we do not question it. I am simply concerned that the Government should deal with the other side of the equation, which they have not yet done. If they think that they have dealt with it, they are simply sticking their heads in the sand. The types of people described by the right hon. Member for Birkenhead (Mr. Field) will feel endless frustration if they are not able to find work.

I accept that the current system has some slack in it. Any of our constituents who have seen the many people who should and could be in work, but are not, will be aware of the slack. However, the issue is greater than simply how to deal with that situation. The programme, if it is to be successful, cannot create only frustration. If it starts causing major frustration, we will simply end up with many people trying, in almost every way, to avoid the process—bringing us back to square one, and requiring us to impose major demands and strictures simply to get people to the first interview.

The right hon. Member for Birkenhead, when he was a Minister, always made the point that people should, ultimately, see the programme in a positive, not a negative light. I agree with that. I am therefore telling the Government that if people are to regard the programme positively, Ministers will have to strike the right balance, which they have not yet done.

Ministers cannot have it both ways. They may think that as the economy is performing reasonably well, the cost side of the equation is not a problem, but—as hon. Members will have noted—employment costs are rising dramatically. That will cause big problems for the Government. The right hon. Member for Birkenhead mentioned the robustness of the economy. However, I remind Labour Members—whether they like it or not—that the economy is robust as a direct result of the tough decisions taken, over 18 years, by the previous Government. Many countries in Europe have not taken those decisions, and have consequently had problems. That is the point that I was making to the hon. Member for Crewe and Nantwich. The Government cannot have it both ways. If they want to get the programme right, they will have to get both sides of the equation right. If they want people to look for work, they have to accept that they must reduce employment costs.

Our amendment (a), deleting subsection (4) of the new clause, is intended to complement our other amendments in this group. We tabled them because we believe that the Government's proposals are rather messy, as some of them will apply in different ways at different times, thereby causing problems.

In amendment No. 87, we propose removing the provisions allowing massive leeway to the people mentioned in clause 49—but who are specified also in Government amendment No. 16. In the Bill, a tremendously large number of people are given dramatic powers to decide who should attend interviews. As the Minister may know—although he did not attend the debate—I made that point to the Secretary of State on Second Reading, saying that I had deep concerns about the provision.

I have heard all that the Minister has said today on the matter, and I have avidly read the Committee *Hansards* to discover the Government's intention in clause 49. As I, my hon. Friend the Member for Tiverton and Honiton and other hon. Members have said, the guidelines—particularly subsection 3(c)—are very vague, and we have a problem with them.

As farmers know very well, gates exist to control the access of sheep, or whatever, from one field into another, and no sheep should get through a closed gate. The problem with the Government's proposals is that they create a gap in the hedge, allowing a way round the gate. My concern is that the Government have no clear idea of how to address the access issue, which requires further consideration. I hope that the Minister will deal with that in his reply.

Mr. Andrew Smith: I am a little surprised by the hon. Gentleman's analogy of a gap in the hedge. Is he suggesting that too many people who should have an interview will not have one, because advisers are exercising their discretion in allowing them to defer or waive an interview? Or is he concerned—as some other Conservative Members are—that some people will be required, inappropriately, to have an interview? Is it the one or the other?

Mr. Duncan Smith: It is both—for reasons that I shall explain, and I hope that the Minister will appreciate. The Government are proposing that the discretion should be exercised more widely, from the Secretary of State to

"(b) a person providing services to the Secretary of State",

to

(c) a local authority",

and now to

(d) a person providing services to, or authorised to exercise any function of, any such authority".

In other words, and as the Minister knows, the discretion will be exercised at a very low level.

I made two points on Second Reading. The first dealt with a scenario in which an official is under pressure because he or she feels that the target—of three or four days—set for them by the Government is very tight, and a senior official is breathing down his or her neck, saying, "You've got to meet your targets. You've got people stacked up and you're beginning to miss the target, which you've got to stick to, as we are obligated to do by the Secretary of State." The official—particularly a local authority official having to take on the new responsibility—may say, as they often do, sometimes for very good reasons, "We need more staff or greater resources. The Government are asking us to do more than we were established to do. We're trying to get this sorted out, but can't do it."

Mr. Bercow: I should not want my hon. Friend to neglect one other important consideration before

proceeding to his next point. Does he agree that the problem of staff overstretch, which he has just described, could in the future be especially acute because of the provision in the new Benefits Agency rules for interviews, in some unspecified circumstances, to last for up to one hour each? Will not that make it that much more difficult to meet the very burdensome targets that are being proposed?

Mr. Duncan Smith: My hon. Friend again raises a serious issue—which, I am sure he will appreciate, is part of the reason why I am probing the Government on the matter. Officials will have to operate under the constraints that he mentioned, in addition to the three to four-day time limit. We are therefore beginning to discern a series of almost statutory requirements. I say "almost" because, although they may not be written in tablets of stone, the Minister and Secretary of State have described them and they may easily be cited.

The official may say, "I'm under pressure. I could easily off load these two or three people for a while and give them a bye. I'm fed up with this lot. We'll get on with dealing with the other people. Now, I can declare myself on target. Yet again, politicians don't provide the resources to meet their requirements." I am worried that the Government's proposals will create pressures on officials and, consequently, an unintended hole through which people may pass.

The second aspect is that people should know whether the provision applies to them. That is of particular relevance to those who are suffering from disabilities or are chronically sick. My hon. Friend the Member for Tiverton and Honiton made an important point. The Minister accepted that he did not have the absolute answers.

6 pm

Mr. Andrew Smith: I did not.

Mr. Duncan Smith: All right, the right hon. Gentleman has the absolute answers. Perhaps we can hear them. This is the first time that I have heard a politician being rash enough to say that he has the absolute answers, but we now have a new type of politician. Perhaps this is new Labour.

With no guidance, those who are not sure what the approach to them will be may expect to be brought in because they think that they fit within the categories, but how are they to judge that? Are they to spend their time worrying whether they will be called in? Can they not be given guidance on whether they fit within the categories? That gap creates the problem. The Government may fall into the trap of letting through people who should not be let through because of the total discretion that will be applied at such a low level and causing worry because, as subsection (4) of the new clause says,

"Regulations under this section may make different provision for different areas or different authorities."

There will be different approaches throughout the country. Two people sitting next to each other in the same office may take different approaches. That will not be deliberate, but the gap is a problem. We have tabled our amendments in an attempt to get the Government to face up to the situation and promise to come forward with a clearer picture of the categories. I recognise that they cannot give a comprehensive list, but officials at whatever level should know who is most likely to fit in certain categories and who is less likely to need to come in at certain stages.

The discretion and the huge variations that it will cause will lead to problems of uncertainty. The vulnerable will be worried and those who are bent on avoiding the issue may find ways to do so—through the gap in the hedge.

Mrs. Lait: Does my hon. Friend accept that there is a further complication? Most people do not comprehend 100 per cent. of what they are told, particularly when it affects them directly. Medical evidence shows that people usually comprehend only about 10 per cent. Does my hon. Friend agree that the low level of comprehension of what officials tell those who are interviewed will create a further huge area of potential disagreement and argument that would add to the problems of the lack of guidance from the Government on who is eligible?

Mr. Duncan Smith: I am grateful to my hon. Friend because she has gone to the heart of the issue. The problem is for the Government. I see Labour Back Benchers shaking their heads. I know that they are used to accepting absolutely everything that the Government say. We were in government once and many of us were Government Back Benchers. Sometimes, we used to accept as absolute what the Government told us—[HON. MEMBERS: "Not you."] Well, maybe not, but many did. As many now accept, that all-seeing Government often got it wrong. The new Government do not believe that they get anything wrong, but such arrogance has to be probed.

Mr. Andy King: Will the hon. Gentleman accept that that is why we are establishing pilots? One is being established in my Warwickshire constituency on 28 June. It will be based in the town hall, with a team of people from across the three agencies. They are currently being trained to deal with people sensitively. That is not arrogance. The Government are moving forward in a way that will give people hope. Why cannot Conservative Members accept that we are giving a good deal to unemployed people?

Mr. Duncan Smith: I hear the hon. Gentleman and I hope that the Government do as well. However, the hon. Gentleman has missed the point. He accepts that the Government are all-seeing and will be able to establish what they want. I have visited some of the pilots and talked to the officials. Many of them have expressed the same concerns—which I hope they have expressed to the hon. Gentleman—about resourcing, pressure of work and numbers coming through. They are not panicking, but they are worried. Of course they are positive about the programme. Officials want to do what the Government ask of them properly. That is what they are there for and they should be applauded for that. My point is not that they should not be positive—they are invariably positive—but that we should not try to use and abuse that positive attitude and ignore the problems and pressures. With such discretion, the problems may become nightmares in due course, because different officers, even those working next to each other, may take differing views. Who is to check?

Why not give clearer guidelines for the pilot programmes? Instead of seeing whether it hurts, why not see whether it works? With more clearly defined

[Mr. Duncan Smith]

categories, it will be easier to decide whether the system works. That is a positive way to deal with the issue. With respect to the hon. Member for Rugby and Kenilworth (Mr. King), whom I saw shaking his head earlier, I hope that, in the spirit of constructive debate, he will accept that our points in amendment No. 87 are relevant.

Amendments Nos. 89 and 90, which would delete the words "designated authority", are part of the same argument about too much variation and too little clarity. The Government must recognise that if there is no clarity, the gap will result in worry and concern, while some of the more defrauding element and those whose intents are not wholly positive or good will deliberately break the system.

Unless the Government come up with serious answers or are prepared to accept our arguments, we shall vote on the issue. They have failed to recognise their obligation to lower costs while making a gateway, the need to resolve the confusion, the need for clarity and the importance of not allowing differences of attitude or behaviour to resonate throughout the system, creating problems for the most vulnerable. The Government still have much to sort out.

Mr. Rendel: I am slightly sorry to have to oppose some of what the Tories have said, because there has been agreement between us on many of their amendments and ours. However, I do not accept their amendments in this group. Amendment (a) to new clause 10 would restrict the right of local areas to take decisions in their own way. There may be good reasons why some areas do not want to go along with what happens elsewhere. It has been a long-standing principle of the Liberal Democrats that we would like local authorities to be given, as far as possible, the widest chance to take their own decisions in their own way where there are regional differences that may make that appropriate.

In the amendments, the hon. Member for Chingford and Woodford Green (Mr. Duncan Smith) is restricting the opportunities for specific cases to be exempted from the gateway. That would run entirely contrary to many of the amendments that I tabled in Committee, in which I sought to ameliorate some of the potentially unfortunate effects of the single gateway by ensuring that there were widespread exemptions from the difficulties that otherwise might be imposed on someone seeking benefits.

I cannot go along with the Conservative amendments in this case, and it seems that the new clause will be acceptable. Having said that, it is worth bringing to people's attention, as we did in Committee, some of the problems that the Minister has not addressed properly. Everybody would accept that there are good reasons for doing our utmost to make sure that people who want work—whether they are single parents or people with disabilities who may have had trouble getting work in the past—are given the opportunity to get work.

The difficulty with the single gateway is not that people are not being given the opportunity to get into work—that is widely accepted—but simply what will happen if they do not attend the interview, and whether that carries certain implications in terms of their benefits. The Government's consistent answer is that, as the interview is for the benefit of the individual, why should he or she not want to come? They say that they are trying to avoid fraudulent reasons for not attending interviews.

I quite accept that there are good reasons for doing our utmost to avoid any fraudulent use of the benefits system—we wish to avoid and counter fraud just as much as anyone else—but I still believe that there may be cases where people do not attend interviews for good reasons, which may not be clear to the authorities. It was to avoid that situation that we tabled a number of amendments in Committee, and I am sorry to say that the Government would not accept them.

The Government have not properly answered the question on the problems that may arise when somebody does not come to an interview for what may be, to them, good reasons—reasons which, if most of us knew them, we might accept as good reasons. However, those reasons may not necessarily be known to the authorities, who then impose some form of cut in benefits or refuse to allow benefits to start for people who do not come to the interview. The Government have still not answered that properly.

By forcing people to come to interviews by imposing certain sanctions if they do not, the Government are forcing people to do something that is for their own benefit. If it is for their own benefit, surely the Government ought to be able to persuade people of that. If they cannot, it is odd that they should take powers to force somebody—by imposing, or by threatening to impose, benefit sanctions—to do something that is supposedly for their own benefit.

Unless the Government can be sure that there will be no case in which someone, very properly, does not go to the interview for a good reason that the Government fail to recognise as such, there will still be queries about the single gateway. I do not feel that the Government have allowed for sufficient exemptions. However, the new clause, without the proposed Conservative amendments, will go at least some way towards what I am asking for. Therefore, we support it.

6.15 pm

Mr. Burns: As my hon. Friend the Member for Chingford and Woodford Green (Mr. Duncan Smith) said, the single work-focused gateway is to be welcomed in principle. In no way do I part company from him on that. I agree also with the hon. Member for Newbury (Mr. Rendel) that any sane person would wish to give the maximum opportunity to those who are not in work to find it.

It is a myth that a disproportionate amount of people who cannot find work are, to use the jargon, scroungers or loafers. They are not—they desperately want to get work to enhance the quality of their lives and to provide for themselves and their families. Given the economic cycle and certain educational circumstances, some need to be assisted to do that.

I shall focus on those suffering from mental illness. I was perplexed by the Minister's comment that he and the Government were consulting the different disability groups and lobby organisations. As I have said, there is a great difference between listening and acting upon what they have heard, and I am concerned about how carefully the Government have listened. The Minister said that the National Schizophrenia Fellowship fully supported what the Government were doing, and said that it was operating a pilot scheme for the Government.

Mr. Andrew Smith: It is possible that the hon. Gentleman has misunderstood or misheard me. I said that

the National Schizophrenia Fellowship was participating in a pilot scheme for the new deal for disabled people, and that there would be lessons to be learned from that in terms of the advice that we give to people. I did not say that the fellowship fully supported everything that the Government were doing.

Mr. Burns: The Minister will have to read *Hansard* in the morning, or perhaps his private secretary will read the galley proofs before *Hansard* is published. I distinctly heard him say that the NSF supported what the Government were doing. He then went on to say what he has just repeated about the pilot scheme. Yet the briefing from the NSF to Members of Parliament for today's debate states categorically:

"We believe that people with severe mental illness should be exempted from compulsory work-focused interviews."

That is clear. There are no grounds for misinterpretation, or for arguing another case. That rather contradicts the impression given by the Minister, and it certainly contradicts the sycophantic intervention from the hon. Member for Gravesham (Mr. Pond). I know that there may be a Government reshuffle, but any sycophant must have an element of self-respect.

Mr. Duncan Smith: No!

Mr. Burns: My hon. Friend may be right, and that fact may not enhance the chances of the hon. Member for Gravesham—although, no doubt, he will be a gift to the Whips, who will need people to do the Government's business in future.

The NSF carried out a survey last year of 660 people suffering from mental illness, and asked about their benefits and the Government's review of the welfare system. The findings are relevant to the comments of a number of my hon. Friends both today and in Committee. The mental health of 55 per cent. of people with schizophrenia and 60 per cent. of those with depression had worsened as a result of the Government's review, according to the survey. One in three people had debts, the majority of which were unpaid electricity, heating and telephone bills. More than half the people in receipt of disability living allowance used the money to pay for food, clothes and bills, so the benefit subsidised their basic necessities. The majority of people who took part in the survey felt that their mental health problems prevented them from working.

The NSF says:

"As it stands, the Bill would prevent thousands of people with a severe mental illness accessing the financial support that they require to regain and sustain their mental health. Worse than this, some of the changes will actually create additional barriers and stress which will increase the likelihood of a relapse."

I urge the Minister to think again. I understand, because of the neatness of his mind and the need to legislate, why he does not want to make too many—if any—exemptions to the broad thrust of the policy, which might allow a coach and horses to be driven through the Government's ultimate aim, but there are certain groups of people who, through no fault of their own, are incapable, because of their mental state, of coping with a system that has been proposed for what I accept are understandable reasons.

We should consider whether we should make exceptions in certain limited circumstances. I do not think that that would open the floodgates for every special interest group to make a demand. There is an overwhelming case for not putting any additional burden on people who suffer from mental illness.

The NSF says that clause 49, which is affected by new clause 10 and the subsidiary amendments, will cause problems because people may be persuaded into seeking jobs that they are not ready to take, and that the stressful nature of the interview itself may cause irreparable medical harm and cause relapses among those who have begun on the road to recovery.

Mr. Gray: Does my hon. Friend agree that the question of who should be exempt from the interviews need not be a value judgment such as he is describing but could be determined according to whether the people's benefits themselves are dependent on the fact that they are not able to work? People on severe disablement allowance and incapacity benefit would then automatically be exempt.

Mr. Burns: That is an interesting point, and I hope that the Government will consider it.

What I am about to say is in no way a criticism of those who will carry out the interviews. As the Minister rightly said, they will be given first-class training to make them as well equipped to carry out their work as is humanly possible. Sadly, there is a stigma attached to those with mental illnesses, and a lack of understanding of the problems that they experience and the way in which they respond to circumstances and challenges. However well trained people are, the interviews will be carried out across the whole range of society, and I fear that there could be problems because, through no fault of their own, not all staff at all times will be able to live up to the highest standards of their training.

Some individuals may be so unwell that, as well as being unable to attend, they are unaware of the impending interview. The Minister sought to allay those fears, and to some extent I have been reassured by what he said on that narrow issue. There will always be the fear, before, during and after the interview, that people with mental illnesses may lose their benefits because they have not been able to answer the questions or cope with the interview properly. The increased tension and concern could contribute to a relapse.

We should not duck the issue that, because of their condition, some people who are called for interview will not understand at all what it is about. They will be totally confused both in the run-up and during the interview itself. Given all those circumstances, I wonder why the Government are not prepared to reconsider.

I asked about schizophrenics or others with mental illness who have a history of, or may be prone to, violence, especially if they are tense or under pressure. That could cause grave problems to the individual concerned and, equally importantly, to the officials and staff involved in the interviews or other parts of the process.

I am bewildered about why the Government are not prepared to budge on what is a very sensitive issue. They certainly say that they want to handle the matter sensitively, and I do not doubt their sincerity, but that is not enough: they should be prepared to think again.

Mr. McWalter: If we gain an assurance that there will be an explicit input from the medical profession,

[Mr. McWalter]

with support and advice intimately associated with the process, so that those being interviewed can see clearly that the difficulties associated with their mental condition, especially if it is a fluctuating condition, will be fully taken into account, would that not settle many of the hon. Gentleman's doubts?

Mr. Burns: I am not convinced that it would, although it might settle some of them. The hon. Gentleman's suggestion has merit, and should be considered further, but I fear that it might cover fewer people than he imagines. There is still a great lack of understanding of problems and treatment patterns. The medical opinion on a person could be wrong or could not be relevant at the time. The suggestion would not be a catch-all way of allaying all fears. The Government should consider it, but I do not think that it would be helpful in all that many cases.

Mrs. Browning: The intervention by the hon. Member for Hemel Hempstead (Mr. McWalter) and the Minister's comments earlier both referred to the point that medical evidence would show whether an interview would be inappropriate. However, officials would have to obtain the permission of the person concerned before accessing those medical records. While that lengthy process was going on, the person would be aware that an interview was pending and that could cause them stress.

6.30 pm

Mr. Burns: That is a powerful and important point. Another issue is the civil liberties aspect, given that the medical history of individuals is not normally made available to officials of the Benefits Agency or the Employment Service. The Government should consider that point carefully, because such an approach could cause more problems and complications than the suggestion by the hon. Member for Hemel Hempstead (Mr. McWalter).

Mrs. Lait: I agree with everything that my hon. Friend has said. Does he agree that some people with fluctuating mental conditions could perform ably at an interview, but, by the time they were fed through the system and went to see an employer, they might have relapsed? That could cause problems and tensions between the Benefits Agency and the employer.

Mr. Burns: That is a relevant and interesting point, and my hon. Friend is right.

Mr. Pickles: Does my hon. Friend agree that it would make more sense that the person performing the interview should undergo a personal capacity assessment? The Government's proposals contain no such requirement and they resisted amendments in Committee to include it.

Mr. Burns: My hon. Friend makes a pertinent point. I fear that the Minister will not be able to answer that point because he was not listening to my hon. Friend. He will be able to read the intervention in *Hansard* tomorrow and, I hope, will accept the point.

No one disputes that the ethos behind the Bill is twofold. First, it is to encourage people into work or back into work. Secondly, it is to make savings in the welfare budget. However, the Minister's resistance to giving serious consideration to exemptions to those suffering from severe mental illness contains an irony. Have Ministers considered that, if they force an individual suffering a mental illness to an interview and he or she suffers a relapse, that could cost the state far more in treatment than might be saved by forcing him or her to an interview? It is a supreme irony that what is a cost-cutting, money-saving, Treasury-driven Bill could, in this narrow instance—the Bill may contain other examples—have the opposite effect and cost the state more than it would save.

The Minister has been reasonable in this debate, although he has not budged an inch. I urge him to listen to all the contributions, from Conservative, Labour and Liberal Democrat Members, and, on reflection, to think again. If he continues on his current course, the Government will bitterly regret it when it becomes apparent how much suffering the Bill will cause to a section of the community who deserve our help instead of the burdens, worries and confusion being placed on their shoulders.

Mrs. Dunwoody: I wish to ask a few questions of my right hon. Friend the Minister. Who will be asked to give evidence about the state of mind of a person who is to be brought to an interview? At the moment, it is mostly the Department's own doctors who are required to give evidence on physical disability. Will the support of a general practitioner not be regarded as sufficient evidence that an applicant is not fit to be interviewed?

I am also worried about the calm assumption that those who suffer from some form of mental illness can be easily and rapidly clinically diagnosed. That is not my experience. Especially in cases of recurring clinical depression, people's mental states fluctuate so widely that they can be capable of being coherent at an interview and within a short time become incapable even of being summoned to an interview. I dealt recently with a case in which the mere announcement that a meeting was to be held six weeks later to examine an applicant's case history in detail reduced the person in question to a state that required considerable medical assistance.

Another difficulty is that some general practitioners ask for extra money if asked to provide any form of certification. They feel, with some justification, that they are doing the work of the Department and they see no reason to expand their existing responsibilities.

I hope that my right hon. Friend the Minister has considered those points and will be able to provide a coherent answer, because to insist on a particular machinery to achieve a result without having thought about the implications for those who could be damaged by it is not an advance—it is a retreat. Many of the objections that have been raised may be artificial and unnecessary, but by the time we find out, people could already have been damaged. That is not, I believe, the intention of the Bill or of Ministers, but they must be prepared to think of the answers before, not after, the situation deteriorates.

Mrs. Browning: I declare two unremunerated posts, one as vice-president of the Alzheimer's Disease Society and the other as specialist councillor on the national council of the National Autistic Society. The speeches we have heard so far have raised genuine concerns. I am

aware of the problems people have with identifying, within the general framework of legislation, separate groups of people with disabilities. However, by the same token, if legislation contains no recognition of its impact on groups such as those we have been talking about tonight—especially those with mental health problems, including a group I am closely involved with: those with developmental disorders—it becomes a case of using a sledgehammer to crack a nut.

I repeat to the Minister something that my hon. Friend the Member for Chingford and Woodford Green (Mr. Duncan Smith) said. Talking about the interviews that people would be required to attend, he asked, "Why wait and see whether it hurts?" Ministers have a duty of care not to introduce legislation when they are unsure whether the process that they are introducing by statute will cause hurt to certain identifiable groups. There is enough knowledge about mental health, especially schizophrenia—as was so ably argued by my hon. Friend the Member for West Chelmsford (Mr. Burns)—and many developmental disorders, to make it possible to predict today that there will be hurt if those groups are subject to the process that the Minister proposes.

The Minister said that he was surprised by my earlier intervention, because he felt that I had an integrationist approach to employment opportunities for people with disabilities. He is absolutely right, but that does not mean that I do not recognise that although, for those two specific groupings, integration is to be achieved if possible, the process whereby it is achieved is absolutely key to whether integration is a good thing or hurtful and harmful.

It has been said that some people's response would depend on the day on which they were invited for interview. Much has been said about mental health problems—specifically, schizophrenia—with which I entirely agree, and I endorse what has been said. I shall not develop that further. I want to explore in more depth what happens when people with developmental disorders are interviewed.

The hon. Member for Crewe and Nantwich (Mrs. Dunwoody) spoke of the impact on a person who was given six weeks' notice to attend an interview. If something suddenly happens to a person within the autistic spectrum disorder grouping that is not part of their usual routine, the magnitude of the distress that they suffer is very different from that suffered by someone with a physical disability.

I want to draw a distinction. In my constituency, I know of some young people with cerebral palsy who are well qualified and deserve to be in employment for 101 reasons. I would wholeheartedly support a process that would enable them to get into work tomorrow as a result of attending an interview. However, although some people with autistic spectrum disorders have the potential to obtain employment, to be realistic—this is not being unkind to them—they are very few. For many, setting them up to fail—which is what we are contemplating—compounds their distress, and compounds their feelings about themselves and the rest of the world.

The Under-Secretary of State for Education and Employment, the hon. Member for Barking (Ms Hodge), attended last week's launch of autism awareness week in the House, and we were very grateful to her for doing so, but we still feel that we have to work hard to promote understanding of autism. Many social workers and GPs do not understand the autistic spectrum at all. We are working very hard to fill that gap. I am very worried that the people who will carry out the interview process—and whom my hon. Friend the Member for Chingford and Woodford Green mentioned—would have great difficulty in distinguishing, on paper, which people with autism would be ideal candidates to bring in for interview.

Mrs. Lait: I realise that my hon. Friend is a true expert on autism. Will she perhaps describe the reaction of some autistic people when their routine is disturbed, and say how badly such a disturbance affects them?

Mrs. Browning: For the purposes of the debate, I am assuming that those people with autism who are in full-time residential care would not come within the remit of the policy. I am talking about those in the community. Some may be living independently; some may have supported living arrangements. The vast majority of adults in this category would be living with relatives. They are all different. Although certain common features might typify the response of a person with autism, every response will be different.

Many people with autism, faced with an interview, would do a runner. They would disappear for the day, and would not turn up even if they knew that someone was going to accompany them. Others would simply put the letter in the bin, and it is possible that no one else involved in their case would even know that they had been called for interview. As the Benefits Agency knows, it is not untypical for many of those adults who now receive communications from the Benefits Agency to bin any piece of paper that they find confusing. In their eyes, the problem is solved. They are not looking at it; they need not deal with it any more. Obviously, that is not an ideal way of dealing with the matter.

6.45 pm

The Minister said that, in many cases, the interviewer would visit the person's home. The presence of a stranger who has come to talk to a person with autism, and to ask them questions in their own home, could be met with a range of reactions, no matter how experienced the interviewer was. It would not be untypical for an adult with autism to sit with their face to the wall during the interview, instead of looking at the person asking the questions. It is very important to emphasise—because this is what distinguishes autism—that I am not talking about people with a below average IQ. In autism and other conditions, such as Down's syndrome, there is often a high IQ. It is not that people do not have verbal skills. Some have very good verbal skills, but would resist using them and engaging in conversation in a stressful situation, such as an interview.

Another possible reaction is over-anxiety to please. The person would try to second-guess the interviewer, and try to give the answer that he or she felt that the interviewer wanted. It is very difficult for someone with autism to imagine a situation that is not within their personal experience so, when asked the straightforward question "What sort of work would you like?" it is not unknown for the person with autism to say, "I would like to be an astronaut." Such a case has been recorded. Such a response does not mean that the person is of low IQ; it is

[Mrs. Browning]

simply that they may have seen a film that tells them what an astronaut does. They have understood it, and they have understood it sufficiently to give that answer. I do not know how many vacancies there are for astronauts, but that is not an untypical answer.

Unless interviewers have a great deal of experience, not just of interviewing, but of asking questions in a specific way, they will not receive a useful answer. The question "How do you feel about this?" is very difficult for a person who cannot conceptualise an answer. It is not simply a case of asking questions in a gentle or non-pressurised way; the work is very specialised.

In the previous Parliament, when I was Parliamentary Private Secretary at the Department of Employment, I took part, with the then Secretary of State, now Lord Hunt, in a pilot scheme co-funded by the Department of Employment—the supported employment scheme in London for people on the higher functioning end of the autistic spectrum. There was some success. I am not saying that no one on the autistic spectrum is capable of employment. I am simply telling the Minister that autism is different from any other developmental disorder.

In order to get people with autism into employment and in order for that employment to work—which is the key, as has been said—what happens when they have passed through the gateway is crucial. The people conducting the job interview need coaching. Someone must be present during the interview to be with the person being asked the questions. Once the person is in an appropriate job, they will need someone there to support them—not to do the job, because some people with autism have university degrees and can hold down very high level jobs. I know of several who have worked in the civil service. What I am saying is that someone will need to be in the workplace to sort out communications with other people there. That is invariably the challenge at work for people with autism.

There is a way around that problem if the Minister recognises not that some groups should be excluded from the opportunity to get into employment, but that a different approach would be the answer. Even if it worked in only one case in a hundred, that would be worth while. I am convinced that the top-down approach of the proposed structure and the compulsoriness of the interviews will make it less likely that more people with autism will become employed.

Although there has been much welcome emphasis and recognition of autistic spectral disorders among children over the past 10 years, a gap remains in recognition among adults. Adults, often living at home with parents, may be undiagnosed until long after childhood. Some may qualify for benefits such as severe disablement benefit. The Minister has talked of flexibility, and the Government must ensure that conditions misdiagnosed, or not diagnosed at all, are recognised in the benefits system through the gateway.

For an adult who has never worked, a situation affecting many, the simple physical discipline of holding down a full-time job can be difficult. Has the Minister considered such people? If they were successfully interviewed and it was thought that supported help could be given, the best first stage might not be a paid job, but a process of working towards paid employment through voluntary work. That would certainly mean supported help; we cannot send people with autism out into the wide world. Many would have difficulty in finding their way to the benefits office for the interview on their own and on public transport. Such problems compound their difficulties with getting into work.

As a former Minister, I fully understand why Ministers are reluctant to make exceptions on the face of a Bill. However, the Minister has an excellent opportunity tonight to reconsider, on the basis of the information that he has heard about specific groups for whom the scheme could have a detrimental outcome despite its overall good intentions. He could consider how to adapt his scheme to accommodate people such as those with either developed mental disorders or mental health problems.

Those two groups are not, of course, exclusive. One difficulty that faces people with developed mental disorders is that they often have mental health problems on top of the disorders as they become adults. The nature of their conditions may lead to difficulties in adapting to adult life. This is a complex area, especially for those without specialist knowledge who will be asked to make judgments about whether the person sitting in front of them is behaving or reacting as he or she is because he or she has a developed mental disorder or an overlying mental health problem. In adulthood, the two often go together. Considerable expertise is required to unravel the suitable way to take such people forward.

Dr. Lynne Jones (Birmingham, Selly Oak): This morning, I had the pleasure of a visit to Sandwell to see the pilot scheme for the new deal for disabled people. Despite the coincidence of its occurring today, the visit had been fixed up some time ago, and I met a group of people highly committed to helping disabled people not only to get back to work but to make progress towards a life in which they can feel they participate in the community. I had a strong feeling that they were doing an excellent job under the current arrangements, and I urge my Front-Bench colleagues who are devising schemes for the new gateway to listen to the experience of those people.

I was told that about 4,000 letters had been sent out, and around 400 phone calls came back. Those who sent the letters were at pains to ensure that there was no mention of any Government Department. The logo refers only to the new deal. For disabled people, receiving a letter from a Department is distressing and stressful. Many phone calls came from people who said, "Thank you very much for writing, and the scheme sounds very interesting. If only it had been available 10 years ago, it might have been useful to me, but I do not think that I am able to participate now."

The people who have responded did so voluntarily, and they are receiving an excellent service. Even so, interviewing people with disabilities such as mental health problems is stressful for staff. I asked one of the team, an occupational psychologist, what her work was. Most of it, she said, was in assisting the team dealing with disabled people. Sometimes it can be extremely stressful if a person who suffers a mental illness needs a lot of time.

I am concerned that we could, if we are not careful, throw out the baby with the bath water in this new scheme. If teams who interview people have to spend much of their time on enforcement rather than offering a

good service, the scheme could prove counter-productive. I believe that Ministers are well aware of that fact, and they have talked to the team that I met and to people who have experience on the ground.

A briefing sent to Labour Members in 1995 pointed out the insecurity that compulsion causes among disabled people. It said that changes from invalidity benefit to incapacity benefit meant

"more insecurity—both for existing claimants who might become ineligible for any benefit, and for anyone concerned about their long term security should they fall ill."

It referred also to the difficulty of having one test intended to cope with complex disabilities, particularly mental health disabilities. My Front-Bench colleagues are aware of those issues.

I shall vote with the Government tonight, largely because of the answer that I received to a recent parliamentary question about compulsion. My hon. Friend the Minister of State, Department of Social Security wrote that the requirement for compulsion

"will initially affect only the 12 Single Work-Focused Gateway pilot areas and will be introduced in ways that take account of individual circumstances. The evaluation of the pilots will enable us to consider whether to extend this approach more widely."—[*Official Report*, 31 March 1999; Vol. 328, c. *840*.]

The Government are aware of the pitfalls and they will go about the process carefully. In so doing, I urge them to listen to the staff who will have to implement their policies and ensure that they are comfortable with having to implement whatever element of compulsion is eventually decided upon.

7 pm

Mr. Andrew Smith: We have had a wide-ranging debate. At one point, I wondered whether some Conservative Members were trying to spin it out a little, but that would have been an unworthy thought.

The hon. Member for Chingford and Woodford Green (Mr. Duncan Smith) spoke for a long time about matters that were tangential to the gateway, but which are none the less important to the economy and, as he said, to the supply of jobs. He did not mention the fact that we now have record levels of employment and, what is more, record levels of vacancies for this stage of the economic cycle. He referred to vacancies, however, and should accept that their number is not totally unrelated to the tough decisions that this Government took in their early months in office—the fact that we made Bank of England operations independent, got the public finances under control, invested wisely in public services and set about raising training and education standards and introducing initiatives such as the new deal. All those have helped to get record numbers into employment.

Therefore, the House will take with a large pinch of salt the hon. Gentleman's propaganda that somehow there cannot be any jobs out there or that we are damaging prospects for people on the other side of the gateway. Nothing could be further from the truth.

After all that, we heard that the hon. Member for Chingford and Woodford Green not only supports the single work-focused gateway in principle, but concedes that it does not impose burdens on business. As for his attempted arguments about variation in the Bill and his worry that regulations would apply differently in some areas from others, let me assure him that the only reason for that variation between local authorities, which the Opposition amendment would strike out of the Bill, is to operate the single work-focused gateway in the pilot areas without imposing the same requirements on the rest of the country. That is plain common sense for any initiative that is being piloted. It is absurd for the hon. Gentleman to claim that that variation should be struck out of the Bill.

The hon. Gentleman also went on about the fact that variations between areas would allow greater discretion in some—it was difficult to follow his argument—but that is not the case. There is consistency throughout the pilots. Amendments Nos. 88 to 90 would not deal with that problem, but would merely cut local authorities out of the single gateway, which would be contrary to its central purpose and to the principle that the hon. Gentleman said he supported.

Mr. Duncan Smith: I do not intend to delay the right hon. Gentleman, but in answer to my arguments all that he has offered so far is that he can assure me—just as he assured my hon. Friend the Member for Brentwood and Ongar (Mr. Pickles) in Committee. That does not rub. When individuals are taking decisions and, therefore, varying their decisions on the ground, how much notice will they take of the right hon. Gentleman's assurances? They will have no idea what they mean—they do not mean anything, other than what he thought at the time.

Mr. Smith: The Bill means what the Bill means and the amendments and the new clause mean what they mean. In attempting to strike out the different provision in some local authority areas, the hon. Gentleman is either asking us not to run the pilots in a number of pilot areas, or he is saying that it somehow makes sense for every local authority member of staff who is operating the single gateway interviews or registration and orientation to refer on to the Employment Service, the Benefits Agency or the Secretary of State. The hon. Gentleman would erect a great mountain of bureaucracy and rigidity around the operation of the single work-focused gateway, which would make it respond less flexibly, sensitively and efficiently to the needs of clients. Therefore, we can dismiss those arguments.

The hon. Member for Newbury (Mr. Rendel) spoke cogently about why the Conservative amendments did not make sense and why new clause 10 did, so I thank him for his support. However, I cannot go along with his arguments, which amounted to saying that we should simply make the gateway voluntary. Of course, many people would volunteer to take part, but it shows extraordinary naivety about how some people approach the benefits system if he imagines that one could simply leave it to that voluntary principle. Apart from anything else, claimants themselves would not see it as fair and neither would it be so.

In the Bill, we are effecting a shift of culture—we believe that it is reasonable to do so—so that having an interview will become a normally accepted part of making a claim on the benefits system. The majority of the British public will think that eminently reasonable. Many of them would be staggered if they knew that so many people access the benefits system at the moment without an interview. Most people would see this as a straightforward, reasonable and commonsense measure, which indeed it is.

[Mr. Smith]

I listened carefully to the hon. Member for West Chelmsford (Mr. Burns), who argued with great feeling about the difficulties facing people who suffer from mental illness and schizophrenia. I wholly share his views and those of his hon. Friends, including the hon. Member for Tiverton and Honiton (Mrs. Browning), who spoke on the same subject. Of course, we must be sensitive to the needs of disabled people and those suffering from schizophrenia. The difference between the hon. Members and me is that the Conservative amendment suggests that we can sensibly enshrine exceptions in regulations. The consequences of the amendments would be less flexibility and less ability to respond to individual need. If Conservative Members honestly believe that more regulation—the top-down approach, which the hon. Member for Tiverton and Honiton said that she did not want—is the right way to deal with a situation that calls for such professional sensitivity, they are the ones who need to think again.

Mr. Burns: If the right hon. Gentleman accepts the argument and agrees with it, but feels that the amendments are defective and would not achieve the aim, surely he could table his own amendments or, if that is not procedurally possible at this stage, do it through guidelines.

Mr. Smith: If we felt that the Bill needed an amendment, we would have tabled one. The way to get a responsive, flexible and sensitive system is not to attempt rigidly to define exceptions in regulations; it is to offer proper training and sensible and sensitive guidance to those who are working at the front line, and that is what we are doing.

The bodies that are advising us on the training of personal advisers include not only the Royal National Institute for the Blind and the Royal National Institute for Deaf People but the Mental Health Foundation. Of course, we will take close note of what they say. Like the hon. Gentleman, I have a high regard for the National Schizophrenia Fellowship and other similar bodies that have made representations on the subject. I can assure him and the House that I will make it my business to speak further with those organisations on the way in which guidance is given to front-line staff. We want the legislation to help vulnerable people and not to form some sort of barrier that could worsen their medical condition.

Mrs. Browning: Will the Minister agree to take advice from the National Autistic Society as well?

Mr. Smith: Yes, I will.

Mrs. May: The Minister talked about responsiveness and sensitivity. He said earlier that if in the middle of an interview, it became clear that the interviewee was overstressed, the interview would be stopped. For some people, including those in the groups mentioned by my hon. Friends the Members for West Chelmsford (Mr. Burns) and for Tiverton and Honiton (Mrs. Browning) and by the hon. Member for Crewe and Nantwich (Mrs. Dunwoody), the stress of attending the interview, having it stopped and being shown the door could be devastating. What support will be available to such people in that situation? What training will personal advisers be given to deal with such circumstances? He said that the individual needs of the interviewee will be taken into account, but the extent to which that is possible will depend on the length of interviews. What targets will personal advisers be set for the number of interviews that they have to hold?

Mr. Smith: Training for personal advisers and front-line staff will go through all the difficult situations that we can possibly anticipate. We are being guided in this not only by expert opinion in the Department for Education and Employment and Department of Social Security, and by the considerable expertise of staff in the Benefits Agency and the Employment Service in catering for the needs of clients with difficulties, but by outside expertise and recommendations based on that. If the hon. Lady wants to suggest further bodies with evidence, views or experience that we should consider, we will be pleased to hear from them.

It has been said that it could be stressful for people to get a letter or have an interview but it is not as though people do not encounter that in the present system. An advantage of the single work-focused gateway is that it involves a personal adviser who will have had more training and experience and who will act as a constant point of support. At present, when people with mental illness or other problems inquire about their benefit, they talk to several different people. The new system will offer a constancy of personal support that Opposition Members should recognise as a positive gain over the anonymous, fragmented methods of the past.

My hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody) asked who would give evidence of state of mind. We do not expect or require people to turn up with or send medical certificates in respect of why they cannot turn up. A judgment must be made by the personal adviser. Account will be taken of medical evidence where it is supplied, but let us not forget that for most people who claim sickness and incapacity benefits, medical evidence is already supplied.

We will have to allow for fluctuating conditions. As my hon. Friend the Member for Crewe and Nantwich said, some people will be sufficiently stable to arrange an appointment at the registration and orientation stage, but will be not be up to attending the interview or will attend, but not be capable of rational participation. In such cases, we expect benefit to go into payment and not be suspended until an interview can be undertaken.

7.15 pm

Mrs. Dunwoody: My right hon. Friend said that training will be given to civil servants to deal with those problems. Well-trained young social workers have been asked to undertake interviews at home. In one case, a young woman was killed. Will he be careful before sending civil servants into situations of personal risk?

Mr. Smith: Indeed we shall. I assure the House that close attention is being given to security in the design, organisation and delivery of pilots. That is particularly important where people visit other people's homes or go outside the normal interview location. Equally, security must be a prime consideration in offices in the interests not only of staff, but of other clients.

We are talking about pilots. As far as possible, we want interviews to take place in a much more welcoming environment than that which characterises many Benefits

Agency offices. All the experience in the Employment Service since jobcentres started operating in an unscreened environment is that it reduces aggression and tension and the number of incidents. Working in an unscreened environment in the single work-focused gateway requires good security arrangements. I am making it my business to ensure that they are in place so that there is a better experience for all concerned.

I thank my hon. Friend the Member for Birmingham, Selly Oak (Dr. Jones) for her remarks. She spoke warmly of the new deal for disabled people pilot that she visited. I echo her commendation of the energy, commitment and sensitivity of staff in the pilots. Not only are we listening to them now, but as we put the single work-focused gateway into operation, we will continue to listen to that experience as we carry the pilots forward.

We have heard no good reasons for accepting the Opposition's amendments. I imagine that they were intended to allow a debate, but they would seriously damage the flexibility, sensitivity and effectiveness of the single work-focused gateway. They should be withdrawn or voted down because the single work-focused gateway, as provided for in the Bill, is the way to provide the quality, sensitivity and responsiveness in the access point to the benefit system that the country has needed for a long time. I guarantee that when the pilots start on 28 June, the system will give a much better service to claimants.

Question put and agreed to.

Clause read a Second time.

Amendment proposed to the proposed new clause: (a), Leave out lines 22 and 23.—*[Mr. Duncan Smith.]*

Question put, That the amendment be made:—

The House divided: Ayes 133, Noes 409.

Division No. 178] **[7 pm**

AYES

Amess, David
Arbuthnot, Rt Hon James
Atkinson, Peter *(Hexham)*
Beggs, Roy
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Burns, Simon
Butterfill, John
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Chope, Christopher
Clappison, James
Clark, Rt Hon Alan *(Kensington)*
Clark, Dr Michael *(Rayleigh)*
Clifton-Brown, Geoffrey
Colvin, Michael
Cormack, Sir Patrick
Cran, James
Curry, Rt Hon David
Davies, Quentin *(Grantham)*
Day, Stephen
Duncan, Alan
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Forsythe, Clifford
Forth, Rt Hon Eric
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Fraser, Christopher
Gale, Roger
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Goodlad, Rt Hon Sir Alastair
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Gummer, Rt Hon
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hawkins, Nick
Hayes, John
Heald, Oliver
Hogg, Rt Hon Douglas
Horam, John
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jenkin, Bernard
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
McIntosh, Miss Anne
MacKay, Rt Hon Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Madel, Sir David
Maples, John
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Nicholls, Patrick
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Prior, David
Randall, John
Redwood, Rt Hon John
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Ruffley, David
St Aubyn, Nick
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Simpson, Keith *(Mid-Norfolk)*
Smyth, Rev Martin *(Belfast S)*
Soames, Nicholas
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, Rt Hon John D *(Strangford)*
Taylor, Sir Teddy
Townend, John
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Viggers, Peter
Walker, Cecil
Walter, Robert
Wardle, Charles
Waterson, Nigel
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Wilshire, David
Woodward, Shaun
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Mr. John M. Taylor and
Mr. Tim Collins.

NOES

Abbott, Ms Diane
Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allan, Richard
Allen, Graham
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Armstrong, Rt Hon Ms Hilary
Ashdown, Rt Hon Paddy
Ashton, Joe
Atherton, Ms Candy
Atkins, Charlotte
Austin, John
Ballard, Jackie
Banks, Tony
Barnes, Harry
Barron, Kevin
Battle, John
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Begg, Miss Anne
Beith, Rt Hon A J
Bell, Martin *(Tatton)*
Bell, Stuart *(Middlesbrough)*
Benn, Rt Hon Tony
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry, Roger
Best, Harold
Betts, Clive
Blears, Ms Hazel
Blizzard, Bob
Blunkett, Rt Hon David
Boateng, Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brake, Tom
Breed, Colin
Brinton, Mrs Helen
Brown, Rt Hon Gordon *(Dunfermline E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnett, John
Burstow, Paul
Butler, Mrs Christine
Byers, Rt Hon Stephen
Cable, Dr Vincent
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Rt Hon Menzies *(NE Fife)*
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, Dale
Canavan, Dennis
Cann, Jamie
Caplin, Ivor
Casale, Roger
Caton, Martin
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael

Clark, Rt Hon Dr David *(S Shields)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Eric *(Midlothian)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Cohen, Harry
Coleman, Iain
Colman, Tony
Connarty, Michael
Corbett, Robin
Corbyn, Jeremy
Corston, Ms Jean
Cotter, Brian
Cousins, Jim
Cox, Tom
Cranston, Ross
Crausby, David
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Rt Hon Dr Jack *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Cunningham, Ms Roseanna *(Perth)*
Curtis–Thomas, Mrs Claire
Dafis, Cynog
Dalyell, Tam
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dismore, Andrew
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Drown, Ms Julia
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Ewing, Mrs Margaret
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Lorna
Flynn, Paul
Follett, Barbara
Foster, Don *(Bath)*
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Foulkes, George
Fyfe, Maria
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Godman, Dr Norman A
Godsiff, Roger
Goggins, Paul
Gordon, Mrs Eileen
Gorrie, Donald
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Gunnell, John
Hain, Peter
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hancock, Mike
Hanson, David
Harman, Rt Hon Ms Harriet
Harvey, Nick
Heal, Mrs Sylvia
Healey, John
Heath, David *(Somerton & Frome)*
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Hoey, Kate
Home Robertson, John
Hood, Jimmy
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Ingram, Rt Hon Adam
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Mrs Fiona *(Newark)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jones, Nigel *(Cheltenham)*
Jowell, Rt Hon Ms Tessa
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keen, Ann *(Brentford & Isleworth)*
Keetch, Paul
Kelly, Ms Ruth
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Laxton, Bob
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Liddell, Rt Hon Mrs Helen
Linton, Martin
Lloyd, Tony *(Manchester C)*
Llwyd, Elfyn
Lock, David
Love, Andrew
McAllion, John
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McCartney, Rt Hon Ian *(Makerfield)*
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McFall, John
McIsaac, Shona
McKenna, Mrs Rosemary
Mackinlay, Andrew
Maclennan, Rt Hon Robert
McNamara, Kevin
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
Mahon, Mrs Alice
Mallaber, Judy
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Marshall–Andrews, Robert
Martlew, Eric
Maxton, John
Meacher, Rt Hon Michael
Meale, Alan
Merron, Gillian
Michael, Rt Hon Alun
Michie, Bill *(Sheff'd Heeley)*
Michie, Mrs Ray *(Argyll & Bute)*
Milburn, Rt Hon Alan
Miller, Andrew
Moffatt, Laura
Moonie, Dr Lewis
Moore, Michael
Moran, Ms Margaret
Morgan, Alasdair *(Galloway)*
Morgan, Ms Julie *(Cardiff N)*
Morley, Elliot
Morris, Ms Estelle *(B'ham Yardley)*
Morris, Rt Hon John *(Aberavon)*
Mountford, Kali
Mowlam, Rt Hon Marjorie
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr Doug
Norris, Dan
Oaten, Mark
O'Brien, Bill *(Normanton)*
O'Hara, Eddie
Olner, Bill
O'Neill, Martin
Öpik, Lembit
Organ, Mrs Diana
Osborne, Ms Sandra
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quinn, Lawrie
Radice, Giles
Rammell, Bill
Rapson, Syd
Raynsford, Nick
Reid, Rt Hon Dr John *(Hamilton N)*
Rendel, David
Robertson, Rt Hon George *(Hamilton S)*
Robinson, Geoffrey *(Cov'try NW)*
Roche, Mrs Barbara
Rooker, Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruane, Chris
Ruddock, Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Sanders, Adrian
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheldon, Rt Hon Robert
Short, Rt Hon Clare
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Smith, Sir Robert *(W Ab'd'ns)*
Snape, Peter
Soley, Clive
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stewart, David *(Inverness E)*
Stinchcombe, Paul
Stoate, Dr Howard
Stott, Roger
Strang, Rt Hon Dr Gavin
Straw, Rt Hon Jack
Stringer, Graham
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Gerry
Swinney, John
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*

Taylor, Matthew *(Truro)*
Temple-Morris, Peter
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Tonge, Dr Jenny
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tyler, Paul
Vaz, Keith
Vis, Dr Rudi
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
Webb, Steve
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Wigley, Rt Hon Dafydd
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Willis, Phil
Wills, Michael
Wilson, Brian
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Wood, Mike
Woolas, Phil
Worthington, Tony
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Mr. Mike Hall and
Mrs. Anne McGuire.

Question accordingly negatived.
Clause added to the Bill.

New Clause 11

EXCESSIVE PENSION CONTRIBUTIONS MADE BY PERSONS WHO HAVE BECOME INSOLVENT

'. For sections 342A to 342C of the Insolvency Act 1986 there shall be substituted—

"Recovery of excessive pension contributions

342A.—(1) Where an individual who is adjudged bankrupt—

(a) has rights under an approved pension arrangement, or

(b) has excluded rights under an unapproved pension arrangement,

the trustee of the bankrupt's estate may apply to the court for an order under this section.

(2) If the court is satisfied—

(a) that the rights under the arrangement are to any extent, and whether directly or indirectly, the fruits of relevant contributions, and

(b) that the making of any of the relevant contributions ("the excessive contributions") has unfairly prejudiced the individual's creditors,

the court may make such order as it thinks fit for restoring the position to what it would have been had the excessive contributions not been made.

(3) Subsection (4) applies where the court is satisfied that the value of the rights under the arrangement is, as a result of rights of the individual under the arrangement or any other pension arrangement having at any time become subject to a debit under section 23(1)(a) of the Welfare Reform and Pensions Act 1999 (debits giving effect to pension-sharing), less than it would otherwise have been.

(4) Where this subsection applies—

(a) any relevant contributions which were represented by the rights which became subject to the debit shall, for the purposes of subsection (2), be taken to be contributions of which the rights under the arrangement are the fruits, and

(b) where the relevant contributions represented by the rights under the arrangement (including those so represented by virtue of paragraph (a)) are not all excessive contributions, relevant contributions which are represented by the rights under the arrangement otherwise than by virtue of paragraph (a) shall be treated as excessive contributions before any which are so represented by virtue of that paragraph.

(5) In subsections (2) to (4) "relevant contributions" means contributions to the arrangement or any other pension arrangement—

(a) which the individual has at any time made on his own behalf, or

(b) which have at any time been made on his behalf.

(6) The court shall, in determining whether it is satisfied under subsection (2)(b), consider in particular—

(a) whether any of the contributions were made for the purpose of putting assets beyond the reach of the individual's creditors or any of them, and

(b) whether the total amount of any contributions—

(i) made by or on behalf of the individual to pension arrangements, and

(ii) represented (whether directly or indirectly) by rights under approved pension arrangements or excluded rights under unapproved pension arrangements,

is an amount which is excessive in view of the individual's circumstances when those contributions were made.

(7) For the purposes of this section and sections 342B and 342C ("the recovery provisions"), rights of an individual under an unapproved pension arrangement are excluded rights if they are rights which are excluded from his estate by virtue of regulations under section 12 of the Welfare Reform and Pensions Act 1999.

(8) In the recovery provisions—

"approved pension arrangement" has the same meaning as in section 11 of the Welfare Reform and Pensions Act 1999;

"unapproved pension arrangement" has the same meaning as in section 12 of that Act.

Orders under section 342A

342B.—(1) Without prejudice to the generality of section 342A(2), an order under section 342A may include provision—

(a) requiring the person responsible for the arrangement to pay an amount to the individual's trustee in bankruptcy,

(b) adjusting the liabilities of the arrangement in respect of the individual,

(c) adjusting any liabilities of the arrangement in respect of any other person that derive, directly or indirectly, from rights of the individual under the arrangement,

(d) for the recovery by the person responsible for the arrangement (whether by deduction from any amount which that person is ordered to pay or otherwise) of costs incurred by that person in complying in the bankrupt's case with any requirement under section 342C(1) or in giving effect to the order.

(2) In subsection (1), references to adjusting the liabilities of the arrangement in respect of a person include (in particular) reducing the amount of any benefit or future benefit to which that person is entitled under the arrangement.

(3) In subsection (1)(c), the reference to liabilities of the arrangement does not include liabilities in respect of a person which result from giving effect to an order or provision falling within section 22(1) of the Welfare Reform and Pensions Act 1999 (pension sharing orders and agreements).

(4) The maximum amount which the person responsible for an arrangement may be required to pay by an order under section 342A is the lesser of—

(a) the amount of the excessive contributions, and

(b) the value of the individual's rights under the arrangement (if the arrangement is an approved pension arrangement) or of his excluded rights under the arrangement (if the arrangement is an unapproved pension arrangement).

(5) An order under section 342A which requires the person responsible for an arrangement to pay an amount ("the restoration amount") to the individual's trustee in bankruptcy must provide for the liabilities of the arrangement to be correspondingly reduced.

(6) For the purposes of subsection (5), liabilities are correspondingly reduced if the difference between—

(a) the amount of the liabilities immediately before the reduction, and

(b) the amount of the liabilities immediately after the reduction,

is equal to the restoration amount.

(7) An order under section 342A in respect of an arrangement—

(a) shall be binding on the person responsible for the arrangement, and

(b) overrides provisions of the arrangement to the extent that they conflict with the provisions of the order.

Orders under section 342A: supplementary

342C.—(1) The person responsible for—

(a) an approved pension arrangement under which a bankrupt has rights,

(b) an unapproved pension arrangement under which a bankrupt has excluded rights, or

(c) a pension arrangement under which a bankrupt has at any time had rights,

shall, on the bankrupt's trustee in bankruptcy making a written request, provide the trustee with such information about the arrangement and rights as the trustee may reasonably require for, or in connection with, the making of applications under section 342A.

(2) Nothing in—

(a) any provision of section 159 of the Pension Schemes Act 1993 or section 91 of the Pensions Act 1995 (which prevent assignment and the making of orders which restrain a person from receiving anything which he is prevented from assigning),

(b) any provision of any enactment (whether passed or made before or after the passing of the Welfare Reform and Pensions Act 1999) corresponding to any of the provisions mentioned in paragraph (a), or

(c) any provision of the arrangement in question corresponding to any of those provisions,

applies to a court exercising its powers under section 342A.

(3) Where any sum is required by an order under section 342A to be paid to the trustee in bankruptcy, that sum shall be comprised in the bankrupt's estate.

(4) Regulations may, for the purposes of the recovery provisions, make provision about the calculation and verification of—

(a) any such value as is mentioned in section 342B(4)(b);

(b) any such amounts as are mentioned in section 342B(6)(a) and (b).

(5) The power conferred by subsection (4) includes power to provide for calculation or verification—

(a) in such manner as may, in the particular case, be approved by a prescribed person; or

(b) in accordance with guidance—

(i) from time to time prepared by a prescribed person, and

(ii) approved by the Secretary of State.

(6) References in the recovery provisions to the person responsible for a pension arrangement are to—

(a) the trustees, managers or provider of the arrangement, or

(b) the person having functions in relation to the arrangement corresponding to those of a trustee, manager or provider.

(7) In this section and sections 342A and 342B—

"prescribed" means prescribed by regulations;

"the recovery provisions" means this section and sections 342A and 342B;

"regulations" means regulations made by the Secretary of State.

(8) Regulations under the recovery provisions may—

(a) make different provision for different cases;

(b) contain such incidental, supplemental and transitional provisions as appear to the Secretary of State necessary or expedient.

(9) Regulations under the recovery provisions shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament."'.—*[Mr. Timms.]*

Brought up, and read the First time.

The Minister of State, Department of Social Security (Mr. Stephen Timms): I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker (Mr. Michael Lord): With this, it will be convenient to discuss the following: Government new clause 12—*Excessive pension contributions made by persons who have become insolvent: Scotland.*

Government amendments Nos. 29, 53 to 62 and 66 to 77.

Mr. Timms: One of the main themes of our programme for welfare reform is that people should be encouraged to save for retirement if they can. However, when a person is made bankrupt, any pension arrangements that he has may be jeopardised. In some cases, pension rights can be seized by a trustee in bankruptcy and all the pension savings lost.

The existing clause 11 will ensure that in future, if a person becomes bankrupt, any rights that he has in approved pension arrangements will be protected. The protection will apply to occupational pensions, personal pensions and in due course to stakeholder pensions. I acknowledge the support that Opposition Members gave to that principle in Committee. However, we cannot give absolute protection to pension savings. There needs to be some safeguard to prevent people who are falling into bankruptcy—*[Interruption.]*

Mr. Deputy Speaker: Order. Conversations are breaking out throughout the Chamber. The House ought to listen to the Minister who is addressing the House.

Mr. Timms: Thank you, Mr. Deputy Speaker.

There must be safeguards to prevent people who are falling into bankruptcy from deliberately seeking to put assets into their pension in order to avoid their legitimate

obligations to creditors. We need to strike a balance between safeguarding pension savings and the rights of creditors. New clauses 11 and 12 provide that safeguard. Their purpose is to prevent people from using an approved pension arrangement deliberately to put money beyond the reach of creditors.

Under the provisions in the new clauses, if a trustee in bankruptcy believes that excessive contributions have been made to a pension, he will be able to apply to a court for an order to recover the amount of those excessive contributions.

Mr. Nick Hawkins (Surrey Heath): Will the Minister explain why "excessive" is not defined?

Mr. Timms: What is or is not excessive will be for a court to determine. I shall set out in a moment the issues that the court will have to address.

If the application is successful, the pension scheme will be required to pay a sum to the trustee in bankruptcy. That sum will then form part of the bankrupt's estate so that it can be used for the benefit of creditors.

The question that the court will have to address in considering whether there have been any excessive contributions is whether the making of any of those contributions has unfairly prejudiced the creditors. In coming to a view on that question, the court will be directed by the clauses to consider two matters in particular: first, whether any of the contributions were made for the purpose of putting assets beyond the reach of creditors; and secondly, whether the total amount of contributions was excessive in view of the individual's circumstances when they were made.

As the House will know, we have consulted on these proposals. A number of the responses were concerned about how a court would decide on excessive contributions, and it might be useful if I deal with some of those points. One particular concern was whether ordinary, standard contributions to a pension required by the rules of the scheme could ever be regarded as excessive. In the vast majority of cases, we would not expect a court to rule that they were excessive.

I can assure the House that the measure is designed as a deterrent, and is aimed at that small group of people who might try to defeat their creditors. We would expect only a handful of cases each year to be taken to court.

In addition to the new clauses, there are various related amendments. The most important is amendment No. 68, which is a further amendment to the Insolvency Act 1986. As I said, new clauses 11 and 12 allow for excessive contributions to a pension to be recovered for the benefit of creditors. However, the legislation also needs to deal with the situation when the pension is shared, under other provisions contained in the Bill.

If a couple divorce, they will be able to share the pension as a result of the pension-sharing measures in the Bill. Following the pension share, the pension scheme member may become bankrupt. Under the new clauses, a court could find that the bankrupt's pension is to some extent made up of excessive contributions, moneys that properly ought to have been available for creditors. Normally the court would make an order to recover the full amount of the excessive contributions from the pension rights of the bankrupt, but that may not be possible because of the pension-sharing arrangement, and insufficient resources remain in the bankrupt's fund for that purpose.

Where a bankrupt's pension has been shared between the divorcing spouses, amendment No. 68 sets out how the provisions on the recovery of excessive contributions from the former spouse's pension share of the bankrupt's pension will apply.

Let me make a few general remarks. First, like the new clauses, the amendment is intended as a deterrent. Without it, some couples who are going through a divorce may be tempted to manipulate the system. Some link between the measures in the Bill on pension sharing and the protection of pensions on bankruptcy is therefore necessary. Secondly, however, we anticipate that the number of cases falling under the amendment will be pretty small.

Mr. Webb: The Minister has just described how the pension-sharing rules and the rules on pensions in bankruptcy will interact. I understand from the Secretary of State's private office that the notes on the new clauses are being prepared by the Department and will be available for their lordships' consideration, but not for this House. As someone who knows little of these matters, I think that it would have been helpful if those notes had been available before today's debate.

Mr. Timms: I entirely accept the hon. Gentleman's point. I hope the explanation that I am giving, which is fairly detailed, will be helpful to the House and will clarify the position.

Thirdly, current bankruptcy law contains a long-standing provision to allow a divorce settlement to be overturned when there is evidence that the settlement deprives creditors of assets to which they should be entitled. I understand that those matters are referred to in insolvency law as transactions at undervalue or preferences.

The amendment follows that approach by providing that excessive contributions can be recovered from the pension share of the former spouse, but only when there is evidence that the pension-sharing order or agreement was at undervalue or amounted to a preference, unfairly depriving creditors of assets. It builds on existing provisions in insolvency law allowing divorce settlements to be reviewed.

I shall set out how the amendment will work. Let us assume that a couple divorce and, as part of the settlement, share the pension. A year later, the pension scheme member becomes bankrupt. The trustee in bankruptcy will use the provisions in the new clauses to ask the court to examine the contributions made to the pension of the person who has become bankrupt.

The court will come to a view about any excessive contributions and, if appropriate, will issue an order for an amount of excessive contributions to be recovered, for the benefit of the creditors. However, as a result of the pension share, there might be insufficient rights in the bankrupt's pension to recover the full amount of the excessive contributions. At that point, the provisions in the amendment come into play.

Under the amendment, the trustee in bankruptcy will be able to apply to a court for an order to make a recovery of the balance of the excessive contributions from the

[Mr. Timms]

former spouse's pension share. As a first step, the court will have to consider whether there is evidence that the divorce settlement generally has the effect of putting assets beyond the reach of creditors. If it finds that there is no evidence of that, the matter can go no further. First call for excessive contributions will always be on the bankrupt's share of the pension. Only if there is a balance of excessive contributions not covered by the bankrupt's share will any recovery be made from the share of the former spouse.

If a court finds that all the conditions are met and that it is appropriate that some excessive contributions should be recovered from the former spouse's pension share, it will be able to make an order under the amendment. It will make such an order as it thinks fit for restoring the position to what it would have been if the bankrupt had not transferred those excessive contributions to the former spouse's pension share. The likely outcome is that the court will order that a sum representing the excessive contributions should be paid by the former spouse's pension scheme to the trustee in bankruptcy.

Hon. Members may have noticed that the amendment extends only to England and Wales and that there is no equivalent for Scotland. The policy is that the provision should apply equally to Scotland, and we shall table an amendment to deal with that at a later date. The amendments I mentioned at the beginning of my remarks are minor changes, consequential on those I have described.

Sir Robert Smith (West Aberdeenshire and Kincardine): Will the Minister clarify why the Government were unable to introduce the legislation for Scotland so that the House of Commons could have debated it?

Mr. Timms: It was simply a question of preparing the drafting and getting the work done in time, but we will shortly introduce the appropriate measures. I have no doubt that they will receive thorough scrutiny.

Mr. Clifford Forsythe (South Antrim): I did not hear the Minister mention Northern Ireland. Will he tell the House the position in that regard?

Mr. Timms: I think that the provisions I have described refer to Northern Ireland as well, but I shall check and come back to the hon. Gentleman if I am not correct. He is absolutely right to raise that point with me.

The purpose of amendments Nos. 66, 73, 76 and 77 is to ensure that income payment orders can still be made, despite the provisions in clauses 11 and 12. I apologise for this being a little confusing, but I am referring to clauses 11 and 12, which are already part of the Bill. My earlier remarks were about new clauses 11 and 12. The numbering is coincidental.

The amendments make it clear that there is a distinction between pension rights and the income deriving from those rights. Although pension rights are to be protected, the income deriving from such rights may be subject to an income payment order, but only for the period of the bankruptcy, which is normally three years.

7.45 pm

The purpose of amendments Nos. 54 to 60 is to specify in more detail how unapproved pension rights would be protected from seizure by the trustee in bankruptcy. In other words, the bankrupt will need to make the application, and it will be for the courts to decide whether rights in an unapproved pension arrangement should be treated as if they were rights in an approved arrangement, and so protected. The amendments include provision for the trustee in bankruptcy and the bankrupt to reach an out-of-court agreement that unapproved rights should fall outside the bankrupt's estate—a practical measure, designed to reduce court costs.

Amendments Nos. 53, 61 and 62 deal with another aspect of pensions and bankruptcy—the position of pensions which have been shared following divorce. These technical amendments are necessary to ensure that the provisions we are making for pension sharing on divorce work in harmony with those for pensions on bankruptcy.

Miss Anne McIntosh (Vale of York): Can the Minister explain at what stage of divorce proceedings a party should put in a bid for pension sharing under the new provisions?

Mr. Timms: These provisions concern what happens if bankruptcy occurs after a pension share; they do not concern the procedure for pension sharing itself. A number of new clauses and amendments, which we shall come to later, deal with the Bill's pension-sharing provisions. These matters concern bankruptcy subsequent to a pension share being arranged, when the question whether excessive contributions have been made—and what can be done if they have—arises.

The amendments make it clear that, in the period between the making of a pension-sharing order or agreement and the discharge of the resulting liability by the trustees of the pension scheme, the pension credits awarded to a former spouse are to be treated as if they were rights held by a former spouse.

Where the trustees of a pension scheme have discharged a pension-sharing order, the pension credit will have become pension rights belonging to the former spouse. The amendments will ensure that, for the purposes of the bankruptcy provisions, a pension credit which the trustees have not yet discharged will be treated in the same way. The bankruptcy provisions refer to the protection of pension rights, and these amendments are necessary to make it clear that a pension credit, once awarded, is a right.

Finally on this large group of amendments, in Committee we agreed to look into a point that was raised by Conservative Members. My hon. Friend the Under-Secretary agreed to take it away for consideration, in response to the hon. Member for Grantham and Stamford (Mr. Davies), and amendment No. 29 arises out of that.

As currently drafted, clause 11(9) safeguards the trustees when they have taken decisions before the date of the Inland Revenue's decision on tax approval, but will not know what decision the Inland Revenue has made until they receive notification of it. As such, it is quite possible that the trustees may have made a decision about the bankrupt's pension in the interim. For example, they

may have bought him an annuity. It was never our intention that trustees could be held liable for decisions made in good faith during that interim period. The amendment, therefore, will extend the protection afforded to trustees until the date on which they receive the notification from the Inland Revenue.

I return to the question that was asked about Northern Ireland, and I can give the hon. Member for South Antrim (Mr. Forsythe) an answer. Although there is separate legislation for Northern Ireland, it normally follows the legislation applying to Great Britain, but it will be for the Northern Ireland Assembly to decide what to do on this particular matter.

The protection and enhancement of pension savings is a key part of our policy. In cases of bankruptcy, though, we must also have regard to the rights of creditors. It would be wrong if people who become bankrupt could use pensions deliberately to put money beyond the reach of creditors. There must be some form of protection against that, which is what these measures seek to achieve. Necessarily, too, there needs to be some linkage with the new measures on pension sharing in the Bill.

I believe that the arrangements we are proposing are fair, building as they do on existing arrangements, and I commend them to the House.

Mr. Quentin Davies (Grantham and Stamford): It would be churlish not to acknowledge that the Government have adopted an amendment that I put forward in Committee. They did not tell me that they would do so, but I am glad that they have. It is represented in amendment No. 29. We must be grateful for that—it is a rare event when the Government accept that anybody else may have a useful contribution to make to a piece of legislation. It is only fair to give them credit where it is due, however rare such occasions are.

However, if the Minister thought that that concession would spike my guns and that I would be terribly nice to him for the rest of the proceedings, I must disappoint him. Although the bulk of the amendments are of a routine, technical nature, three substantive issues arise out of the long list of new clauses and amendments. They arise in relation to amendment No. 68 and new clauses 11 and 12, and they reflect a sorry state of affairs.

All this is a pretty bad business. The Minister did not tell us that amendment No. 68 drives a coach and horses through a principle of which I thought the Government were proud. We might discuss that principle later this evening when we deal with pension sharing. It is that, once a pension share has been effected, it becomes the unconditional property of the beneficiary of that share—of the recipient of the pension credit, to use the terms in the Bill. Clearly, that provision has now been modified substantially by the amendment on insolvency. If it can be altered in this context, perhaps it can be altered in others, too, and it will be possible for courts subsequently to review pension sharing and make retrospective changes. That fundamentally alters the whole concept that has been sold to the House.

I find it thoroughly unsatisfactory that the Minister should bring forward this provision in relation to England, but not to Scotland. He simply says that the provision in relation to Scotland can be dealt with in another place. We know how these things work out. In practice, when the Bill comes back to this place the provision in relation to Scotland will not have been given proper scrutiny. It will not have gone through a Committee stage in this place. After all, the House of Commons is supposed to be the primary legislature in this country. The provision will be debated in detail only, if at all, in the other place—a Chamber which the Government say is thoroughly unsatisfactory and undemocratic. It is contemptuous to treat Scotland in that way. The people of Scotland are entitled to feel more than a little aggrieved at the frivolity with which they have been treated.

That stricture applies to the whole treatment of pension sharing and insolvency in relation to pensions, as they are dealt with in the Bill. It is absurd that the Government should sell the Scottish people the idea that they now have, for the first time since 1707, a legislature of their own. The Scots have always had a fine legal system. It is one of the oldest systems of Roman law in constant, steady existence, yet the Scottish Parliament will not be allowed to discuss those matters. Scots law is different from ours. Scotland has its own company and family law, yet it will be unable to take decisions on pension sharing and insolvency as they apply to pensions because, those matters will be dealt with in Westminster in the way that we have just discovered—they will not be brought before this House at the same time as the corresponding English legislation.

The reality that we now see emerging explodes the fact that, for their own slightly squalid reasons, the Labour party has decided to sell a pup to the Scottish people. Now that it is confident of having become the largest party in the Scottish Parliament, although it did not achieve the absolute majority that it wanted, we are seeing how genuine is the Government's commitment to the idea of Scottish legislative devolution, and how thin, superficial and bogus are the concerns expressed by the Government for the Scottish people's right to have a greater and more direct say in their own legislation.

That brings me to the two new clauses, which are the substantive elements in this string of new clauses and amendments—new clauses 11 and 12. New clause 12 is the Scottish counterpart to new clause 11, and what I just said in relation to the Scottish Parliament's rights in this area applies very much to that. I shall say no more about that, but will focus on new clause 11, which is the heart of the matter. What is so unsatisfactory about this evening's proceedings is that there is a double insult to Parliament in how the Government have dealt with this issue.

As the Liberals pointed out, the new clause has been introduced with no explanatory notes. It is a significant new addition to the Bill and it has been introduced at the last minute with no explanations and minimum opportunity for anybody in the House to understand what the Government's contentions are, to consult outside bodies, to take legal advice, and to do the job that we are all sent here to do, which is to ensure that legislation is scrutinised properly. The Government obviously do not want us to do that and are trying to undercut Parliament's responsibility and diminish its role. It should be clearly recorded that that is the effect of the procedure that they have adopted this evening.

The second abuse is that the new clause is in no sense a technical strengthening of the Bill. It is in no sense incremental, building on what is already in the Bill. It is not explanatory, making it clear to citizens what the changes in the law are about. All such changes can be made after the Committee stage. This new clause is a

[Mr. Quentin Davies]

thoroughly new approach, negating the substance of clauses 11 and 12 as they stand in the existing Bill, which passed Second Reading and its Committee stage. The Government had neither the courtesy nor the straightforwardness to admit that. They are trying to smuggle through a substantial and substantive change in the Bill by introducing it the very last moment, with a minimum of fanfare, in the hope that the Opposition would not notice. They badly miscalculated there.

Mr. Webb: As I have already said, I regard myself as ignorant in these matters. I have been trying to weigh how to advise my colleagues to vote. My concern about the hon. Gentleman's opposition to the new clause is whether he has an alternative strategy for preventing people from putting money into pension funds to avoid their creditors. Is there another way of doing this?

Mr. Davies: The hon. Gentleman asks a reasonable question. Yes, we do have an alternative strategy. It is the one in the Bill, which has already been read and which we went through in Committee and with which we agreed. That is what happens if we do a deal with the Government. We debate a legislative proposal made by the Government in good faith and agree that it is a sensible proposal to recommend to Parliament. Then what happens? We find a few weeks later that a surreptitious attempt has been made at the last minute, in the hope that no one will notice, fundamentally to change the essence of the agreed Bill. I wonder what is the point of having a Committee stage at all. Bills are thoroughly debated, we come out with an agreed text and then, after the Committee stage, the Government make a fundamental change.

I shall explain to those who have had no chance to mug up on these matters exactly where the differences lie. Clauses 11 and 12 provide for a separate treatment of approved and unapproved pension schemes. That distinction is absolutely key, for a reason that I shall explain later. The former have been approved by the Inland Revenue in accordance with section 14 of the taxes legislation, which means that the amounts to be put into those pension schemes, whether they are occupational, personal, money purchase or final salary schemes, are limited by Revenue rules. However, any amount of money can be put into unapproved schemes, because the Revenue has not approved them so there are no constraints. There is much greater scope for putting in large amounts of money, so the issue of excess contributions may arise.

8 pm

The Bill as drafted, as debated in Committee, and as agreed between the Government and the Opposition, made a clear distinction, for the purposes of insolvency, between approved and unapproved pension schemes. The new clause abolishes that distinction and provides that both approved and unapproved schemes should be subject to the same regime. That is a fundamental difference.

Secondly, clause 11 of the Bill as originally drafted makes it clear that there is absolute protection for approved schemes in the event of bankruptcy, as there always has been for occupational schemes that are set up under trusts. In trust law, assets held in the trust to the benefit of the pensioner are not deemed to be the assets of the individual, so they have always been protected. That is an old canon of English law, which was continued for approved schemes in the Bill as it was passed in Committee. That is no longer the case, because approved schemes are now to be open to clawback from trustees in bankruptcy, and I presume that that includes occupational pension schemes which previously always had absolute protection.

In the new clause, the Government are surreptitiously, without having the straightforwardness to tell the House what they are doing, not only failing to give greater protection to pension schemes in the event of bankruptcy, which was their announced intention when they introduced the Bill, but are withdrawing an existing protection. They cannot do much more of a U-turn than that, and doing it surreptitiously does not make it more attractive.

Thirdly, under clause 12 as originally drafted and agreed in Committee, there was an assumption that there would be protection for unapproved schemes. The formula was that if there were any doubt, the court would take a view on what would be reasonably required to meet the needs of the pensioner and his family—I am quoting the Bill almost verbatim—and would balance that against what sums in the unapproved scheme would be available for seizure by the trustee in bankruptcy. There was a presumption that there was at least a hard core of protection for an unapproved scheme, but that protection has also gone.

The House deserves an explanation of this U-turn. It is unsatisfactory to go through the legislative process and to find that the Government are doing a somersault and changing substantially or reversing the whole thrust of the Bill—which has been debated in good faith and has gone through Committee stage—without telling us why they have changed their mind. The Minister, far from being straightforward and telling us why they have changed their mind, has pretended that the Government's actions have been on a continuum and there has not been a clear break with the Bill as originally drafted.

The Minister will have to concede that there has been a change, so perhaps he will tell us what pressure the Government were under to change their mind. What high-powered lobbying has taken place behind the scenes? Why have they changed their mind, or do they legislate with such frivolity that they do not know what is in their mind from one moment to the next? In March, by the simple turn of the kaleidoscope, they are likely to give us one answer to our question, and then in May, they will give us another. No doubt, in June or July, when the Bill goes to the other place, they will have a third answer. That is a hopeless way to legislate, and the Government's behaviour is a disgrace to the House of Commons.

The Government's behaviour places the Opposition in a quandary. What do we do about this? We thought that we had an agreement on these two clauses, but the Government, without consulting us and without having the honesty to tell us straightforwardly what they are doing, have run away from that agreement and have done something completely different. That is not the way in which the Conservative party behaves. We think through proposals carefully, and as the Opposition we make an effort to take our legislative tasks seriously. We try to ensure that we consider legislation with basic thoroughness, and that our statements have a modicum of

consistency from one stage to the next. We would ill serve Parliament if we behaved in accordance with any other principles. I am sad that the Government do not share our principles. Our position is exactly as I set out in Committee a few weeks ago: we must address this anomaly.

At present, before any of these provisions have been enacted, occupational pension schemes are protected from bankruptcy because they are set up under trust law. Following the Landau case, there was considerable doubt whether other forms of pension arrangement—approved or unapproved—were so protected. We consider it a thoroughly unsatisfactory state of affairs for there to be legal discrimination between a particular category of pension—occupational pension schemes—and other types of pension scheme, including personal pensions, the Government's proposed stakeholder pensions, their new proposals for leases, or any other sensible scheme that may come up with. If they use their majority to introduce less than sensible schemes, no doubt such schemes would also be included.

We should not discriminate between different forms of pension scheme in the matter of their protection from bankruptcy. That anomaly needed to be removed, and we thought that we had agreed in Committee a method of removing it: that is, the original provision in the Bill. The Government are now running away from that without telling the country or the House. That is the salient point, and if I repeat it often enough, perhaps I shall shame the Minister into explaining why the Government have changed their mind, because they owe the House an explanation.

There is a logic for some degree of protection for pensions in the event of insolvency. It is in the interests of taxpayers, because if someone's total assets are taken away, including those on which his livelihood in retirement may depend, the taxpayer may become the bearer of the residual liability to keep him. That is not a desirable state of affairs. If pension contributions have been made in good faith, within the Revenue rules, out of past earnings that are not the cause of the bankruptcy, it is reasonable to protect them.

Our position is exactly the same as the one we took in Committee, and it will be exactly the same next week, next month and next year. We do not believe in somersaults: that is no way in which to legislate. It is particularly worrying when it is a reflection of such an arrogant Government who think that they can get away with anything and do not need to think through their legislative proposals properly.

The Government should go back to the original clauses 11 and 12. New clause 11 is entirely superfluous and extremely dangerous. It removes the important distinction between approved and unapproved schemes. As a result, it makes a nonsense of the new phrase that enters our legal vocabulary for the first time: the concept of "excessive contributions". That is absurd because, by definition, if a pension scheme is approved by the Revenue, contributions cannot be excessive. That is what approval means.

Mr. Bayley *indicated assent.*

Mr. Davies: The Minister is nodding. If contributions to an approved scheme cannot, by definition, be excessive, they cannot be subject to clawback on the ground that they have been excessive. I therefore feel that clause 11 should remain, as should the distinction between approved and unapproved schemes.

If the Minister still wants to introduce the idea that there can be excessive contributions in the case of an approved scheme, as suggested in new clause 11, he must tell us why the Inland Revenue's rules allow excessive contributions to be made in the first place. As we know, over the years the Inland Revenue has examined with enormous care what constitutes reasonable pension provisions that people might make in relation to their salaries, or that employers might make on their behalf. There is a limit to the amount that an employer can contribute to a pension scheme—15 per cent.—and age-related limits to the amount that an individual can contribute to his personal pension. Indeed, the Government are considering further limits in the context of stakeholder pensions—a flat-rate allowance per annum.

Presumably, the new clauses and amendments were tabled because, by definition, they were reasonable and not excessive. When changes have needed to be made, they have been made. The last Conservative Government, for example, decided that it was a good idea to cap the amount that could be paid into a pension scheme at a certain level of earnings, so that the proportion of earnings that could be tax-sheltered, and subject to a tax credit when paid into a pension scheme, would come to an end—at, if I remember rightly, an income of around £90,000 a year at present. That amount is indexed, and will rise year by year.

Then there is the issue of carry-back. It is possible for people to catch up on years when they have made no contribution—no pension provision—and are unable to do so, up to a period of six years. Again, the Revenue has considered what is reasonable in such circumstances. It would certainly not be reasonable to say that there could be no such provision, and that all pension provision must be made in the current period. For one thing, that is not the way in which individuals work—especially the self-employed, whose earnings fluctuate from year to year. Furthermore, it would not be reasonable if the aim of new clause 11 is to protect creditors in bankruptcy.

The Minister may be about to use the carry-back rules as an example of the way in which so-called excess contributions can be accumulated in the case of an approved scheme. If so, I must tell him that that is one of the perversities and foolishnesses into which he has a habit of falling through not thinking the issues through enough. He should consider what would happen if the principle were applied, and trustees were able to claw back amounts that had been paid into a pension scheme relating to previous years under the carry-back provisions. In fact, it would be necessary to ensure that everyone made the maximum pension contributions in the current year—which would mean that they would have to take more cash out of their businesses at the point in the cycle when their earnings were relatively lower than they would be at the present time.

At present, the great advantage of the carry-back proposal is that it enables people to smooth the cashflow that they have in their businesses so that in difficult times, they need make no pension provision, knowing that they can make such provision subsequently. By smoothing their cashflow in that way, they reduce the likelihood of going broke in bad times. If the Minister creates a major deterrent for anyone wishing to use the carry-back

[Mr. Davies]

proposal by forcing all business men who want to make pension provisions to do so in the current year, he will create a perverse effect by depriving businesses of cashflow that they would otherwise have in difficult times. He will make them more vulnerable to failure.

A provision that is being sold on the basis that it will protect creditors in bankruptcy will, in fact, cause more bankruptcies. That is pretty stupid. It is not the stupidest thing that the Government are doing, or even the stupidest thing that they are doing in this Bill; but it is pretty far down the scale of stupidity.

8.15 pm

Mr. Webb: Surely we are dealing here with priorities. Who will have the prior claim on the assets of a firm that has gone bankrupt? The hon. Gentleman seems to be saying that firms that are about to go bankrupt should be able to salt away what little money is left in years of retrospective pension contributions, rather than the creditors, who may themselves be small businesses on the brink of bankruptcy, having a prior claim.

Mr. Davies: No; I am saying that if people are given an opportunity to make tax-sheltered contributions to a pension scheme, which we have always had in this country—or, at least, have had for so long that we cannot remember when we did not—they will do so as far as they can. Let us suppose that they are told that they need not do that every year on a regular basis: that they can still make full contributions up to the Revenue limits, and can smooth those contributions over time. If they find that at certain junctures they do not have the necessary cashflow to make the requisite contributions, they can do so later out of greater earnings.

Otherwise, self-employed people might be liable for a fixed charge on their cashflow. They would say to themselves every year, "If I want to receive the benefit, I must take the money out now and put it in my pension scheme. I cannot leave it in the company; if I do, I shall have lost the chance of tax relief for ever." People would bring forward their pension contributions, and businesses would be deprived of cashflow, at times when it would be more logical to defer such contributions, in the interests of the health of business and thus in the interests of creditors.

I do not know whether that will be one of the Government's excuses. I have racked my brains wondering how such a stupid proposal could be presented, and racked my brains again wondering why the Government are doing so in a way that I have already described as insulting to the House of Commons. It breaches what I would like to think of as elementary good faith between Government and Opposition in Committee. I like to think that, in Committee, the Government do not have in their back pocket, and will not subsequently produce, a proposal that negates everything implied in the clauses that are being dealt with.

Surely, if we are to create a sensible balance, we must first ensure that no distinctions are made between different sorts of pension schemes in relation to tax and insolvency rules. The same rules should operate for everyone. As we agreed in Committee, the original Bill removed the anomaly created by the Landau case. Secondly, we must make a clear distinction between approved and unapproved schemes. Where the Revenue has determined that a level of pension contribution is reasonable, by definition it must be reasonable; otherwise, Parliament made a mistake in authorising the rules in the first place.

Thirdly—this is in clause 12 of the Bill, as passed in Committee—we should exercise more scepticism in relation to unapproved schemes, which may well provide opportunities for excessive amounts to be salted away. In those instances, there should be a provision for clawback, where necessary. Fourthly, we should ensure that there is a clear formula for determining the extent to which the clawback can take place, or the criteria by which the excess can be defined. Clause 12 says, basically, that a man may keep what is necessary for his own upkeep and that of his family; beyond that, the court may look to any excess contributions. That criterion, however, is missing from the new clause, which is open-ended.

One of the many unfortunate consequences of accepting the new clause—which I hope the House will not do tonight—would be the creation of considerable uncertainty in an area in which I thought we were moving towards greater clarity.

Mr. Webb: As I have said, I did not have the privilege of serving on the Committee that considered the Bill, so I apologise in advance for not having followed the detailed discussion on clauses 11 and 12 in the original Bill. However, my understanding is that those clauses provided for pension funds to be more secure in the event of bankruptcy, which seems, obviously, a step in the right direction. What appears to be represented in new clauses 11 and 12 is a recognition that that provision could be abused by excessive sheltering within pension funds immediately in anticipation of bankruptcy.

It seems that a balance has to be struck between providing the protection that we would want for someone's pension assets when that person becomes bankrupt, and allowing that to become abused, so a lot hinges on the definition of "excess contributions". I may not have been paying full attention, but the Minister said that he was going to indicate what the criteria for excess contributions to be used by the courts were going to be. I did not emerge with a clear understanding of what those were.

The hon. Member for Grantham and Stamford (Mr. Davies) queried whether contributions up to Inland Revenue limits, for example, could ever be regarded as excessive, either for a given year, or retrospectively. I should be grateful if the Minister would deal with that specific point. Indeed, the hon. Member for Surrey Heath (Mr. Hawkins) asked precisely that question and, I believe, wants to develop that point.

I have some sympathy with the hon. Member for Grantham and Stamford with regard to the process by which we have arrived at new clauses 11 and 12. It is unacceptable that the Minister has been forced into a position of saying. "We did not have time to do the Scottish bits." That is not an acceptable way in which to put legislation before the Houses of Parliament. To be frank, it is worrying that we find ourselves in this situation in the first place.

The new clauses that we are about to discuss relate to another last-minute Government attempt to close a tax loophole. My concern with all measures introduced in

haste is that they are not good legislation. Fast legislation is seldom good legislation, particularly in complex sectors such as pensions, taxation and insolvency.

Therefore, I seek some reassurance from the Minister. I should be interested to know the parentage of the new clauses. How long have they been thought about? Where did they come from, essentially? Did the Government publish clause 11 and 12, receive representations from the people whose job it is to get round such clauses that they could get round, and realise that they needed to plug the loophole? How do they manage to find people whose job it is to get round such clauses who are willing to tell them that they have found a loophole, so that the Government can close it?

I am intrigued to know the process by which we arrived at the new clauses. I hope that the Minister will be up-front with us, as he was in admitting that the Government had not got round to writing the Scottish bits. I hope that he will tell us how we came to have what is a sticking-plaster clause, which was put on so late in the process.

On balance, we are reassured by the Minister's comment that, each year, only a handful of cases would fall foul of the new clause. Again, it will be interesting to know the basis of his belief that it will be a minority sport. He asserted that that was his estimate, but did not provide us with any basis for believing that.

Mr. Quentin Davies: On experience, I think that the hon. Gentleman is wrong and is rash to rely on the assurances that he has just quoted. On the contrary, the open-endedness of new clause 11 could result in an enormous amount of litigation and avoidable gratuitous legal costs.

Mr. Webb: I am grateful to the hon. Gentleman. I seek robust assurances from the Minister, which he will be held to, no doubt, by the electorate, among others, that vast swathes of legislation and litigation will not arise from the new clause.

We understand the principle that the Minister clearly and simply expressed, but we have reservations about the definition of "excess", about whether contributions up to the limit would ever be regarded as excessive, and about whether the measure blows a hole in the protection that is being put around pension funds. In particular, Liberal Democrats are keen to know where the new clause comes from, and why the Government had not thought of it in advance; I presume that the matter was not raised in Committee.

Therefore, I hope that the Minister can assure the House that the measure is carefully thought through, not rushed, and does not blow a hole in the principle that my hon. Friends have already accepted.

Mr. Forsythe: I seek a little clarification from the Minister following what he said about including Northern Ireland in the Bill.

The Bill refers specifically to Northern Ireland in a number of places. In clause 78(4), paragraphs (a) to (j) refer to Northern Ireland. In clause 78(5), paragraphs (a) to (d) do so. At the end of the Bill, where we have items that are to be deleted, a part refers to it.

I do not wish to go out of order but, speaking on the general principle of the question and about whether the measure applied to Northern Ireland, the Minister gave a general answer, which I understood that he would take advice about, that the Assembly would deal with the matter.

I know that Scotland has not been included in the measure, and that has a devolved Administration in place. The same thing applies to Wales. Leaving aside the merits, or otherwise, of the discussion, as Northern Ireland does not yet have an Assembly in place to be able to bring laws in, I ask the Minister to think again. Perhaps he would take advice again about how the measure would apply to Northern Ireland, and why only some parts would apply.

Mr. Hawkins: I am glad to have the opportunity to raise some particular concerns about the new clauses and amendments. The hon. Member for Northavon (Mr. Webb) referred to my intervention on the Minister. As well as adopting the sensible concerns that were expressed by my hon. Friend the Member for Grantham and Stamford (Mr. Davies), the Front-Bench spokesman, I say that my concern about the new clauses is that they get away from certainty, particularly where a marriage breaks down. I hope that the Minister will take seriously the concern of those who have conducted ancillary relief cases in the courts, that anything that removes the opportunity for the court to bring certainty at the conclusion of the litigation arising from a marriage is a dangerous matter.

As well as having conducted family law cases in the courts for a number of years, I am deputy chairman of the all-party group on insurance and financial services. I am concerned at anything that waters down the distinction between approved and unapproved pension schemes, which is what my hon. Friend the Member for Grantham and Stamford suggested was happening. He posed the question how that came about: how it was that the Government should introduce and apparently agree in Committee the original clauses 11 and 12, and suddenly try to row back from them. The hon. Member for Northavon said that he wanted to know about the provenance of the new clause.

The Minister will tell us in his reply whether he knows the answer to that question. However, my guess is that a bureaucrat somewhere in the Inland Revenue, at a very late stage, woke up to the implications of the original, and agreed, clauses 11 and 12, and suddenly said, "This is an opportunity for us to water down the distinction between approved and unapproved pension schemes." I guess, and fear, that that is the provenance of the sudden and undiscussed new clauses, which are undermining the original agreement in Committee.

I think that it would be very unwise for the Government to pursue passage of new clauses 11 and 12 and their consequential amendments. If they do pursue them, they will be creating a time-bomb for courts dealing with ancillary relief cases when they have to deal with the sometimes very complex financial arrangements arising from a divorce.

The Minister tried very quickly to gloss over the fact that, in certain cases, the trustee in bankruptcy will be able to go back to the spouse who did not originally have the pension scheme—in most cases, the wife—and perhaps to claw back, even from the wife, pension contributions for the trustee in bankruptcy if it is deemed by an ex post facto judgment that those pre-divorce pension scheme contributions were in some way excessive.

8.30 pm

Unless the Minister is prepared to give the courts some guidance on how excessive contributions are to be defined, how are courts to decide the matter? The decision will not be at all easy for the courts, who are always anxious to protect the rights of both spouses after a divorce. Perhaps not many other hon. Members have dealt with very complex ancillary relief cases, as I did for a number of years. I am well aware that anything to do with the unscrambling of pension relief in ancillary relief cases arising from a divorce is already an exceptionally complex task for courts to perform.

The one thing that courts always attempt to do is to provide certainty. As Hon. Members on both sides of the House will know, and as we have always said, when there is a divorce, the objective should be to achieve a clean break. The Government are now opening the scope for the trustee in bankruptcy, after all the pension contributions have been assessed, to come back and say, "I want to claw back some contributions that I think are excessive." The trustee may even be able, on divorce, to claw back some of the pension contributions made—in the typical case—by the husband from the wife's share of the estate. That may serve the objectives of some minor pettifogging official in the Revenue, but it is not the type of thing that courts want to be wrestling with. The Government, exceptionally unwisely, are opening a whole new can of worms.

As my hon. Friend the Member for Grantham and Stamford said, the Government should have left intact the clear, understood and long-established distinction between approved and unapproved schemes, not try to water down the distinction or row back from what was agreed in Committee, simply to satisfy the desire of some official in the Revenue.

Mr. Timms: I am pleased to assure the House that there has been no U-turn or somersault. Consequently, some of the strictures that we have heard have been inappropriate.

I should like first to answer the question of the hon. Member for Northavon (Mr. Webb) on how the new clauses arose. As we have heard, the Pensions Act 1995 contained a statutory protection for occupational pensions in the event of bankruptcy. However, as a safeguard against abuse, section 95 of that Act provided that a court could order that contributions should be recovered from the pension fund if it could be shown that they were excessive. Therefore, that approach was a feature of the 1995 Act. However, the section was never commenced because it was technically defective.

Subsequently, along came the Landau judgment—which we have heard about—highlighting the disparity between occupational and personal pensions. In its judgment, the High Court found that, in bankruptcy, pension rights in a retirement annuity contract vested in the trustee, thereby calling into question the security of rights in personal pensions. It is, indeed, the case that very many personal pensions are being seized in bankruptcy—hence the need for the original clauses 11 and 12, which were welcomed by Opposition Members.

Therefore, since 1995, the intention has been that there should be such protection from abuse.

The hon. Member for Grantham and Stamford (Mr. Davies) sometimes demonstrated a rather loose grasp on some of the Green Paper's detail. Nevertheless, I do not think that it would be unkind to draw his attention to paragraph 49, on page 74 of the Green Paper, which states:

> "At the same time we need to prevent people from using a pension scheme to put money deliberately beyond the reach of their creditors. There will therefore be a mechanism to allow a court to order that excessive contributions paid into the scheme can be recovered from the pension fund".

The Government have, therefore, always intended that there should be such a provision. The Green Paper made it clear that we would attempt to make such provision, and our intention was restated in the consultation document "Strengthening the Pensions Framework", which was published the day after publication of the Green Paper.

Mr. Quentin Davies: Does the hon. Gentleman remember paragraph 48, on page 74—which he has just quoted—of the Green Paper, which states:

> "We therefore propose that all tax-approved private pension rights"—

which, of course, means approved schemes—

> "should be exempt from the bankruptcy process, thus falling outside the jurisdiction of the trustee in bankruptcy"?

That intention was duly enshrined in clause 11—which is now being reversed by new clause 11. The Minister can hardly deny that that is a somersault or a U-turn; he may choose whichever term he likes.

Mr. Timms: It is neither. The following paragraph says that there needs to be a safeguard, as there was in the 1995 Act.

The consultation period began on 16 December and concluded on 12 February. We have taken account of the results of that consultation in the new clauses and amendments. I assure the hon. Member for Northavon that we have pursued the issue carefully. Our intention has been clear since the publication of the Green Paper. We have consulted carefully and taken account of what was said to us. The new clauses and amendments are the result of that careful process.

Mr. Davies: The hon. Gentleman talks about representations. Were the decisive representations—no doubt powerful, clever, effective lobbying—from lawyers and accountants specialising in insolvency? Insolvency practitioners are the only category of humanity to be greatly advantaged by the Government's U-turn this evening. Without the new clauses and amendments, the Bill would give complete security to members of approved schemes. There would be no ambiguity about their protection. Now all pensions—approved and unapproved—are up for grabs. The Government seem to have fallen for the representations—no doubt the biggest ones—from those with a direct commercial interest in such confusion in the legal system.

Mr. Timms: The hon. Gentleman still has not grasped the point that I am urging on him. The 1995 Act contained a provision to safeguard against the same problem. We all agree that pensions should be protected from bankruptcy, but there has always been a requirement to guard against the possibility of people abusing that protection by making unduly large contributions to keep the money out of reach of their creditors. That would be a clear abuse. The previous Government introduced legislation to deal

with that, although sadly it was technically defective. We have followed along the same lines, but we are doing it properly.

Mr. Rendel: I am getting a bit confused about the timing. We have heard time and again of the Government producing legislation before the end of the consultation period. In this case, the Government announced what they were going to do in a Green Paper and went through a consultation process that finished as early as February, yet in May we still do not have the legislation for Scotland before us even on Report. What on earth has gone wrong?

Mr. Timms: This is a technically complex matter and it has taken us some time to finalise the details. However, I assure the hon. Gentleman that our proposals fully reflect our very careful consultation.

The hon. Member for Northavon asked for some assurances about the number of cases likely to arise. The experience of the Insolvency Service in dealing with bankruptcies shows that, in the stages before bankruptcy, most people do not have the money available to put into pension funds. Cases in which bankrupts seek to defeat their creditors in the period leading up to bankruptcy are the exception. There is clear evidence that the measures will not be needed in a large number of cases, but there will be some, so we need safeguards. The purpose of the measures is to deter.

The hon. Members for Northavon and for Grantham and Stamford asked whether contributions could be regarded by a court as excessive if they were within the Inland Revenue rules. The answer is yes, that is possible. Clearly, someone making pension contributions must have regard to other debts and duties to creditors. It is possible—although not very likely—that a court could take the view that contributions were excessive if bankruptcy was approaching. I hope that that has clarified the point.

The hon. Member for Grantham and Stamford asked for further clarification of the circumstances in which a court would regard contributions as excessive. As I have said, a court would need to take a view, first, on whether any contributions were made for the purpose of putting assets beyond the reach of creditors, and, secondly, on whether the total amount of contributions was excessive in view of the individual's circumstances when they were made. Again, the court would need to take a view on that. We are happy to leave the matter to the courts.

The hon. Member for South Antrim (Mr. Forsythe) asked about the scope of the legislation in Northern Ireland. As he said, there are a number of references to Northern Ireland in the Bill. The majority of measures apply throughout Great Britain because they mainly deal with social security and pensions matters. Northern Ireland has a separate body of social security legislation and, in future, will be able to legislate separately on most social security and pensions matters.

It will be for the new Assembly to decide whether to replicate the measures in the Bill to achieve parity in Northern Ireland. Our expectation is that the measures will be mirrored in Northern Ireland, but that will be a matter for the Assembly to decide. Some matters covered in the Bill are not dealt with separately in Northern Ireland because they do not come under the heading of social security legislation, and the hon. Member for South Antrim referred to some. However, it will be within the ability of the Assembly to amend those that do.

My right hon. Friend the Secretary of State for Northern Ireland was here when the hon. Gentleman raised that matter. I was pleased that she came in at that moment, and she will have heard his points.

The amendments make the distinction between approved and unapproved schemes, and we are not blurring those distinctions. Given that we all agree that pensions savings should be protected in the event of bankruptcy—no one, either today or in Committee, has challenged that view—the question is whether there should be protection, and safeguards against the abuse of that protection. If people make large contributions into their pension scheme specifically to avoid and defeat their creditors when they know that bankruptcy is coming, should the legislation provide safeguards against such abuse? The previous Government took the view in the Pensions Act 1995 that it should—we take that view also. I would have thought that there would be consensus on that matter. On that basis, I commend the new clauses to the House.

Mr. Duncan Smith: I do not intend to detain the House, and I shall make a couple of brief points. I have never heard such a lot of nonsense from a Minister since coming to this House. We have a ridiculous position, with the Government including this measure late in the Bill. It was not proposed in Committee, but suddenly they have said that they must put it in as a matter of urgency. We have heard that the consultation was over by February, and now the Minister has admitted to the hon. Member for Newbury (Mr. Rendel) that excessive contributions might have been made under the Inland Revenue rules.

There is confusion, and the Minister has hardly resolved anything. He admits that the Government have not had time to produce provisions for Scotland. I do not know what they have been doing all this time. It is an absolute outrage that the Bill is in a mess on Report and the Government cannot answer the questions, when the measures could have been included and properly discussed in Committee. That failure by the Government is an outrage.

8.45 pm

Question put, That the clause be read a Second time:—

The House divided: Ayes 415, Noes 138.

Division No. 179] **[8.45 pm**

AYES

Abbott, Ms Diane	Battle, John
Adams, Mrs Irene *(Paisley N)*	Bayley, Hugh
Ainger, Nick	Beard, Nigel
Ainsworth, Robert *(Cov'try NE)*	Beckett, Rt Hon Mrs Margaret
Alexander, Douglas	Begg, Miss Anne
Allan, Richard	Beith, Rt Hon A J
Allen, Graham	Bell, Martin *(Tatton)*
Anderson, Donald *(Swansea E)*	Bell, Stuart *(Middlesbrough)*
Anderson, Janet *(Rossendale)*	Benn, Rt Hon Tony
Armstrong, Rt Hon Ms Hilary	Bennett, Andrew F
Ashdown, Rt Hon Paddy	Benton, Joe
Ashton, Joe	Bermingham, Gerald
Atherton, Ms Candy	Berry, Roger
Atkins, Charlotte	Best, Harold
Austin, John	Betts, Clive
Ballard, Jackie	Blears, Ms Hazel
Banks, Tony	Blizzard, Bob
Barnes, Harry	Blunkett, Rt Hon David
Barron, Kevin	Boateng, Paul

Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brake, Tom
Breed, Colin
Brinton, Mrs Helen
Brown, Rt Hon Gordon *(Dunfermline E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnett, John
Burstow, Paul
Butler, Mrs Christine
Byers, Rt Hon Stephen
Cable, Dr Vincent
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Rt Hon Menzies *(NE Fife)*
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, Dale
Canavan, Dennis
Cann, Jamie
Caplin, Ivor
Casale, Roger
Caton, Martin
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Cohen, Harry
Coleman, Iain
Colman, Tony
Connarty, Michael
Corbett, Robin
Corbyn, Jeremy
Corston, Ms Jean
Cotter, Brian
Cousins, Jim
Cox, Tom
Cranston, Ross
Crausby, David
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Rt Hon Dr Jack *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Cunningham, Ms Roseanna *(Perth)*
Curtis-Thomas, Mrs Claire
Dafis, Cynog
Dalyell, Tam
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dismore, Andrew
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Drown, Ms Julia
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Ewing, Mrs Margaret
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Lorna
Flynn, Paul
Follett, Barbara
Foster, Don *(Bath)*
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Foulkes, George
Fyfe, Maria
Gapes, Mike
Gardiner, Barry
George, Andrew *(St Ives)*
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Godman, Dr Norman A
Godsiff, Roger
Goggins, Paul
Gordon, Mrs Eileen
Gorrie, Donald
Griffiths, Jane *(Reading E)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Gunnell, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hancock, Mike
Hanson, David
Harman, Rt Hon Ms Harriet
Harvey, Nick
Heal, Mrs Sylvia
Healey, John
Heath, David *(Somerton & Frome)*
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Hoey, Kate
Home Robertson, John
Hood, Jimmy
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Ingram, Rt Hon Adam
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Mrs Fiona *(Newark)*
Jones, Helen *(Warrington N)*
Jones, Ieuan Wyn *(Ynys Môn)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jones, Nigel *(Cheltenham)*
Jowell, Rt Hon Ms Tessa
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keen, Ann *(Brentford & Isleworth)*
Keetch, Paul
Kelly, Ms Ruth
Kemp, Fraser
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Kirkwood, Archy
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Laxton, Bob
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Liddell, Rt Hon Mrs Helen
Linton, Martin
Livsey, Richard
Lloyd, Tony *(Manchester C)*
Llwyd, Elfyn
Lock, David
Love, Andrew
McAllion, John
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McCartney, Rt Hon Ian *(Makerfield)*
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
Mackinlay, Andrew
Maclennan, Rt Hon Robert
McNamara, Kevin
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
Mahon, Mrs Alice
Mallaber, Judy
Mandelson, Rt Hon Peter
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Marshall-Andrews, Robert
Martlew, Eric
Maxton, John
Meacher, Rt Hon Michael
Meale, Alan
Merron, Gillian
Michael, Rt Hon Alun
Michie, Bill *(Sheff'd Heeley)*
Michie, Mrs Ray *(Argyll & Bute)*
Milburn, Rt Hon Alan
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moore, Michael
Moran, Ms Margaret
Morgan, Alasdair *(Galloway)*
Morgan, Ms Julie *(Cardiff N)*
Morley, Elliot
Morris, Ms Estelle *(B'ham Yardley)*
Morris, Rt Hon John *(Aberavon)*
Mountford, Kali
Mowlam, Rt Hon Marjorie
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr Doug
Norris, Dan
Oaten, Mark
O'Brien, Bill *(Normanton)*
O'Hara, Eddie
Olner, Bill
O'Neill, Martin
Öpik, Lembit
Organ, Mrs Diana
Osborne, Ms Sandra
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quinn, Lawrie
Radice, Giles
Rammell, Bill
Rapson, Syd
Raynsford, Nick
Reid, Rt Hon Dr John *(Hamilton N)*
Rendel, David
Robertson, Rt Hon George *(Hamilton S)*
Robinson, Geoffrey *(Cov'try NW)*
Roche, Mrs Barbara
Rooker, Jeff

Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruane, Chris
Ruddock, Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Sanders, Adrian
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheldon, Rt Hon Robert
Short, Rt Hon Clare
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Rt Hon Chris *(Islington S)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Smith, Sir Robert *(W Ab'd'ns)*
Snape, Peter
Soley, Clive
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stewart, David *(Inverness E)*
Stinchcombe, Paul
Stoate, Dr Howard
Stott, Roger
Strang, Rt Hon Dr Gavin
Straw, Rt Hon Jack
Stringer, Graham
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Gerry
Swinney, John
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, Matthew *(Truro)*
Temple-Morris, Peter
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tyler, Paul
Vaz, Keith
Vis, Dr Rudi
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
Webb, Steve
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Wigley, Rt Hon Dafydd
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Willis, Phil
Wills, Michael
Wilson, Brian
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Wood, Mike
Woolas, Phil
Worthington, Tony
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Ayes:
Mr. David Jamieson and Jane Kennedy.

NOES

Amess, David
Ancram, Rt Hon Michael
Arbuthnot, Rt Hon James
Atkinson, Peter *(Hexham)*
Beggs, Roy
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Burns, Simon
Butterfill, John
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Chope, Christopher
Clappison, James
Clark, Rt Hon Alan *(Kensington)*
Clark, Dr Michael *(Rayleigh)*
Clifton-Brown, Geoffrey
Colvin, Michael
Cormack, Sir Patrick
Cran, James
Curry, Rt Hon David
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice & Howden)*
Day, Stephen
Donaldson, Jeffrey
Duncan, Alan
Duncan Smith, Iain
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Forsythe, Clifford
Forth, Rt Hon Eric
Fox, Dr Liam
Fraser, Christopher
Gale, Roger
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Goodlad, Rt Hon Sir Alastair
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Gummer, Rt Hon John
Hague, Rt Hon William
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hawkins, Nick
Hayes, John
Heald, Oliver
Heathcoat-Amory, Rt Hon David
Hogg, Rt Hon Douglas
Horam, John
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, Rt Hon Michael
Jenkin, Bernard
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
McIntosh, Miss Anne
MacKay, Rt Hon Andrew
McLoughlin, Patrick
Madel, Sir David
Major, Rt Hon John
Maples, John
Mates, Michael
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Nicholls, Patrick
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Prior, David
Randall, John
Redwood, Rt Hon John
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Ruffley, David
St Aubyn, Nick
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Simpson, Keith *(Mid-Norfolk)*
Smyth, Rev Martin *(Belfast S)*
Soames, Nicholas
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Streeter, Gary
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, Rt Hon John D *(Strangford)*
Taylor, Sir Teddy
Thompson, William
Townend, John
Tredinnick, David
Trend, Michael
Trimble, Rt Hon David
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Wardle, Charles
Waterson, Nigel
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Willetts, David
Wilshire, David
Woodward, Shaun
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Noes:
Mr. Tim Collins and Mr. John M. Taylor.

Question accordingly agreed to.

Cause read a Second time, and added to the Bill.

New Clause 12

EXCESSIVE PENSION CONTRIBUTIONS MADE BY PERSONS WHO HAVE BECOME INSOLVENT: SCOTLAND

". For sections 36A to 36C of the Bankruptcy (Scotland) Act 1985 there shall be substituted—

"Recovery of excessive pension contributions

36A.—(1) Where a debtor's estate has been sequestrated and he—

(a) has rights under an approved pension arrangement, or

(b) has excluded rights under an unapproved pension arrangement,

the permanent trustee may apply to the court for an order under this section.

(2) If the court is satisfied—

(a) that the rights under the arrangement are to any extent, and whether directly or indirectly, the fruits of relevant contributions, and

(b) that the making of any of the relevant contributions ("the excessive contributions") has unfairly prejudiced the debtor's creditors,

the court may make such order as it thinks fit for restoring the position to what it would have been had the excessive contributions not been made.

(3) Subsection (4) applies where the court is satisfied that the value of the rights under the arrangement is, as a result of rights of the debtor under the arrangement or any other pension arrangement having at any time become subject to a debit under section 23(1)(a) of the Welfare Reform and Pensions Act 1999 (debits giving effect to pension-sharing), less than it would otherwise have been.

(4) Where this subsection applies—

(a) any relevant contributions which were represented by the rights which became subject to the debit shall, for the purposes of subsection (2), be taken to be contributions of which the rights under the arrangement are the fruits, and

(b) where the relevant contributions represented by the rights under the arrangement (including those so represented by virtue of paragraph (a)) are not all excessive contributions, relevant contributions which are represented by the rights under the arrangement otherwise than by virtue of paragraph (a) shall be treated as excessive contributions before any which are so represented by virtue of that paragraph.

(5) In subsections (2) to (4) "relevant contributions" means contributions to the arrangement or any other pension arrangement—

(a) which the debtor has at any time made on his own behalf, or

(b) which have at any time been made on his behalf.

(6) The court shall, in determining whether it is satisfied under subsection (2)(b), consider in particular—

(a) whether any of the contributions were made for the purpose of putting assets beyond the reach of the debtor's creditors or any of them, and

(b) whether the total amount of any contributions—

(i) made by or on behalf of the debtor to pension arrangements, and

(ii) represented (whether directly or indirectly) by rights under approved pension arrangements or excluded rights under unapproved pensions arrangements,

is an amount which is excessive in view of the debtor's circumstances when those contributions were made.

(7) For the purposes of this section and sections 36B and 36C ("the recovery provisions"), rights of a debtor under an unapproved pension arrangement are excluded rights if they are rights which are excluded from his estate by virtue of regulations under section 12 of the Welfare Reform and Pensions Act 1999.

(8) In the recovery provisions—

"approved pension arrangement" has the same meaning as in section 11 of the Welfare Reform and Pensions Act 1999;

"unapproved pension arrangement" has the same meaning as in section 12 of that Act.

Orders under section 36A

36B.—(1) Without prejudice to the generality of section 36A(2) an order under section 36A may include provision—

(a) requiring the person responsible for the arrangement to pay an amount to the debtor's permanent trustee,

(b) adjusting the liabilities of the arrangement in respect of the debtor,

(c) adjusting any liabilities of the arrangement in respect of any other person that derive, directly or indirectly, from rights of the debtor under the arrangement,

(d) for the recovery by the person responsible for the arrangement (whether by deduction from any amount which that person is ordered to pay or otherwise) of costs incurred by that person in complying in the debtor's case with any requirement under section 36C(1) or in giving effect to the order.

(2) In subsection (1), references to adjusting the liabilities of the arrangement in respect of a person include (in particular) reducing the amount of any benefit or future benefit to which that person is entitled under the arrangement.

(3) In subsection (1)(c), the reference to liabilities of the arrangement does not include liabilities in respect of a person which result from giving effect to an order or provision falling within section 22(1) of the Welfare Reform and Pensions Act 1999 (pension sharing orders and agreements).

(4) The maximum amount which the person responsible for an arrangement may be required to pay by an order under section 36A is the lesser of—

(a) the amount of the excessive contributions, and

(b) the value of the debtor's rights under the arrangement (if the arrangement is an approved pension arrangement) or of his excluded rights under the arrangement (if the arrangement is an unapproved pension arrangement).

(5) An order under section 36A which requires the person responsible for an arrangement to pay an amount ("the restoration amount") to the debtor's permanent trustee must provide for the liabilities of the arrangement to be correspondingly reduced.

(6) For the purposes of subsection (5), liabilities are correspondingly reduced if the difference between—

(a) the amount of the liabilities immediately before the reduction, and

(b) the amount of the liabilities immediately after the reduction,

is equal to the restoration amount.

(7) An order under section 36A in respect of an arrangement—

(a) shall be binding on the person responsible for the arrangement; and

(b) overrides provisions of the arrangement to the extent that they conflict with the provisions of the order.

Orders under section 36A: supplementary

36C.—(1) The person responsible for—

(a) an approved pension arrangement under which a debtor has rights,

(b) an unapproved pension arrangement under which a debtor has excluded rights, or

(c) a pension arrangement under which a debtor has at any time had rights,

shall, on the debtor's permanent trustee making a written request, provide the permanent trustee with such information about the arrangement and rights as the permanent trustee may reasonably require for, or in connection with, the making of applications under section 36A.

(2) Nothing in—

(a) any provision of section 159 of the Pensions Schemes Act 1993 or section 91 of the Pensions Act 1995

(which prevent assignation and the making of orders which restrain a person from receiving anything which he is prevented from assigning),

(b) any provision of any enactment (whether passed or made before or after the passing of the Welfare Reform and Pensions Act 1999) corresponding to any of the provisions mentioned in paragraph (a), or

(c) any provision of the arrangement in question corresponding to any of those provisions,

applies to a court exercising its powers under section 36A.

(3) Where any sum is required by an order under section 36A to be paid to the permanent trustee, that sum shall be comprised in the debtor's estate.

(4) Regulations may, for the purposes of the recovery provisions, make provision about the calculation and verification of—

(a) any such value as is mentioned in section 36B(4)(b);

(b) any such amounts as are mentioned in section 36B(6)(a) and (b).

(5) The power conferred by subsection (4) includes power to provide for calculation or verification—

(a) in such manner as may, in the particular case, be approved by a prescribed person; or

(b) in accordance with guidance—

(i) from time to time prepared by a prescribed person, and

(ii) approved by the Secretary of State.

(6) References in the recovery provisions to the person responsible for a pension arrangement are to—

(a) the trustees, managers or provider of the arrangement, or

(b) the person having functions in relation to the arrangement corresponding to those of a trustee, manager or provider.

(7) In this section and sections 36A and 36B—

"the recovery provisions" means this section and sections 36A and 36B;

"regulations" means regulations made by the Secretary of State.

(8) Regulations under the recovery provisions may contain such incidental, supplemental and transitional provisions as appear to the Secretary of State necessary or expedient.'".—*[Mr. Andrew Smith.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 15

EARNINGS OF WORKERS SUPPLIED BY SERVICE COMPANIES ETC.

'. After section 4 of the Contributions and Benefits Act there shall be inserted—

"Earnings of workers supplied by service companies etc

4A—(1) Regulations may make provision for securing that where—

(a) an individual ("the worker") in any specified circumstances personally performs, or is under an obligation personally to perform, services for the purposes of a business carried on by another person ("the client"), and

(b) the performance of those services by the worker is (within the meaning of the regulations) referable to a contract between the client and a third party,

relevant payments or benefits are, to the specified extent, to be treated for the purposes of the applicable provisions of this Act as earnings paid to the worker in respect of an employed earner's employment of his (where they would not be such earnings apart from the regulations).

(2) Subsection (1) above applies—

(a) whether or not the client is a person with whom the worker holds any office or employment; and

(b) whether or not there is any contract between the third party and the worker.

(3) Regulations under this section may, in particular, make provision—

(a) for the worker to be treated for the purposes of the applicable provisions of this Act, in relation to relevant payments or benefits, as employed in employed earner's employment by the client;

(b) for the client to be treated for those purposes as the secondary contributor in respect of any earnings which are treated as paid to the worker in connection with relevant payments or benefits;

(c) for determining—

(i) any deductions to be made, and

(ii) in other respects the manner and basis in and on which the amount of earnings that the worker is to be treated as having been paid for any period is to be calculated or estimated,

in connection with relevant payments or benefits;

(d) for apportioning payments or benefits of any specified description, in such manner or on such basis as may be specified, for the purpose of determining the part of any such payment or benefit which is to be treated as a relevant payment or benefit for the purposes of the regulations;

(e) for disregarding for the purposes of the applicable provisions of this Act, in relation to relevant payments or benefits, an employed earner's employment in which the worker is employed (whether by the third party or otherwise) to perform the services in question;

(f) for otherwise securing that a double liability to pay any amount by way of a contribution of any description does not arise in relation to a particular payment or benefit or (as the case may be) a particular part of a payment or benefit;

(g) for securing that, to the specified extent, two or more connected persons (within the meaning of section 839 of the Income and Corporation Taxes Act 1988) are treated as a single person for any purposes of the regulations;

(h) (without prejudice to paragraph (g) above) for securing that a contract made with a person other than the client is to be treated for any such purposes as made with the client;

(i) for excluding or modifying the application of the regulations in relation to such cases, or payments or benefits of such description, as may be specified.

(4) Regulations under this section may make provision for securing that, in applying any provisions of the regulations, any term of a contract or other arrangement which appears to be of a description specified in the regulations is to be disregarded.

(5) Any regulations made in pursuance of subsection (3)(i) above may be framed by reference to—

(a) any certification procedure which may be established by the Treasury for the purposes of that provision, or

(b) such certification procedure established by the Inland Revenue as may be specified;

and any regulations made in pursuance of section 2(2) above or section 7(2) below may also be framed by reference to any certification procedure such as is mentioned in paragraph (a) or (b) above.

(6) In this section—

"the applicable provisions of this Act" means this Part of this Act and Parts II to V below;

"business" includes any activity carried on—

(a) by a government department or public or local authority (in the United Kingdom or elsewhere), or

(b) by a body corporate, unincorporated body or partnership;

"relevant payments or benefits" means payments or benefits of any specified description made or provided (whether to the third party or the worker or otherwise) in connection with the performance by the worker of the services in question;

"specified" means prescribed by or determined in accordance with regulations under this section;

"third party" includes—

(a) any person with whom the worker holds any office or employment, and

(b) any body corporate, unincorporated body or partnership of which the worker is a member.

(7) Any reference in this section to the performance by the worker of any services includes a reference to any such obligation of his to perform them as is mentioned in subsection (1)(a) above.

(8) Regulations under this section shall be made by the Treasury with the concurrence of the Secretary of State.

(9) If, on any modification of the statutory provisions relating to income tax it appears to the Treasury to be expedient to modify any of the preceding provisions of this section for the purpose of assimilating the law relating to income tax and the law relating to contributions under this Part of this Act, the Treasury may with the concurrence of the Secretary of State by order make such modifications of the preceding provisions of this section as the Treasury think appropriate for that purpose." '.—*[Mr. Timms.]*

Brought up, and read the First time.

9 pm

Mr. Timms: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker (Sir Alan Haselhurst): With this, it will be convenient to discuss the following: Government new clause 16—*Earnings of workers supplied by service companies etc: Northern Ireland.*

Government amendments Nos. 108, 109, 111, 112, 107 and 110.

Mr. Timms: Where businesses hire workers through an intermediary, such as a service company, rather than employing them directly, it is possible to disguise what would otherwise be treated as employment. In that way, they can reduce the national insurance that they would otherwise pay, or even eliminate it entirely. That is clearly wrong.

The service companies are given an unfair advantage over businesses who have their staff on the payroll, and there is a growing loss of revenue to the national insurance fund, which has to be made good by workers and employers who pay their fair share. There are around 50,000 service companies, and their numbers are increasing.

That is why, in his Budget statement this year, my right hon. Friend the Chancellor of the Exchequer announced that he would close the loophole, and that the national insurance and tax rules would be changed from April 2000. New clause 15, and the amendments that go with it, will make the necessary change to national insurance legislation. The clause gives the Inland Revenue the powers to make sure that those who disguise employment will pay the same contributions as if they employed their workers direct. New clause 16 provides the same powers for Northern Ireland.

Parallel changes will be made to tax law in next year's Finance Act to ensure that businesses will also be required to operate pay-as-you-earn. However, we need to ensure that the appropriate revenue is collected with the least burden to business. In April, the Inland Revenue sent draft guidance on how the proposal will work to all who had expressed interest in the Budget announcement and to their representative associations. The Revenue will shortly meet representatives of those bodies. Their feedback will be valuable in finalising the regulations that result from this clause.

In the meantime, I will explain how we intend the power to work. The new clause will allow the Revenue to draw up tests, set out in regulations, which it can use to examine the relationship between a business and a hired worker. The key element of the test will be the degree of control the employer has over the worker. This uses the control test already successfully used to determine whether an employment agency should be treated as the employer for the purposes of liability to pay class 1 NICs.

The question to be asked is:

"Has the employer ongoing control over what tasks the worker does or how they are carried out?"

If the answer is yes, the arrangement will be caught by the new rules and any earnings will be subject to class 1 contributions. Alternatively, where a worker is engaged to complete a job and has total control over the manner in which the task is undertaken and the way in which it is achieved, the relationship will be outside the scope of the new rules.

It may be helpful if I give two examples illustrating the scope of these new rules. First, a doctor comes to work in the United Kingdom for two years. She is engaged by a hospital through a UK service company. The consultant in charge directs the doctor as to what work she should do, has ultimate clinical responsibility for the patients and can supervise the doctor in the performance of her duties. This arrangement should be caught by the new rules. Responsibility for paying class 1 NICs and introducing PAYE would lie with the hospital.

In the second example, an information technology engineer employed by a medium-sized manufacturing company decides to go it alone, leaving employment to set up his own IT consultancy. A few weeks later, the former employer engages the consultant to undertake a millennium bug health check on all the computer company's systems. The consultant negotiates a fixed fee providing a specified service to a pre-determined deadline. The company has no on-going right of control over exactly what is done by the consultant or how it is done. The new rules will not apply in that case.

The measure is intended to remove a significant fiscal disadvantage faced by businesses that employ their workers directly. The clause will ensure that where a worker is engaged by a business through a third party, such as a service company, and that relationship has the characteristics of employment, any payments made by

the business to the third party for the worker's services will be regarded as the worker's earnings for national insurance purposes.

Mr. Christopher Chope (Christchurch): In the first example, would the hospital be responsible for sickness pay for that worker in the event that he or she fell sick?

Mr. Timms: The hospital will certainly be responsible for paying national insurance for the worker. My assumption is that the answer to the hon. Gentleman's question is yes. If, on further reflection, that turns out not to be the case, I will return to the matter.

The new clause is not intended to remove the benefits that many businesses derive from the use of employment agencies for a supply of labour. Demands for workers can fluctuate, depending on the order book. Employment agencies have a crucial role in helping business cover such fluctuations.

Under existing legislation, the agency that supplies the worker, and not the client, is liable for any tax and national insurance payable on the worker's earnings. The worker is regarded as an employee of the agency, which must set up a pay-as-you-earn arrangement and ensure that the necessary class 1 contributions are deducted for any earnings, as well as paying those secondary class 1 contributions as an employer. We have no wish to reverse that arrangement and the clause will not do so.

Indeed, subsection (3) allows exemptions from the provision to deal with that issue. For example, if the worker is regarded for income tax purposes as employed by a "certified" agency, and the services are performed by the worker in the course of that employment, the clause does not bite. A business need seek confirmation only that a worker is supplied from a certified agency to be assured that it is not liable for any tax and national insurance on that worker's earnings.

The Inland Revenue will be responsible for running the certification scheme.

Mr. Desmond Swayne (New Forest, West): What confidence can the House have that the regulations will work in the way in which the Minister described, given that new clause 15 (9) states that any change to income tax provisions may trigger the complete rewriting of the new clause?

Mr. Timms: We need to ensure that the tax and national insurance rules are in line. The subsection to which the hon. Gentleman referred would allow us to ensure that the two are absolutely aligned. The reduction of burdens on business, and ensuring that we have one system rather than two for businesses to deal with, have been our objectives in changing the way in which national insurance is administered.

The essence of the certification scheme is that the agency that supplies the worker will take responsibility for setting up pay-as-you-earn arrangements and paying class 1 national insurance contributions for all the workers on its books. As well as established agencies, other providers of labour are likely to wish to seek certification through the new Inland Revenue scheme.

I have already mentioned that similar provisions are being introduced in the next Finance Bill. It is crucial that from next April both tax and national insurance be aligned on this issue; otherwise business will face the burden of operating two systems.

Mrs. Browning: Will the Minister clarify one of his examples? He mentioned that one test of whether someone was under the control of the contracting company or organisation was that it set out exactly the work to be done, which was carried out entirely according to its criteria. Let us suppose that a company carried out a series of short-term contracts in any one financial year—perhaps, two, three, four or five weeks at a time. Realistically, it could be expected to carry out only one contract at a time, but in the course of a year several contracting companies might be used. I should have thought that although the worker concerned might be conforming with the stipulations of a contract, if he or she worked for a variety of employers, for want of a better word, in one financial year, a good case could be made with the Inland Revenue under existing rules. Does this rule affect every case or apply only when employees can prove within a financial year that they have worked for a series of people?

Mr. Timms: The judgment would need to be made for each separate employment. Where one person works for a series of different employers, the judgment would need to be made about each employment. If it was a series of contracts with a single employer, I think that it would be necessary to consider the whole period of work and judge the nature of the relationship over that time.

We need to ensure fair treatment for those engaged directly and those engaged on otherwise equivalent but indirect terms.

Sir Robert Smith: New clause 15 gives power to make regulations. Has the Minister published the draft regulations so that we can judge whether he needs the powers? If they do not make sense, there is no point in having the powers.

Mr. Timms: There is no question but that we need the powers. This is a serious loophole. [Hon. Members: "Ah."] The Conservative party was never interested in loopholes and did nothing to plug them. This loophole needs plugging. Large sums of money are at stake, so we need the power.

We have not published the regulations yet, but there will be extensive discussion between the Inland Revenue, those who responded to the document and representative organisations. We need extensive discussions to ensure that the regulations are framed correctly and to avoid difficulties. There will be a meeting shortly to take that process forward. We need to stop the increasing drain on the national insurance fund by people who disguise the nature of their employment. The growth of such avoidance requires Government action both to ensure fairness, so that those who employ people directly are not disadvantaged as sometimes happens now, and to halt the loss of revenue.

My answer to the hon. Member for Christchurch (Mr. Chope) was wrong. For a doctor supplied by a service company, the arrangements for paying statutory

[Mr. Timms]

sick or maternity pay, where the worker is paid by a certified agency, remain unchanged. The agency will be responsible for such payments.

Mr. Andrew Tyrie (Chichester): The Minister said that the Government were plugging a loophole of nearly half a billion pounds. It is a cheek to call that a loophole. What is the Government's estimate of the employment consequences of raising that sum in revenue? What reduction in employment will result from that increase in taxation?

Mr. Timms: Did the hon. Gentleman say half a million? The sum involved is much greater.

Mr. Tyrie: I said half a billion; it is £475 million.

Mr. Timms: I do not think that the sum is quite so large. In the long term, we anticipate additional revenue to the national insurance fund of around £200 million. I do not believe that adverse employment results from people obeying the law and behaving properly. That is what we want to ensure. Companies are damaged by this abuse because they are disadvantaged. We want a level playing field and our measures will achieve that.

Mr. John Burnett (Torridge and West Devon): Will the Minister give way?

Mr. Timms: I shall give way one more time.

9.15 pm

Mr. Burnett: Are the Government proposing the lifting of the veil of incorporation while the existing tests of whether the contract is one of service or for services will still apply? Is that basically what the Government are doing in the new clause?

Mr. Timms: We are sticking with the existing tests. However, I am describing a rather new circumstance where people are avoiding national insurance payments through establishing service companies. That is the loophole that we will block.

Mr. Duncan Smith: Has the Minister carried out a cost-benefit analysis within the Department? If so, will he publish it so it is available to us all? Secondly, what estimate has been made of what it will cost to enforce the Government's proposals on the businesses to which he is referring?

Mr. Timms: We have certainly considered the additional revenue that will be gained to the national insurance fund. In the long term, it will run to £216 million a year. The cost to the Inland Revenue of this and of the parallel income tax measure will be £175,000 in the current year and £55,000 a year in the long term.

Our proposals meet the aims that I have set out. They will ensure that the correct national insurance contributions are paid. I urge the House to support the new clause.

Mrs. Lait: I have been horrified by the Minister's contribution and by the lack of clarity in his thinking when responding to my hon. Friends' questions. The hon. Gentleman has demonstrated a complete inability to answer sensibly any of the questions put to him. It is another example of desperation and of the Government requiring any amendments to be introduced now to try to ensure that a later debate, which causes the Government embarrassment, is put off for as long as possible. In effect, they are saying, "Let us bang anything we can think of into the Bill without thinking through the consequences." The new clause is a classic example of not thinking through the consequences.

The measure was foreshadowed in the Budget, as the Minister said. It produced an instant reaction from people who have their own service companies. Indeed, I referred to it in the Finance Bill on Second Reading. Consultation is still taking place. That is palpably clear from the Minister's inability to answer any questions. The Inland Revenue press release, which was put out at the time of the Budget, stated that the Inland Revenue

"will over the next few months be working with representative bodies on aspects of the practical application of the new rules and on the production of guidance."

It is clear that none of that has hit the Minister yet. There is absolute confusion everywhere as to what precisely the Minister is trying to do.

The Minister said that he thought that 50,000 people would be affected by the Government's proposal. I understand that it will affect 50,000 people in London alone, and 80,000 in the United Kingdom. The impracticalities of what he is proposing are emerging. What seemed to be a fairly simple new clause, although we do not agree with it, has been widened to include what appears to be an attack on the construction industry and the way in which it supplies workers to companies. I shall be happy if the Minister is prepared to tell me that I am wrong.

It seems that there will be an attack on the health service by increasing the cost of employment to the NHS. The Minister quoted an overseas doctor. Originally, if I heard him aright, he talked about a doctor employed by a service company, which was then changed on advice to an employment agency. The overseas doctor suddenly became someone who was an employee of the NHS, as opposed to someone who was contracting his services to the health service as an independent contractor.

It is interesting that the Minister's example involved an overseas doctor. In so far as anyone has been able to make any sense of what the Revenue is proposing, it seems that the circumstances in which people try to dodge tax—we do not condone anyone behaving illegally and evading taxation—are mainly when they take their earnings overseas at the end of a contract.

Miss McIntosh: Public sector workers are not the only ones who will be affected. The many businesses that run IT services and which are, by definition, consultancy services will also be affected. I have just signed out a letter to a constituent in the Vale of York who is deeply concerned about the measure. The details of it were buried in an Inland Revenue press release—IR35. Is it standard practice for such detail to be announced in a press release that we cannot debate on the Floor of the House?

Mrs. Lait: It is certainly standard practice on the part of the Government for such information to be buried in

press releases. That produced an instant response. My hon. Friend was not the only person who received irate e-mails within 24 hours of the measure being announced. I, too, had an irate constituent.

The industries most affected are the modern industries that provide the UK with its flexible work force who make us competitive in the rest of the world. Information technology is just one of those industries. To ensure that we remain competitive in world conditions, industries contract out various projects. To use their skills most effectively, many people are taking the sensible decision to leave a company's employment and to act as a consultant to a range of bodies.

If the Minister is suggesting that people who set up a consultancy company and work on contract for several employers should be treated as employees of those companies, the complaints that we have received from many people who have their own service companies are justified. We must make sure that the proposal is defeated.

If a person's right to set up his own service company is taken away and he cannot contract out his skills, not only will our businesses become less competitive, but modern and flexible work patterns will disappear, and we will return to the old Labour-controlled labour situation that it took us 18 years to get rid of.

Mr. Graham Brady (Altrincham and Sale, West): I have received many letters from concerned constituents. Many of those companies may work expressly for one client for a certain period, which may be quite long. They may then work for a series of other clients for short periods. I find it impossible to see how the Government envisage devising a test that will establish whether the business is a bona fide consultancy business, and how the test will take account of long periods with a single client. My hon. Friend may wish to pursue the matter further.

Mrs. Lait: My hon. Friend highlights another of the practical problems that clearly have not been thought through by the Government. My constituent works to precisely that pattern and has been out of work for only 10 weeks in the past five or six years. He has a private limited company. It is a simple company consisting of himself, one director and a company secretary. He uses a limited company because that is the only type that agencies and large corporate firms will deal with. That is necessary to protect all concerned in the event of an error at a client's site. That is one of the difficulties that the Government have failed to consider.

Money that goes into the company of my constituent, Andrew Jarrod, is paid as pay-as-you-earn. He says:

"twice yearly I pay dividends if there is money remaining. My accountant manages my PAYE, and advises me on tax rights and wrongs.

Since the company was set up (over 5 years ago) I have had six separate contracts for entirely unrelated large companies which have ranged from 6 weeks to 2 years.

"All contracts have been for 6 months or less and those that have continued longer were always through extensions that had to be negotiated. All contracts have a 1 month get-out clause which the client can invoke at any time."

The problem is that, in trying to get rid of such service companies, the Government have come slap-bang up against the potential for litigation between a large company and an individual, quite apart from the fact that people who are running such companies properly will provide for themselves the national insurance and national insurance-equivalent benefits that the Government are so keen to get their hands on. They will also provide their own health insurance and pension scheme. They take pressure off state provision; they do not apply pressure by not contributing to the full, because most of them are paying their share.

We have found that the consultation has not been in any way extensive and has been based on a knee-jerk reaction from the Government.

Mr. Duncan Smith: What consultation?

Mrs. Lait: Indeed, and the new clause does not match the Government's own definition of what is good regulation. It is not transparent, there has not been full consultation and there has been no indication of any preparedness to accept alternatives—and there are alternatives.

For instance, the 3 Sixty group, which has been working on behalf of many of those service companies, has come up with at least three alternatives, any one of which would achieve what I am sure the Government want to achieve. First, they could adopt a minimum salary level based on a percentage of the total contract value. Secondly, as happens in Ireland, expenses could be allowed, as now, and all remaining moneys could be paid as a salary, but with employees' national insurance only. Thirdly, salary level could be based on the multiple of the Government's minimum wage, which I should have thought was a subject dear to their heart. There are other options and they should be considered, instead of using this scatter-gun, blanket approach which has clearly distressed many people and taken their minds off the businesses that they should be running to earn the money that pays the taxes that keep the Government going.

The new clause shows that the Government have not thought through, and are not prepared to consult on, fundamental changes affecting a lot of people who are making this country effective, competitive and up to date. Those people should be able to develop the skills that would make modern projects a byword for and the watchword of this country—an objective that I should have thought the Government would want to proceed with—but the Government are adopting an old-fashioned, old Labour approach that will close down opportunity. That reflects the Government's arrogance and there are no guarantees that people who want to run their businesses in such a way can continue to do so.

I ask again: why the rush, why no consultation and why does such a wide-ranging measure have to be included in the Bill? Conservative Members—and, clearly, the Minister—are unable to understand that.

9.30 pm

Mr. Andrew Miller (Ellesmere Port and Neston): I have listened to some of the most extraordinary speeches and interventions from Conservative Members that I have ever heard in this place. The Conservative party seems to be in favour of lump labour, which is an extraordinary diversion.

May I answer an important point raised by the hon. Member for West Aberdeenshire and Kincardine (Sir Robert Smith)? I have read Inland Revenue

[Mr. Andrew Miller]

35 carefully and I do not believe that this matter was hidden away. As the hon. Member for Beckenham (Mrs. Lait) acknowledged, it was foreshadowed in the Budget. That leads to the explanation that seems to have been supported by the 3 Sixty group, which the hon. Lady prayed in aid in her speech. The group says:

"It is currently possible for a permanent employee to leave a company on a Friday to return on Monday doing exactly the same job but indirectly engaged as a 'consultant', paying reduced tax and national insurance."

Nobody in the House could defend such a practice. The 3 Sixty group and the Public Contractors Association do not seek to do so. I am sure that the hon. Member for West Aberdeenshire and Kincardine will acknowledge that that practice cannot be right.

Where we have difficulties, and my hon. Friend the Minister may be in a position to clarify this point, is with the relationship between the new clauses and the consultation process that is going on as part of Inland Revenue 35. Subsection (1) of new clause 15 says:

"Regulations may make provision for"

all the things that are set out thereafter. I seek guidance from the Minister, but that seems to pave the way to producing such regulations as described in the new clause, subject to the outcome of the Inland Revenue's consultations.

My hon. Friend the Minister says that there will be extensive discussions on this matter. That is important, because there are fine divisions between the employment situations that hon. Members have described, which would fall one side of the regulations or the other. I am sure that no one in the House would seek to defend the extreme situation that I described—at least, I presume not. Looking round the Chamber, I see no one seeking to do so.

What is needed to satisfy the concerns being expressed by the Public Contractors Association is an assurance—I appreciate that this relates to subsequent matters that are in the hands of Inland Revenue officials—that the certification scheme that will emerge will be based on the widest possible consultation.

Sir Robert Smith: My concern is that the Government often provide draft regulations to justify the wording of a clause and to show that such powers are needed. If, after consultation, it transpires that the Government are going down the wrong road, the wrong powers will have been given them. Sadly, it is not an extremely effective process for modifying regulations.

Mr. Miller: The hon. Gentleman makes an interesting point, but I understand from the several thousand responses to the web site to which the hon. Member for Beckenham referred that there has been a wide debate, particularly within the IT sector, on this point. The 3 Sixty group and others are concerned that

"the Inland Revenue are not accepting any invitations to seminars and have suggested group approaches."

The Revenue needs to consult all relevant bodies, including people like the Public Contractors Association. The building industry is notorious for bypassing regulations. Some years ago under the previous Administration, I found it extremely difficult to find a plasterer who would provide so much as a VAT receipt. I wonder whether that has changed. Clearly, we cannot countenance allowing people to continue to behave in that manner.

Having said that, I believe that careful consideration must be given to some parts of the building industry. The effect of the draft regulations on a partnership in my constituency—one partner lives in the constituency of my right hon. Friend the Member for Birkenhead (Mr. Field) and the other lives in mine—may be that it would not be able to tender for work. I know that is not the Government's intention. That company is perfectly legitimate, and my right hon. Friend and I have spoken to both partners.

I appreciate that my hon. Friend the Minister is not able to answer for the Revenue, but will he confirm my understanding of the importance in the new clause of the simple word "may"? I urge him to ask his hon. Friends in the Treasury to pass on to the Revenue the concerns that are being expressed not about the principle—because all hon. Members must accept the principle—but about the details that could emerge if the wrong interpretation is put on an extremely well-meaning clause.

Mr. Eric Forth (Bromley and Chislehurst): I come to this debate not as a member of the Committee that has considered the Bill, but as a mere Back Bencher, so I am handicapped. However, I am fortunate in that only today, I received from a constituent some material that suggests that he is outraged at what the Government are doing. It may help the Committee if I were to share with hon. Members some of what my constituent had to say. It is highly pertinent, and it gives the game away, given what the Minister said about consultation.

I received this fax a few hours ago, so it is hot off the press. It says:

"To introduce ourselves I am Deputy Chairman of"—

X plc—

"and we are a major employer in Bromley, with a turnover of £200 million. Both the company and my home address are in your constituency.

Although I am concerned about the above Bill, I am also concerned about the erosion of our democracy."

Those are not my words: they are the words of my constituent, who is the deputy chairman of a company with a turnover of £200 million.

What my constituent goes on to say is apposite to the background to the new clause:

"On the 9th March 1999 in the Chancellor's budget statement it was announced that changes were to be introduced to counter avoidance in the area of personal service provision. This document . . . was introduced under the title of IR35."

He has sent me a copy of that document, which I may or may not have cause to share with hon. Members in a moment. Crucially, he goes on to say:

"In this document the Inland Revenue announced they would be working with representative bodies who were interested in contributing to reforms in this area. We as a company and the industry sector under which we operate were happy to enter into debate and affect the outcome in a democratic way.

However, I have heard today that on Friday 14th May 1999 an amendment was made to the Welfare Reform and Pensions Bill, which implied that the Inland Revenue had already reached its conclusions without any meaningful discussions having taken place.

If you are in the House this afternoon"—

if I am in the House; I ask you!—

"when the bill is discussed I would be most grateful if you could raise this question and let me know the outcome."

There is an immediate opportunity for the Minister, when he replies to the debate, to let my constituent in Bromley know just what the devil is going on.

My constituent has given me a copy of the Inland Revenue press release; his letter to the Inland Revenue dated 12 March; a copy of the amendments to the Bill—the new clause that we are now discussing—and various notes. His letter of 12 March was to Elaine Carey of the personal tax division of the Inland Revenue in new wing, Somerset house. He wrote that he wanted to engage in the consultation process, stating:

"I would welcome the opportunity to work with you to reduce avoidance but as you state 'minimise the impact of these changes on ordinary businesses'.

I hope it will be of mutual benefit."

Here we have a problem. It would appear that real people in real businesses were conned into believing that they were going to engage in some sort of consultation with the Government, and have been shocked to find that the Government are attempting—rather typically—to slip into this important Bill a crucial new clause, with no notice and, certainly, no consultation.

I suspect that the Minister will say what he said earlier: that the consultation will be on the regulations. He is falling back on the argument—the very flimsy argument—that if we nod through the important principles that lie behind the new clause, people in business need not worry, because they will be involved in a process of consultation on the regulations. The principles will be settled now, with hardly any debate, with no notice and with no opportunity for real consultation. Having led business to believe two or three months ago that there would be consultation, the Government hold out the prospect of consultation on the regulations.

You and I know, Madam Speaker, that the real opportunity for proper debate, amendment and so on arises in the early stages of legislation. Once legislation has been set in terms of new clauses such as this, opportunities for consultation on the regulations will be—I will not say zero, but they will certainly be minimal. Moreover, there will be no opportunity to amend the regulations, which will be presented on a take it or leave it basis. This is the challenge that faces the Minister this evening: how will he satisfy my constituent that there will be any realistic opportunity for people in business to have a proper say in the process?

Certainly people in business will be affected by the outcome, whatever it is. The Minister must tell us in much more detail what exactly he is offering the business community in terms of real consultation and real dialogue, rather than the con trick that has been perpetrated so far and the disgraceful conduct in which the Government have engaged tonight by attempting to slip through on the q.t. a wide-reaching measure that they introduced just a few days ago.

That is the first point that I wished to raise. It gives the Minister an opportunity, which I hope he will take, to respond in some detail to the concern expressed by my constituent—who, I suspect, speaks for many other people, not just in Bromley but throughout the country. My hon. Friend the Member for Vale of York (Miss McIntosh) hinted that she had constituents who felt the same, as did my hon. Friend the Member for Beckenham (Mrs. Lait). I would not be surprised if a good many of my hon. Friends—who I hope will catch your eye in due course, Madam Speaker—had a similar tale to tell.

Mr. Bercow: My right hon. Friend makes a powerful point. Does he agree that, as the Government have admitted via the Secretary of State that they have "not got it right on regulation", the least that they can do is make an absolute commitment to establishing a minimum period—preferably three months, better still six—in which consultation could take place? If they are not prepared to give such a commitment, obviously they cannot be taken seriously.

Mr. Forth: My hon. Friend makes a typically helpful suggestion, but does he believe, or expect me to believe, that such a commitment would mean anything at all?

Mr. Bercow: No!

Mr. Forth: The problem is that the indications given just a few weeks ago that there would be a proper consultation process have already been brushed aside in the most arrogant way by the Government, who are now attempting to rush the measure through without any proper debate or consultation. That raises an important question, to which we must know the answer.

9.45 pm

The Minister said that some 50,000 service companies were involved—that was his estimate. It would be helpful if we knew not just the number of companies, but the number of employees, on the best estimates of the Department. It strikes me that the provisions could have a serious effect on employment, but the Minister claimed that any effect would be minimal. He seems to be trying to have it both ways. He said that some £200 million of additional revenue would result from the new clause—that was his estimate—and, in almost the same breath, went on to say that there would be no damage to business whatever. That is the sort of business logic that we have come to expect from the Government. They extract money from business, but expect no adverse effect.

Regardless of the merits of the case, it is naivety at best, and deception at worst, for the Government to say that they are going to extract—by stealth—yet another large amount of money from business, without any adverse effect on those businesses and, therefore, on employment. That cannot be right.

Therefore, when the Minister replies to this short debate, I hope that he will tell us what the adverse employment consequences are likely to be. There cannot be none. He cannot extract money from business and expect that to have no effect whatever. As the companies involved are mainly small, although the one in my constituency is not small, with a turnover of £200 million, I should like to know the number of employees involved, not just the number of companies. There are bound to be consequences for such businesses. We are entitled to a

[Mr. Forth]

proper explanation from the Minister about those employee numbers and the impact of his proposals on employment.

Those are my preliminary observations; now I have some questions about the details of new clause 15, which contains some significant measures. I am not well versed in the arcane aspects of this part of the law, so I view this new clause as a layman, as a Back Bencher is entitled to do. Equally, I am entitled to look for some proper explanations from the Minister as to what the devil he is talking about in that new clause.

Let me pick some elements of that measure more or less at random to illustrate my point. My eye lit upon subsection (3)(a), for example, which I am struggling to make sense of. I will read it out just for the sake of clarity:

"for the worker to be treated for the purposes of the applicable provisions of this Act, in relation to relevant payments or benefits, as employed in employed earner's employment by the client".

What on earth does that mean? It must mean something. We are entitled to an explanation of what it means because subsection (3) states:

"Regulations under this section may, in particular, make provision"

for certain arrangements. Therefore, the new clause offers the possibility of regulations being made for the purpose that I quoted in paragraph (a).

Mr. Swayne *rose—*

Mr. Forth: Ah. My hon. Friend is going to help me.

Mr. Swayne: Well, I do not want to answer on behalf of the Minister, but my right hon. Friend may have missed the point because it matters not what the detail of the new clause is. The substance is in subsection (9), which says that, whatever happens, whatever has been said, it will be rewritten when the Government see fit to do so.

Mr. Forth: I am grateful to my hon. Friend, but he is trying to rush my contribution a little; I cannot think why. I will come to that subsection in a little while, but I do not want the House to be deprived of the opportunity to deliberate on some of the other subsections and paragraphs because they are equally impenetrable.

Surely, one of the important things that we have to do, particularly when considering a new clause of such scope, which has been introduced so recently and with so little time for people to consider it, is to give proper consideration to some of its detail—not all of it—to give the Minister an opportunity to explain his thinking. He should explain the possible impact of the different measures on the very businesses of which he is talking.

Mr. Burns: Does my right hon. Friend agree that, because of the way in which the Government have short-circuited the consultation process on the regulations, the provisions are even more significant than they appear? Is he aware that the new clause also does not state whether the regulations will be passed by the affirmative or negative procedure, or whether—if the latter procedure is used—the Government will try to slip regulations through the House by stealth? Given what Labour Members said about the negative procedure when they were in opposition, is not my right hon. Friend disturbed at the possible use of another method of slipping regulations through?

Mr. Forth: My hon. Friend is right. In a moment, we shall deal with subsections (8) and (9), which—as he rightly identified—give us no indication of the procedural framework within which the regulations will be introduced. The procedural framework may seem to the public to be a matter of little importance, but, as he and I know, it may be of the greatest importance, as it will determine the opportunities that the House may or may not be afforded to consider the regulations properly. Nevertheless, I shall deal with that matter in a moment, as I do not want to pre-empt our consideration of the new clause. We should quickly consider one or two other matters, to clear our minds before proceeding any further.

According to subsection 3(i) regulations may make provision

"for excluding or modifying the application of the regulations in relation to such cases, or payments or benefits of such description, as may be specified."

Already, we are being asked to sign an entirely blank cheque, and to allow for the possibility that the regulations may exclude or modify their application to such cases,

"or payments or benefits of such description, as may be specified."

Although that tells us absolutely nothing, it has the rather sinister implication that the provision may be extended in any direction, for any purpose, at any time.

I truly believe that the Minister owes the House a proper explanation of why such a broad a provision had to be included in the Bill, and of the types of scenarios that the Government had in mind when drafting that very important provision. We are owed that explanation of paragraph (i), otherwise we shall be party to signing a legislative blank cheque, which allows the Government and their officials to do absolutely anything. Such latitude cannot be right or necessary.

Subsection (4) goes on to state:

"Regulations under this section may make provision for securing that, in applying any provisions of the regulations, any term of a contract or other arrangements which appears to be of a description specified in the regulations is to be disregarded."

That is the other side of the coin. Apparently—if am I reading the subsection correctly—the Government also want to have a reverse or cancelled blank cheque, to allow any terms and arrangements made heretofore to be disregarded.

Mr. Brady: I fear that my right hon. Friend may be misreading subsection (4), which has a considerably worse implication than that which he described. It will, in fact, set aside the terms of a contract freely entered into by the parties to an agreement. The legislation is therefore seeking to interfere in a matter that has been freely agreed under normal contract law procedures.

Mr. Forth: I do hope that my hon. Friend is wrong. He is not often wrong, but I hope that he may be in this case. I hope that he will seek to catch your eye, Madam Speaker, to expand on the point. If he is right about that point, it is an even more shocking indictment of new clause 15. It was bad enough that the new clause provided simply an open-ended and undefined possibility of

reversing previous terms and arrangements. If my hon. Friend is right, the subsection is worse than I feared. It appears to give unlimited power, under regulations, for any term of a contract to be disregarded. As I reread the subsection with my hon. Friend's guidance, I become ever more convinced that he is right, in which case we need even more explanation from the Minister.

As my thinking on the issue develops, I am beginning to regard the new clause as much more sinister than even my hon. Friends have suggested so far. It is taking on ever wider ramifications, with ever more powers that are less and less specified. I wonder whether there is any limit to the possible effects and impact on business that might flow from the new clause and the regulations that will underpin it, with or without consultation. That is another issue that the Minister must explain.

I am sure that some of my hon. Friends will want to dwell on subsection (6) in detail, so I shall pass over it and, for the sake of brevity, I shall skip quickly to subsection (8). It says:

"Regulations under this section shall be made by the Treasury with the concurrence of the Secretary of State."

The whole game is almost entirely given away. This is yet another Treasury matter. We do not often have that set out for us in black and white and in such unequivocal terms, but it says so here. If my reading of the subsection is correct—I hope to get the agreement of my hon. Friend the Member for Altrincham and Sale, West (Mr. Brady) on it—it says that the Treasury will make the regulations, with the concurrence of the Secretary of State. The Treasury is very kind and generous to allow some consultation with the Secretary of State—uncharacteristically so—but concurrence is all that it will be. Or does the subsection mean that the Treasury will not be allowed to act without the explicit agreement of the Secretary of State? Is that what "concurrence" means? I should like the Minister to clarify that when he winds up this little debate. Will the Treasury merely consult the Secretary of State but have the final word, or does the word "concurrence" mean—this is a crucial difference—that the explicit agreement of the Secretary of State will be required before the Treasury can impose what it wants by regulation?

We are dealing with the relationship between Departments after the consultation process has taken place—if there is one—when we are ready for the regulations under the section to be made, apparently driven by the Treasury, not the Department. I am grateful to the Minister for showing his hand in the drafting of the new clause. The Treasury will decide. The Secretary of State's role is not properly defined. We ought to know a lot more about that.

The main point that I wanted to make in my few remarks was on subsection (9). The new clause was already worrying, but it now gets a lot more worrying. To put the matter on the record and for the benefit of the House, I shall read the subsection. It says:

"If, on any modification of the statutory provisions relating to income tax it appears to the Treasury to be expedient to modify any of the preceding provisions of this section for the purpose of assimilating the law relating to income tax and the law relating to contributions under this Part of this Act, the Treasury may with the concurrence of the Secretary of State by order make such modifications of the preceding provisions of this section as the Treasury think appropriate for that purpose."

Surely that is the mother and father of all Henry VIII clauses.

Mr. Duncan Smith: My right hon. Friend has been here longer than I have and knows more about such issues. Does he agree that subsection (9) is very wide ranging—it is the widest ranging provision that I have seen in legislation—empowering the Treasury to do anything that it wants at any time with only the concurrence of another Minister? Does he find that remarkable?

Mr. Forth: It is not just remarkable. It is appalling and insulting to the House of Commons that we should have—

BUSINESS OF THE HOUSE

It being Ten o'clock, the debate stood adjourned.

Motion made, and Question put forthwith, pursuant to Standing Order No. 15 (Exempted business),

That, at this day's sitting, the Welfare Reform and Pensions Bill may be proceeded with, though opposed, until any hour.—*[Mr. Clelland.]*

Question agreed to.

As amended, in the Standing Committee, again considered.

Question again proposed, That the clause be read a Second time.

Mr. Forth: It is insulting to the House of Commons that we should have this proposal set out in such arrogant and upsetting detail without any explanation. The Minister did not attempt to give any explanation of the rationale behind this astonishingly wide-ranging power. The wording is provocative—one would have thought that the Minister might have tried to tone it down—with the use of terms such as

"it appears to the Treasury to be expedient to modify any of the preceding provisions of this section".

There is no attempt to limit or qualify what can be done. Use of such terms leaves the matter wide open, and it is at the discretion of the Treasury as to what can be done with the powers.

The supremacy of the Treasury is here for all to see. There is no attempt to conceal it, and the Minister does not see why he should. That lays bare the motivation behind the measure—it is Treasury-driven regulation, designed solely for the purpose of making sure that the revenue take by the Government is maximised. This is a stealth tax if ever I saw one. It is dressed up as part of the Welfare Reform and Pensions Bill, but it is, in essence, a Treasury-driven measure that may or may not get the concurrence of the Secretary of State.

I have cut my remarks to the bone to allow progress to be made, and there is a lot more that I could have said. I am trying to contain my anger about all of this. I have probably short-changed my constituent by sharing with the House only a little of what he said. I hope that he will be satisfied. He will judge the Minister by the nature of his reply to the debate—and so will we.

This matter will be judged by those outside the House by the quality of replies that we get to this and other debates. I will not be remotely satisfied unless the Minister gives us some full, frank and much more satisfactory answers than we have had hitherto.

Dr. Vincent Cable (Twickenham): I agree with many of the remarks made by the hon. Member for Beckenham (Mrs. Lait) and the right hon. Member for Bromley and Chislehurst (Mr. Forth). If anything, the right hon. Gentleman is, unusually, understating his case.

Whatever the merits of the clause—and they are few—it has been appallingly presented on two levels: first, the way in which we were confronted on Friday with a major legislative change affecting large segments of the British economy, with little opportunity for consideration and amendments; and, more generally, the way in which the consultation process has, or has not, happened ever since Inland Revenue 35 was issued on 9 March.

There has been an attempt at consultation to deal with many of the legitimate issues that have been raised. The hon. Member for Ellesmere Port and Neston (Mr. Miller) raised some of the perfectly genuine concerns that the Inland Revenue has about avoidance, but these are being dealt with through consultation. He mentioned disguised employment, whereby people work as employees and then become a company on the Monday of the following week. Independent computer contractors who have dealt with the problem have made specific suggestions as to how the matter can be dealt with. It is suggested that a six-month break be created between retirement from paid employment and the taking up of a new corporate identity as a way of dealing with the problem without undermining the whole basis of freelancing, on which so much of the modern UK economy depends.

I fear that underlying the problem is a failure to understand how large parts of the modern British economy function. There are powerful trends driven by international business, not by the desire to avoid taxes. Large parts of big business operate by outsourcing. That may in some cases arise from a wish to avoid tax or not to treat workers properly, but in large part it is sensible business logic. Companies concentrate on doing what they do best and buy in specialised skills from freelance workers, often through agents.

Project work is extremely important. Much of the provision concerns project-based industries such as information technology and offshore oil, about which my hon. Friend the Member for West Aberdeenshire and Kincardine (Sir R. Smith) will speak later. The essence of project work is that it must be undertaken in a specific period. People may well undertake several entirely distinct projects in a year and they may work on several simultaneously for different employers. The requirement that they become employees and cease operating in a flexible way completely undermines the basis of their operation.

The hon. Member for Ellesmere Port and Neston made a point that is often made in defence of the changes: that the Government are acting in defence of not only the Revenue, but exploited lump labour workers. That is an extraordinarily patronising view of the way in which many of our constituents operate.

Many highly educated people have a sense of empowerment and want to live a different life style that is quite remunerative, but not as stable and secure as that of salaried workers such as those in the Inland Revenue. They do not pay national insurance contributions but, equally, they do not derive contributory benefits. There is a quid pro quo, as they are not entitled to sickness or unemployment benefit. They may also sacrifice many of the rights and entitlements associated with employment law, including redundancy payments. They accept that as the nature of the profession in which they operate.

I do not want to follow the example of the right hon. Member for Bromley and Chislehurst and quote constituents' letters at great length, but letters can add to the human flavour of our discussion. Only yesterday, a constituent explained to me in a letter the motivation of people such as those to whom I have referred. The letter says:

"I have been working in the IT industry for twelve years and in 1994 I decided to become freelance. This necessitated the setting up of a company as that was the only way that agencies and clients would contemplate using my services, not as a tax avoiding measure . . . I became freelance because I have other interests beside information technology . . . spending several months in Guatemala as a human rights monitor and a lot of voluntary work with Amnesty International."

I would have thought that the Government would be in favour of people trying to live a flexible life style in the high-technology industries.

Mr. John Hayes (South Holland and The Deepings): The hon. Gentleman makes an interesting point. It would be bad enough if the economy was at a standstill and set in aspic, but the trend towards independent facilities and project management of the type that his constituent describes is growing, so the provision will be less and less relevant as time goes on. My experience in the IT industry was very much as the letter describes.

Dr. Cable: I do not need to augment that helpful intervention.

The Government are justifying their action on the grounds of revenue saving. As the Minister said, large sums are involved. I believe that the Government's estimate of the total is £475 million a year; but that is the gross figure and we should consider whether the Government will really save that much. I have asked parliamentary questions to try to establish how many Government contracts in the IT industry are bought from people providing services in the way that has been described. Those people's costs will rise, eliminating many of the savings.

One of the other consequences of forcing freelance workers to become employees is that they could become temporary workers. Then they would not only cease to pay dividends and value added tax, but would be entitled to benefits, leading to a substantial reduction in Government gain. Some of the work would be driven offshore and more revenue would be lost in that way. The Minister quoted a suspiciously small sum for compliance costs, but the total compliance costs for payroll taxation amount to some £1.3 billion. This provision would be a significant addition to that already significant sum.

The figure of £475 million greatly overstates the net benefit to the Exchequer from the changes, which would also have significant damaging effects on the British economy. That has to be faced. Key growth industries would be affected in many ways. They would face increased costs, which would be important in an internationally competitive market.

Other European countries are currently offering special deals to attract our information technology industry, because they are jealous of it. They are offering 35 per cent. income without taxation as an inducement to

IT workers to operate from continental Europe. Countries such as India are, to their great credit, becoming major players in the IT contracting business. They are low-cost and very good operators, and much of the industry would migrate to such countries.

The problem would be not only the employment loss, but the way in which entrepreneurship would be stifled. Important British companies—Logica is a good example—started with five or so freelance contractors working together as a team and grew into highly successful corporations. That is the nature of the industry in question.

Mr. Bercow: The hon. Gentleman is developing an interesting case. Is he aware that on the Cabinet Office's website, under the heading of "The tests of good regulation", are listed the need for a regulation to have broad public support and also for it to be easy to understand? Does he agree that we cannot know whether the Government's proposal has broad public support, because it has been rushed forward with no test of public opinion? Does he also agree that, given the examples adumbrated by my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth), it is painfully obvious that the regulation is not easy to understand?

Dr. Cable: The hon. Gentleman is right. The proposal does not meet many of the Cabinet Office's tests for regulations. There are 10, and it fails most of them.

I wish to suggest how the Government might proceed. The first step is to withdraw the proposal so as to enable proper consultation. It is not urgent that it should be implemented immediately. Even if it were implemented immediately, what need is there for it to be introduced in the next financial year? Many of the contracts it would affect would have to be unwound over a couple of years. The Government should allow more time for consultation and a longer period for implementation. They should also address the intervention by the hon. Member for Buckingham (Mr. Bercow) and produce a proper regulatory impact assessment of the change. It would be far reaching and involve major costs which should be spelt out explicitly.

Mr. Chope: For the avoidance of doubt, I wish to declare an interest as a director of a small company, although because the new clause is so vague, it is impossible for me to tell the House whether it would affect me. This debate takes me back to 1976, when we were at the height of the previous Labour Government's assault on the self-employed, those in business on their own account and those employed in small businesses. At the time, I founded an association in Wandsworth for self-employed people.

I have been disappointed this evening by the Minister's recognition that he did not understand the new clause, when he responded to my intervention, and by the speech by the hon. Member for Ellesmere Port and Neston (Mr. Miller), who is not in his place at the moment. I know that he has been in contact with the Public Contractors Association, but he seems to take a much more relaxed approach to the issue than the association does. The association regards the new clause as outrageous, and is incensed and horrified by it. The hon. Gentleman rather made light of it, and referred to such irrelevancies as lump labour. This new clause is not about lump labour; it is about the future of a thriving part of the United Kingdom economy—small businesses, and especially the IT sector.

10.15 pm

I agree with much of what the hon. Member for Twickenham (Dr. Cable) said. He called on the Government to withdraw the new clause. It is clear from what he and my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) said that there is nothing in the new clause that could not be included in next year's Finance Bill. Indeed, the Government have said that the second prong of the attack on what they regard as a problem will be a selection of clauses in next year's Finance Bill.

As the new clause recognises that the Treasury is in the lead on the issue, there is no reason why the whole of the new clause could not have been included in next year's Finance Bill. By then, consultation would have been complete, and the Government might have had second thoughts. I should be grateful if the Minister would explain why it is not possible to include these provisions in the Finance Bill next year—which was what the Chancellor's statement and Inland Revenue press release No. 35 had led people to believe would happen.

New clauses 15 and 16 are extremely sinister. The specious justification is that they will counter

"avoidance in the provision of personal services"

by securing the tax base. That is what is set out in table 1.11 in the Red Book, and it is said that the measure will build a fairer society. However, this is effectively another new tax on small companies and those in business. It is another example of new Labour's new business dictionary, where the word "buttress" means "undermine". Inland Revenue press release No. 35 says:

"These changes buttress the new measures to support small and medium sized companies."

The reverse is true—they will severely undermine such companies. The press release continues:

"Without the changes it would be very difficult to target support at genuine entrepreneurial activity".

What a load of humbug; this is actually an attack on entrepreneurial activity.

The Inland Revenue press release says that those workers who are employees and directors of service companies

"often have to pay a price in terms of loss of protection under employment law."

Therefore, I asked the Minister whether those people would receive a compensating benefit in return for the fact that class 1 national insurance contributions would be made payable by the so-called employer. In the end, after receiving information from officials, he told me—contrary to what he had originally said—that there would be no compensating benefit for those employers who were paying national insurance contributions for the first time as a result of these arrangements. That shows that the Government are all about imposing new burdens without any benefits whatever. When they talk about the Inland Revenue press release, they show mock concern for the interests of these small businesses.

The Inland Revenue press release also says:

"The proposed changes are aimed only at engagements with essential characteristics of employment",

[Mr. Chope]

but the essence of a company that employs a director and employees is that that is the employment relationship. If a separate client wishes to engage that company, the contract is with that company, and the liabilities flow from that contractual relationship. With new clause 15, the Government seem to be totally undermining privity of contract and the essence of company law in this country.

If the Government want to lift the veil of corporate responsibility, they should introduce a separate major Bill that redefines the role of companies. The Government have set up a major inquiry into the future of company law, but they are pre-empting it by picking out a few companies—a relatively small proportion of the total number in the United Kingdom, but far more than the 50,000 mentioned by the Minister—and penalising them with a burden of £0.5 billion.

Many ex-employees of large companies who become consultants, setting up their own information technology or other businesses, use the company format to develop their businesses. Many of the most successful businesses in the UK started off with one or two people, perhaps with the benefit of a redundancy payment, setting up a consultancy company and using their income to develop the business until it could employ others and grow. In Southampton, for example, a company started by someone made redundant by a television company is now a major public company worth hundreds of millions of pounds.

Sir Robert Smith: An added benefit of working as a company is that people can protect the intellectual property rights of any innovations that they make.

Mr. Chope: That is another important point. People set up companies with open minds. They take advice and they decide to take the benefits and burdens of setting up. The Government say that they are trying to reduce burdens on small companies, but that is totally inconsistent with a new clause that will impose major new burdens, perhaps driving small companies out of business and certainly depriving them of vital working capital. The £450 million that the Exchequer says it will take from the business sector is £450 million that could be invested in wealth production.

New clauses 15 and 16 are an affront to democracy. They were tabled with minimum notice, giving minimal opportunity to discuss them. If they had been included in the Finance Bill, there would have been at least two weekends in which to discuss them and assess their implications. Instead, they were published on Friday. Fortunately, a group of people were suspicious of the Government's intentions, and they communicated the new clauses to our constituents. We have received several e-mails as a result, but that all happened by chance. The Government propose major changes to company law and contract law as well as national insurance and tax laws. To introduce such a change in such a way is absolutely outrageous. It makes a mockery of the Government's consultation.

If the new clause passes through this House, I hope that the Henry VIII clause will be struck out in the other place, which has already shown its intolerance of a similar clause in another Bill. That Bill has been held up and is being given detailed scrutiny by a Committee of the other House. The Government have had to retreat, realising that their Henry VIII clause was constitutionally unconscionable, yet they are trying on the same thing in this House tonight. If they use their majority to force it through, I hope that the other place will remove subsection (9) of new clause 15.

These issues are of grave importance. There is no mention of a regulatory impact assessment. The Government have not thought the subject through. If they had, the Minister would have been able to answer straight away my question about whether the new employers would pay sickness benefit under this arrangement. That is just another example of how the measure is being rushed through.

Perhaps because the Government have difficulties in respect of invalidity and incapacity benefit with their own Back Benchers, they thought that they would be able to push this measure through without much publicity. I can assure the House that tens of thousands of companies and businesses are on the warpath. They realise that they have been gravely misled and let down by the Government and they will get their revenge.

Sir Robert Smith: You ruled that the timing of the new clause and the way in which the Government tabled it is in order, Madam Speaker. Unfortunately, they tabled it on a Thursday evening, when the next day's business is finished before the working day of other people. I had a chance to fax a copy of the new clause to the Institute of Chartered Accountants of Scotland. Even though it is an expert in the subject, it did not have time to come up with constructive amendments in the few hours that the Government had given us. Clearly, it was not in order to table unthought-out amendments at such short notice to a Government new clause. Therefore, I hope that the Government will withdraw the new clause.

As my hon. Friend the Member for Twickenham (Dr. Cable) said, the urgency is not necessarily there, but the potential to do damage is. It would seem to make more sense for the Government to tread carefully in this area and to listen to concerns expressed on both sides of the House in different ways and with different levels of vehemence. They should take on board the serious concern of many of our constituents about the fact that a way of working is about to be seriously disrupted. The Government should recognise that, for many people that way of working is not a result of consultation with accountants to minimise tax bills, but a natural progression in the way in which many industries have evolved.

The offshore oil industry in my area has evolved much project working. It has had to become a flexible industry to compete in the world market at a time when prices have fallen drastically. Therefore, contract working has developed naturally in that industry. The Government have failed to take on board the fact that if they want to change that whole culture, they should not do so at too short notice, too quickly.

Mr. John Swinney (North Tayside): Like the hon. Gentleman, I have received many representations from people involved in the North sea oil and gas industry. In the process of making those representations to the Government, along with many other hon. Members, I have been faced with the new clause. Does the hon.

Gentleman believe that it is important, if we are to keep the faith of our constituents in the work of this Parliament, that the consultation process should be allowed to take its course on other issues? The Government should withdraw the new clause to guarantee a more reasoned debate on this important subject, which would not prejudice or make Parliament lose faith with our constituents.

Sir Robert Smith: Yes, that statement is accurate and it follows on from what I said in an earlier intervention. When the Government have produced other legislation with regulatory powers, they have from time to time produced the draft regulations that they hoped that the powers would give them the chance to introduce. That way, one has a chance to gauge whether one wants to give the Government so much power. This time around, they are saying, "Give us the power. Trust us to undertake the consultation. Then we'll produce the regulations." As we all know, regulations are difficult, if not impossible to amend unless the Government decide to take them away to do so. It would be far better not to give Governments powers until they have shown that they are willing to handle them safely and carefully and to avoid doing damage.

We are talking not merely about individuals, but about a whole industry. At such short notice, it has been impossible to get back to constituents to clarify whether I could name them when dealing with figures that relate to them. One constituent is contracted to a company that has 125 people in its engineering design department, of whom only 12 per cent. are staff employees—between 15 and 20 per cent. are contract PAYE employees and the remaining 60 to 70 per cent. are employed through company contracts. The measure will mean immense extra costs for that company, if the Government change the whole regime overnight at the end of this financial year.

The Government have shown with previous oil industry taxes that they do not understood how competitive the world market is. They took about 18 months to recognise that in respect of the industry's fiscal regime. In taxing people working overseas, they did not recognise that many did not earn vast fortunes. A constituent tells me that he was clobbered when he found that his tax regime was changed halfway through a contract when he could not renegotiate it. Now the Government are attacking a whole way of working without notice or completing the consultation.

I reiterate what my hon. Friend the Member for Twickenham said: withdraw the clause and get this the right way round. The Revenue should carry out proper, two-way consultation. I understand from some of the Revenue documents that it will accept input but not comment on it or enter into a dialogue. To be effective, consultation requires dialogue. New clause 15 may be the wrong route to solve the problem. The Government will have taken the wrong power and not be able to tackle the problem appropriately.

The Government have not explained why new clause 15 had to be so last-minute. The Bill has been in Committee. Many of the points raised tonight would have been better addressed by informal dialogue with Ministers in Committee. The Minister did not answer them one at a time because he is waiting to sum up. Committee is a more effective way to deal with the nuts and bolts. I urge the Government to think again, and listen to constituents' concerns and the effective points that have been made. The measure is premature and overbearing and should be withdrawn. They should return after consultation with a considered Bill.

10.30 pm

Miss McIntosh: I wish to elaborate on my earlier intervention by referring to my irate, outraged constituent from Staveley. He is operating as an IT company, but assures me that he pays—I am sure that his accountant would confirm it—his tax and national insurance by regular contributions. He is outraged by the Government's suggestion that he does not make such contributions regularly and further insulted by the fact that the consultation period has been negated by the late tabling of new clause 15.

Budget heading 28 in table 1.11 refers to

"Countering avoidance in the provision of personal services".

Inland Revenue press release 35 refers to the details. I repeat my request to the Minister to explain whether my constituents should regard it as standard practice that they learned about the implications of fundamental changes to the advantages of operating as a limited company by reading about them in an Inland Revenue press release.

Conservative Members accept that outsourcing under contracting out and privatisation has meant that IT services in particular have blossomed. There is some nonsense in Inland Revenue press release 35, which states:

"The Chancellor announced today that changes are to be introduced to counter avoidance in the area of personal service provision."

Can the Minister explain why my constituent in Staveley is receiving notification that he will come under the new regime when he is already paying his tax and national insurance contributions?

Perhaps the best line is in the notes for editors, which state:

"Without the changes it would be very difficult to target support at genuine entrepreneurial activity—making such measures less effective and more costly."

The Government's proposals will hamper the genuine entrepreneurial activity that we sought to encourage when we were in Government.

I ask the Minister to respond to a further allegation that is made about the outcome of the new regulations. The Government want to close a loophole, so the Revenue has proposed a system whereby each engagement is tested to ascertain whether it is akin to employment. If the answer is yes and, in the Minister's words, there is a contract, it will be treated as such, with national insurance paid on the total salary. It is my understanding that at that stage there would be no opportunity to claim expenses and the reason for using the limited company would disappear. Is that the intention behind the new clause?

Inland Revenue press release 35 explains contractors'

"loss of benefits when they move away from full-time PAYE positions, but it fails to reflect accurately the current set-up for the majority of contractors."

As a result of privatisation and outsourcing, they have been encouraged to set up in a certain format. Many contractors, such as my irate constituent in Staveley, are firmly in the PAYE system and paying their national insurance and tax contributions.

[Miss McIntosh]

I end with the words of an IT contractor who, under the new provisions, would be affected negatively. He says:

"Are we to see the current Government once again introducing a measure that will reduce the effectiveness of our IT industry, possibly putting up costs and resulting in an exodus of our most skilled consultants to the rest of the world where they are still seen as an invaluable commodity?"

If the Government insist on pushing the new clause to a vote, I urge the House to reject it.

Mr. Burnett: I think that we all believe that individuals should pay their fair share of tax and that tax loopholes should be closed. Nevertheless, the new clause will bring about massive and far-reaching change, and it is not clear to me that the Government understand the repercussions of the clause. I have a number of questions arising out of the clause and I shall be grateful if the Minister would answer them.

First, how and what tests will be adopted to determine the tax and national insurance status of the companies and the individuals associated with them? Will the existing tests—the so-called badges of trade—continue to be used? In other words, is the only change envisaged by these regulations the assumption that the limited company does not exist and that it is the individual shareholders and employees who are deemed to be contracting with what I believe the regulations define as "the client"?

Secondly, will the Minister confirm that income tax treatment will always follow treatment for national insurance contributions and vice versa? Subsection (9) seems to cater for that, but I would be interested to know whether that will always happen.

Thirdly, we have heard much this evening about the absence of consultation. There has been virtually no consultation. What future consultations are proposed? As so many hon. Members have said this evening, should not the regulations come before the House under the affirmative resolution procedure? The power to draft and introduce the regulations lies only with the Treasury and the Secretary of State, and that is not good enough.

Mr. Bercow: Does the hon. Gentleman think that it is extraordinary in these circumstances that the Government appear not to have undertaken any consultation, in the light of their stated commitment to the contrary as long ago as Budget day on 9 March? The hon. Gentleman will be aware that paragraph 4 on page 2 of the Government's press release on 9 March reads:

"To this end"—

that is to make an effective job of it—

"the Inland Revenue will over the next few months be working with representative bodies on aspects of the practical application of the new rules and on the production guidance."

Does he not think that it should be explained why, two and a quarter months later, that process has not been started?

Mr. Burnett: It is, of course, extremely worrying that consultations have not taken place. As I said earlier, the regulations are far reaching. It is not good enough, as I was saying before that intervention, that the new clause will be introduced at the whim and say-so of the Treasury and the Secretary of State. The regulations are important and the House should have the opportunity to debate them, after significant consultation.

My fourth point is that most contracts will, rightly, have been negotiated and priced on the basis of the existing rules. There should be a transitional phase to allow a reasonable period for existing contracts to expire and new contracts to be negotiated.

Fifthly, what will happen if the service company retains all or part of the cash that it earns in a year? Will all the cash be deemed to be salary and distributed, and therefore be subject to PAYE and national insurance contributions? Is there to be any allowance for the costs and expenses of running the company, and the many other costs and expenses that the company may incur? It seems that we will return to the dark ages of shortfalls and apportionment of net relevant earnings by the back door.

Sixthly, is the Minister aware how many companies will be affected by the change? The regulations appear wide enough to catch most companies in this country. I sure that all hon. Members believe that it is right to close tax loopholes, but many individuals incorporate for very good reasons, not least limited liability and because, as we have heard this evening, incorporation is a condition precedent to being able to contract in the first place.

New clause 15 is uncertain, complex and far reaching. It will have a significant impact on British industry and the service sector. Both parties to contracts will end up paying substantial sums in national insurance contributions. I look forward to hearing the Minister's replies to my questions. I hope that, after lengthy and detailed consultation and amendment, the regulations will be brought before the House.

Mr. Timms: We have had a lively and interesting debate on the measures. The proposals were announced by the Chancellor in the Budget a full year before they will take effect. A regulatory impact assessment will be issued in due course, once the details of the practical application of the new rules have been finalised. It will be based on input from business and other interested parties. The aim is to structure the rules so that any regulatory impact is minimised, and so that there need be no additional charge with respect to genuine entrepreneurial endeavour.

The right hon. Member for Bromley and Chislehurst (Mr. Forth), who is not in his place, raised some concerns on behalf of a constituent. The Inland Revenue is consulting at meetings—*[Interruption.]* I am glad to see that the right hon. Gentleman has rejoined us. The Inland Revenue is consulting at meetings on the details of how the scheme will work. That process is under way.

The letter from Elaine Carey to which the right hon. Gentleman referred set out the proposed approach, and I hope that his constituent will take the opportunity to pass his or her views on to Elaine Carey.

The measure represents a flexible approach that is helpful to business and deals with a serious problem.

Sir Robert Smith: As the impact assessment is still to be carried out, why does the Minister need the powers now?

Mr. Timms: I shall come to that. There are only a limited number of opportunities for those powers to be taken.

Service companies are an important part of the UK economy. We are seeking to stop their use for the purpose of disguising what is, in reality, employment. Our proposal is not a threat to flexibility. There is no bar to contracting. Instead, we are focusing on the need to ensure that national insurance and tax are not avoided.

My hon. Friend the Member for Ellesmere Port and Neston (Mr. Miller) also raised points about consultation and drew attention to the welcome for our proposals from a number of quarters. The problem at the moment is that there is an uneven playing field, which is disadvantageous to major organisations, but I can assure him that we will consult fully with all relevant bodies. The Inland Revenue will work with representative bodies to ensure that the proposed new rules will work well in practice and that any administrative burden will be minimised.

The right hon. Member for Bromley and Chislehurst several times used the term "extracting money from business". We are requiring people to pay the tax and national insurance that is due from them. That is not an onerous burden at all; it will simply ensure that the opportunities for avoidance are reduced. That has been welcomed, and is seen as reasonable, across the House.

10.45 pm

Mr. Forth: Surely the point is that, to the extent to which the Minister's proposals are successful, businesses will have less money than they have now. That is almost bound to have an employment impact. What assessment has he made of the impact of him removing from businesses money that they have now, but will not have in future?

Mr. Timms: People will be paying the tax and national insurance that the House has determined is due from them. I do not accept that an adverse employment effect will result from that. The right hon. Gentleman also asked how many individuals would be involved and pressed me to give a figure. We estimate that up to 100,000 individuals could be involved.

Mr. Burnett: This is not only a one-way ticket, and incorporation has some significant fiscal disadvantage—for example, a double charge to capital gains tax. It has always been six of one and half a dozen of the other, so why introduce this particular penalty now?

Mr. Timms: Because there are significant tax and national insurance advantages from proceeding in such a way. Some service companies are used as a device for disguising what is, in reality, employment. We want the regulations to address that.

The hon. Member for West Aberdeenshire and Kincardine (Sir R. Smith) raised some interesting points, asking how we could be certain that the power will be sufficiently flexible to make regulations following the outcome of consultation. He thought that we ought to have published some draft regulations already. The Inland Revenue will circulate draft regulations to interested associations—those which have expressed concern about what we are doing—and will listen to the feedback that is received from that consultation. Regulations are constantly reviewed and can be amended with relative ease, if it is discovered that amendment is necessary.

The hon. Gentleman also raised some interesting points about the oil sector. I explained at the outset the way that the proposed test would work and, as with any sector, a worker who has been engaged to carry out a project in the way that the hon. Gentleman described—he would control the manner and method of working—would be outside the provision. That is the way in which the test will apply.

Sir Robert Smith: There is a concern about the way in which many projects work. When carrying out parts of a project, a person would be working for a larger team and responsible to someone higher up in the organisation, but would still be working specifically for that project. A sledgehammer may be cracking a nut here, which will drive work in that sector abroad and damage the competitiveness of an industry that is in serous trouble and looking to have a world export market for its future.

Mr. Timms: I can assure the hon. Gentleman that we will be acutely sensitive to issues of competitiveness—in that sector and in others—when we draw up the regulations.

Mr. Brady *rose—*

Mr. Timms: I want to move on to the points made by the hon. Member for Twickenham (Dr. Cable) in an interesting speech. As I have said to the hon. Member for West Aberdeenshire and Kincardine, nothing here affects people commissioned to carry out projects as consultants; neither, of course, do any of the changes affect self-employment. The hon. Member for Twickenham asked about cost and queried the figures that I gave. I gave the direct public sector costs to the Inland Revenue; I was not attempting to set out a full regulatory compliance assessment, which will be published in due course.

It is wrong that people should be able to avoid national insurance by means of the device that is being addressed in this measure. Many companies that offer those services pay proper tax and national insurance on their employees. The hon. Gentleman mentioned Logica. I worked for Logica for eight years and I assure him that at no time did that company prosper by avoiding national insurance.

Genuine entrepreneurial endeavours will not be penalised by this measure. The Government seek to support entrepreneurs. The trouble is that some people are not genuine entrepreneurs, but are employees, in all but name, through a service company. The problem that too often arises is that those people pay themselves disproportionately large dividends and a minimum salary—perhaps just above the lower earnings level—so that they qualify for contributory benefit and no more. By that device, they pay significantly less national insurance than they should. That is simply not fair on other workers who are employed directly and who do not avoid their national insurance contributions.

Many measures in the Budget improve support for small, innovative companies, such as the extension of enhanced capital allowances for small and medium-sized business, and investment in machinery or plant. It is important that that support and the measures that the

[Mr. Timms]

Government are taking on that front are not undermined by those who seek to disguise avoidance as entrepreneurship. That is what the measures would tackle.

Mr. Brady: The House is being asked to agree to sweeping new powers, which can be changed almost at whim, and we have not even seen the draft regulations. Will the Minister guarantee that the House will have a chance to debate and vote on the regulations, once those are available?

Mr. Timms: I shall come to that question in a moment, because others have raised it as well. First, let me comment on the points made by the hon. Member for Christchurch (Mr. Chope), who asked why we could not introduce the measure in next year's Finance Bill. The convention is that national insurance is outside the scope of Finance Bills, and must be dealt with in social security legislation. This is our opportunity to deal with the matter, which is why we are introducing it now.

Mr. Chope: If it is a social security matter, why is the Treasury in the lead on the regulations?

Mr. Timms: Because, as the hon. Gentleman knows, the responsibility for national insurance policy has been transferred to the Treasury through the Contributions Agency transfer legislation, which a number of us enjoyed debating not long ago. However, this is still a matter for social security legislation.

The hon. Member for Torridge and West Devon (Mr. Burnett) asked for assurance that the income tax and national insurance procedures around this change will be carefully aligned. They will, and he is absolutely right to say that subsection (9) allows us to achieve that. It is important that we achieve that, and that is how we shall proceed. The regulations that will put the measure into effect will be subject to the negative procedure, as is standard for national insurance measures. The House will then have the opportunity to debate them if it chooses to do so.

This important measure closes a significant loophole in the legislation, which loses the national insurance fund hundreds of millions of pounds—£216 million in the long term. That is less than some hon. Members have said, but it is a substantial sum. We cannot, as the hon. Member for Twickenham suggested, sit around and do nothing and take our time over this matter. We must move swiftly to deal with the problem. We must ensure that, from April next year, there is not the unlevel playing field that I have described, and that people are required to pay the national insurance that the House has determined is due from them.

Mr. Duncan Smith: I have never heard such a lot of rubbish in my life. Labour Members are sitting there like a bunch of sheep. Half of them have not even bothered to read this new clause. As my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) correctly said, the new clause is breathtaking. I have never seen anything quite like it. It moves from being a Henry XIII clause to being a Louis XIV clause—absolute power to the absolute monarch—before any consultation.

The Minister quietly slipped out the fact that the regulations will subsequently be subject to the negative procedure of the House. There will not be even a limited ability to debate them. As my right hon. Friend said, the most breathtaking part is new subsection 9, which states that

"the Treasury may with the concurrence of the Secretary of State"—

forget about that now; this lot are no longer in charge because the Government passed national insurance contributions to the Treasury—

"by order make such modifications of the preceding provisions of this section as the Treasury think appropriate for that purpose."

So there we have it. The Treasury can tear up the new clause any time it likes by order. They do not have to come back to the House. The whole thing is appalling.

Late in the day, after we have been through Committee stage, the Government dump this massive element into a Bill, which allows for only a limited amount of debate and no real scrutiny. The Government have set the benchmark for scrutinising the Bill. Their document, "The Better Regulation Guide", comes from the Cabinet Office: I gather that the unit is chaired by Lord Haskins. One wonders when Lord Haskins will realise that the Government do not bother to find out what business wants, but perhaps that is in his interest.

In the foreword to the document, the Prime Minister says:

"A fair, decent and safe society depends on good regulation."

This measure is clearly not that. The Prime Minister goes on:

"The intended benefits of regulation disappear, often to be replaced by less choice, higher prices and lower employment and investment. This can be particularly damaging to our small firms."

Having ignored the first part, he says:

"I have therefore decided that no regulatory proposal which has an impact on business, charities and voluntary bodies should be considered by the Government without a thorough assessment of the risks, costs and benefits, a clear analysis of who will be affected and an explanation of why non-regulatory action would be insufficient."

Those are the Prime Minister's own words. No doubt, the Chancellor does not think that the Prime Minister is in charge, and takes his own view.

The Minister says, "Don't worry. At some point in the future, these assessments will be made", but all the regulations are in the new clause. He does not have to listen to the consultations. Why should he bother? He can dismiss them and tear up anything that he likes, because he has the power. It is outrageous.

This document sets out the process: formal consultation followed by the achievement of compliance, the enforcement regime, sanctions and the appeals procedure. Right at the end, it says:

"At this stage you will be ready to put specific recommendations to Ministers for them to make final decisions. You will need to present the responsible Minister with the Regulatory Impact Assessment for him or her to sign."

That should be done before we get to that stage, not after. The Minister tells us not to worry, because we should trust him. Trust the Government? The Government do not care. They have imposed £39 billion of extra cost on business since they came to office, and now this.

What the Government have produced is an outrage. They have dumped this provision into the Bill at this late stage. As Opposition Members have said, many people in the oil, IT and building industries will suffer extra costs.

When will the Government realise that competition is not just here in the United Kingdom? When will this Government who believe in a greater Europe realise that

outside the United Kingdom is a competitive area, for whose purposes they will hamstring British business? They will have done untold damage, and we should vote against the new clause.

Question put, That the clause be read a Second time:

The House divided: Ayes 375, Noes 182.

Division No. 180] **[11 pm**

AYES

Abbott, Ms Diane
Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Armstrong, Rt Hon Ms Hilary
Ashton, Joe
Atherton, Ms Candy
Atkins, Charlotte
Austin, John
Banks, Tony
Barnes, Harry
Barron, Kevin
Battle, John
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Begg, Miss Anne
Bell, Stuart *(Middlesbrough)*
Benn, Rt Hon Tony
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry Roger
Best, Harold
Betts, Clive
Blears, Ms Hazel
Blizzard, Bob
Blunkett, Rt Hon David
Boateng, Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brinton, Mrs Helen
Brown, Rt Hon Gordon *(Dunfermline E)*
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Butler, Mrs Christine
Byers, Rt Hon Stephen
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Campbell–Savours, Dale
Canavan, Dennis
Cann, Jamie
Caplin, Ivor
Casale, Roger
Caton, Martin
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Cohen, Harry
Coleman, Iain
Colman, Tony
Connarty, Michael
Corbett, Robin
Corbyn, Jeremy
Corston, Ms Jean
Cousins, Jim
Cox, Tom
Cranston, Ross
Crausby, David
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Rt Hon Dr Jack *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Curtis–Thomas, Mrs Claire
Dalyell, Tam
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dismore, Andrew
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Drown, Ms Julia
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Lorna
Flynn, Paul
Follett, Barbara
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Foulkes, George
Fyfe, Maria
Galbraith, Sam
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Dr Norman A
Godsiff, Roger
Goggins, Paul
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Gunnell, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Harman, Rt Hon Ms Harriet
Heal, Mrs Sylvia
Healey, John
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hewitt, Ms Patricia
Hinchliffe, David
Hodge, Ms Margaret
Hoey, Kate
Home Robertson, John
Hood, Jimmy
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Ingram, Rt Hon Adam
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Mrs Fiona *(Newark)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jowell, Rt Hon Ms Tessa
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keen, Ann *(Brentford & Isleworth)*
Kelly, Ms Ruth
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Laxton, Bob
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Liddell, Rt Hon Mrs Helen
Linton, Martin
Lloyd, Tony *(Manchester C)*
Lock, David
Love, Andrew
McAllion, John
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McCartney, Rt Hon Ian *(Makerfield)*
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
Mackinlay, Andrew
McLeish, Henry
McNamara, Kevin
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
Mahon, Mrs Alice
Mallaber, Judy
Mandelson, Rt Hon Peter
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Marshall–Andrews, Robert
Martlew, Eric
Maxton, John
Meacher, Rt Hon Michael
Meale, Alan
Merron, Gillian
Michael, Rt Hon Alun
Michie, Bill *(Sheff'ld Heeley)*
Milburn, Rt Hon Alan
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Ms Julie *(Cardiff N)*
Morley, Elliot
Morris, Ms Estelle *(B'ham Yardley)*
Morris, Rt Hon John *(Aberavon)*
Mountford, Kali
Mowlam, Rt Hon Marjorie
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr Doug
Norris, Dan
O'Brien, Mike *(N Warks)*
O'Hara, Eddie
Olner, Bill
O'Neill, Martin
Organ, Mrs Diana
Osborne, Ms Sandra
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James

Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quinn, Lawrie
Radice, Giles
Rammell, Bill
Raynsford, Nick
Reid, Rt Hon Dr John *(Hamilton N)*
Robertson, Rt Hon George *(Hamilton S)*
Robinson, Geoffrey *(Cov'try NW)*
Roche, Mrs Barbara
Rooker, Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruane, Chris
Ruddock, Joan
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheldon, Rt Hon Robert
Short, Rt Hon Clare
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Rt Hon Chris *(Islington S)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Snape, Peter
Soley, Clive
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stewart, David *(Inverness E)*
Stinchcombe, Paul
Stoate, Dr Howard
Stott, Roger
Strang, Rt Hon Dr Gavin
Straw, Rt Hon Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Temple-Morris, Peter
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Vaz, Keith
Vis, Dr Rudi
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Wills, Michael
Wilson, Brian
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Wood, Mike
Woolas, Phil
Worthington, Tony
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Ayes:
Mr. David Hanson and Mr. Keith Hill.

NOES

Ainsworth, Peter *(E Surrey)*
Allan, Richard
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, Rt Hon James
Ashdown, Rt Hon Paddy
Atkinson, Peter *(Hexham)*
Ballard, Jackie
Beggs, Roy
Beith, Rt Hon A J
Bell, Martin *(Tatton)*
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brake, Tom
Brazier, Julian
Breed, Colin
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Malcolm *(Gordon)*
Burnett, John
Burns, Simon
Burstow, Paul
Butterfill, John
Cable, Dr Vincent
Campbell, Rt Hon Menzies *(NE Fife)*
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Chidgey, David
Chope, Christopher
Clappison, James
Clifton-Brown, Geoffrey
Colvin, Michael
Cormack, Sir Patrick
Cotter, Brian
Cran, James
Cunningham, Ms Roseanna *(Perth)*
Davey, Edward *(Kingston)*
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice & Howden)*
Day, Stephen
Donaldson, Jeffrey
Duncan, Alan
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Evans, Nigel
Ewing, Mrs Margaret
Faber, David
Fabricant, Michael
Fallon, Michael
Forsythe, Clifford
Forth, Rt Hon Eric
Foster, Don *(Bath)*
Fox, Dr Liam
Fraser, Christopher
Gale, Roger
Garnier, Edward
George, Andrew *(St Ives)*
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Gorrie, Donald
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Gummer, Rt Hon John
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Harvey, Nick
Hawkins, Nick
Hayes, John
Heath, David *(Somerton & Frome)*
Heathcoat-Amory, Rt Hon David
Hogg, Rt Hon Douglas
Horam, John
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Jones, Nigel *(Cheltenham)*
Keetch, Paul
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Kirkwood, Archy
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Livsey, Richard
Lloyd, Rt Hon Sir Peter *(Fareham)*
Llwyd, Elfyn
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
McIntosh, Miss Anne
MacKay, Rt Hon Andrew
Maclennan, Rt Hon Robert
McLoughlin, Patrick
Maples, John
Mates, Michael
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Michie, Mrs Ray *(Argyll & Bute)*
Moore, Michael
Morgan, Alasdair *(Galloway)*
Moss, Malcolm
Nicholls, Patrick
Oaten, Mark
Öpik, Lembit
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Prior, David
Redwood, Rt Hon John
Rendel, David
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Ruffley, David
Russell, Bob *(Colchester)*
St Aubyn, Nick
Salmond, Alex
Sanders, Adrian
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Simpson, Keith *(Mid-Norfolk)*
Smith, Sir Robert *(W Ab'd'ns)*
Smyth, Rev Martin *(Belfast S)*
Soames, Nicholas
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Streeter, Gary
Stunell, Andrew
Swayne, Desmond
Swinney, John
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, Rt Hon John D *(Strangford)*
Taylor, Matthew *(Truro)*
Taylor, Sir Teddy
Thompson, William
Tonge, Dr Jenny
Townend, John
Tredinnick, David
Trend, Michael
Tyler, Paul
Tyrie, Andrew
Viggers, Peter
Wardle, Charles
Waterson, Nigel
Webb, Steve
Wells, Bowen
Welsh, Andrew
Whitney, Sir Raymond
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Wilkinson, John
Willetts, David

Willis, Phil
Woodward, Shaun
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Noes:
Mr. Oliver Heald and
Mr. Tim Collins.

Question accordingly agreed to.

Clause read a Second time, and added to the Bill.

New Clause 16

EARNINGS OF WORKERS SUPPLIED BY SERVICE COMPANIES ETC: NORTHERN IRELAND

'. After section 4 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 there shall be inserted—

"Earnings of workers supplied by service companies etc

4A—(1) Regulations may make provision for securing that where—

(a) an individual ("the worker") in any specified circumstances personally performs, or is under an obligation personally to perform, services for the purposes of a business carried on by another person ("the client"), and

(b) the performance of those services by the worker is (within the meaning of the regulations) referable to a contract between the client and a third party,

relevant payments or benefits are, to the specified extent, to be treated for the purposes of the applicable provisions of this Act as earnings paid to the worker in respect of an employed earner's employment of his (where they would not be such earnings apart from the regulations).

(2) Subsection (1) above applies—

(a) whether or not the client is a person with whom the worker holds any office or employment; and

(b) whether or not there is any contract between the third party and the worker.

(3) Regulations under this section may, in particular, make provision—

(a) for the worker to be treated for the purposes of the applicable provisions of this Act, in relation to relevant payments or benefits, as employed in employed earner's employment by the client;

(b) for the client to be treated for those purposes as the secondary contributor in respect of any earnings which are treated as paid to the worker in connection with relevant payments or benefits;

(c) for determining—

(i) any deductions to be made, and

(ii) in other respects the manner and basis in and on which the amount of earnings that the worker is to be treated as having been paid for any period is to be calculated or estimated,

in connection with relevant payments or benefits;

(d) for apportioning payments or benefits of any specified description, in such manner or on such basis as may be specified, for the purpose of determining the part of any such payment or benefit which is to be treated as a relevant payment or benefit for the purposes of the regulations;

(e) for disregarding for the purposes of the applicable provisions of this Act, in relation to relevant payments or benefits, an employed earner's employment in which the worker is employed (whether by the third party or otherwise) to perform the services in question;

(f) for otherwise securing that a double liability to pay any amount by way of a contribution of any description does not arise in relation to a particular payment or benefit or (as the case may be) a particular part of a payment or benefit;

(g) for securing that, to the specified extent, two or more connected persons (within the meaning of section 839 of the Income and Corporation Taxes Act 1988) are treated as a single person for any purposes of the regulations;

(h) (without prejudice to paragraph (g) above) for securing that a contract made with a person other than the client is to be treated for any such purposes as made with the client;

(i) for excluding or modifying the application of the regulations in relation to such cases, or payments or benefits of such description, as may be specified.

(4) Regulations under this section may make provision for securing that, in applying any provisions of the regulations, any term of a contract or other arrangement which appears to be of a description specified in the regulations is to be disregarded.

(5) Any regulations made in pursuance of subsection (3)(i) above may be framed by reference to—

(a) any certification procedure which may be established by the Treasury for the purposes of that provision, or

(b) such certification procedure established by the Inland Revenue as may be specified;

and any regulations made in pursuance of section 2(2) above or section 7(2) below may also be framed by reference to any certification procedure such as is mentioned in paragraph (a) or (b) above.

(6) In this section—

"the applicable provisions of this Act" means this Part of this Act and Parts II to V below;

"business" includes any activity carried on—

(a) by a government department or public or local authority (in the United Kingdom or elsewhere), or

(b) by a body corporate, unincorporated body or partnership;

"relevant payments or benefits" means payments or benefits of any specified description made or provided (whether to the third party or the worker or otherwise) in connection with the performance by the worker of the services in question;

"specified" means prescribed by or determined in accordance with regulations under this section;

"third party" includes—

(a) any person with whom the worker holds any office or employment, and

(b) any body corporate, unincorporated body or partnership of which the worker is a member.

(7) Any reference in this section to the performance by the worker of any services includes a reference to any such obligation of his to perform them as is mentioned in subsection (1)(a) above.

(8) Regulations under this section shall be made by the Treasury with the concurrence of the Department.

(9) If, on any modification of the statutory provisions relating to income tax it appears to the Treasury to be expedient to modify any of the preceding provisions of this section for the purpose of assimilating the law relating to income tax and the law relating to contributions under this Part of this Act, the Treasury may with the concurrence of the Department by order make such modifications of the preceding provisions of this section as the Treasury think appropriate for that purpose." '.—*[Mr. Kevin Hughes.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 1

ADDITIONAL BEREAVEMENT ALLOWANCE

'After section 39 of the Contributions and Benefits Act there shall be inserted—

"39BB.—(1) This section applies where a person whose spouse dies on or after the appointed day is over the age of 45 but under pensionable age at the spouse's death.

(2) The surviving spouse shall be entitled to an additional bereavement allowance determined in accordance with section 39C below if the deceased spouse satisfied the contribution conditions for a bereavement allowance specified in Schedule 3, Part I, paragraph 5 and the surviving spouse has received bereavement allowance for 26 weeks under section 39B above.

(3) An additional bereavement allowance shall be payable for 26 weeks for every whole year the surviving spouse has lived over the age of 45 beginning on the day after the surviving spouse's entitlement to bereavement allowance has terminated.

(4) The surviving spouse shall not be entitled to the additional bereavement allowance for any period after which she or he remarries, but, subject to that, the surviving spouse shall continue to be entitled to it until—

(a) she or he attains pensionable age, or

(b) the period mentioned in subsection (3) above expires,

whichever happens first.

(5) The allowance shall not be payable—

(a) for any period for which the surviving spouse is entitled to a widowed parent's allowance; or

(b) for any period during which the surviving spouse and a person of the opposite sex to whom she or he is not married are living together as husband and wife."'.—*[Mr. Pickles.]*

Brought up, and read the First time.

11.15 pm

Mr. Pickles: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker (Mr. Michael Lord): With this, it will be convenient to discuss the following: New clause 4—*Income support premiums payable upon termination of bereavement allowance*—

'After section 39 of the Contributions and Benefits Act there shall be inserted—

"39D.—Where the surviving spouse after 26 weeks is eligible for Income Support and below pension age, she or he will be entitled to a premium to be paid with Income Support at a level which will maintain the income received from the Bereavement Allowance while she or he remains eligible for Income Support or until that surviving spouse reaches pension age."'.

Amendment No. 20, in clause 47, page 42, line 41, leave out 'and 39B' and insert ', 39B and 39C'.

Amendment No. 26, in page 44, line 7, after '(1)', insert

'Subject to subsection (3A) below,'.

Amendment No. 21, in page 44, line 15, after '(3)', insert

'In cases where a person was under 35 years of age on the appointed day,'.

Amendment No. 2, in page 44, line 16, leave out '26 weeks' and insert

'one year, after which the payments shall be reduced each year by an amount equivalent to one fifth of the original amount,'.

Amendment No. 22, in page 44, line 19, at end insert—

'(3A) In cases where a person was on or over 35 years of age on the appointed day, a bereavement allowance shall be payable indefinitely, subject to subsection (4) below.'.

Amendment No. 23, in page 44, line 25, after '(b)', insert

'where she or he was under 35 years of age on the appointed day,'.

Amendment No. 24, in page 44, line 41, after '(2)', insert

'In cases where a person was under 35 years of age on the appointed day,'.

Amendment No. 25, in page 44, line 46, at end insert—

'(2A) In cases where a person was on or over 35 years of age on the appointed day, the weekly rate of a bereavement allowance shall be determined in accordance with the provisions of sections 44 to 45A below as they apply in the case of a Category A retirement pension but subject, in particular, to the following provisions of this section and section 46(2) below.'.

Government amendments Nos. 63 to 65.

Mr. Pickles: The increase in bereavement payments is welcome, as is their extension to men, but the abandonment of widows without dependent children after six months is shameful. Currently, a person who makes a contribution has the full and certain knowledge that, should something happen to him, his wife will be taken care of. The Government are expanding the scheme to widowers as well as widows, but at the same time they have abandoned a firm promise that they made to the public.

During the general election campaign two years ago, many Labour Members made lots of promises to their electorate and many column inches were expended on what the welfare state had in store should a Labour Government be elected. I cannot find any mention of the fact that one of the first acts of a Labour Government would be to deprive widows of a pension.

Both main parties have the Excalibur software, which makes it possible to search the comments of every Member of Parliament and parliamentary candidate. I am pleased to report that we have not found a single example of a Labour Member or candidate telling their electors that they would put an end to the widows pension.

Mr. Hawkins: Does my hon. Friend agree that the reason why he and others cannot find such a mention is that Labour Members and candidates knew perfectly well that if they had said in the run-up to the election that they proposed to betray widows in that way, Labour would certainly not have won the election?

Mr. Pickles: I am fairly certain that my hon. Friend is right, but perhaps he is being unkind to individual candidates in suggesting that there was a cover-up. I suspect that the information was restricted to one or two key figures. I expect that Labour Members went honestly to their electorate without making a full disclosure, because as far as they were concerned there was no possibility of reneging on a pension that had been in existence since 1925.

Mr. Bercow: Sheep in blindfolds.

Mr. Pickles: My hon. Friend may have a good point about the sartorial elegance of Labour Members. It is not

surprising that they did not intend to renege on the widows pension, because it has been one of the bulwarks of the national insurance system. As my hon. Friend the Member for Christchurch (Mr. Chope) pointed out in the last debate, a bulwark is the first thing that Labour needs to start to undermine the system.

The Government's arguments are straightforward and, in one respect, right. They are right to say that the system reflects a time when the man was the breadwinner, and what was appropriate in 1925 or 1948 is not necessarily relevant to 1999; hence the challenge in the European Court by a man, Mr. Kevin Willis. It may have been at the back of the minds of all candidates at the 1997 general election that the Willis challenge would have to be dealt with during this Parliament. However, I do not believe that anyone felt that a Labour Government would deprive women in order to pay for men. I doubt that there was a single person who put their cross on the ballot paper in May 1997 who seriously believed that that would happen. Perhaps two people—the Prime Minister and the Chancellor—knew that it was going to happen.

If I, or any of my right hon. or hon. Friends, had suggested at the election that women would have to suffer to pay for men's bereavement payments, we would have been accused of scaremongering. It would been a "Tory smear" and people would been on the box immediately to rebut it. The question of equality is a veneer—the measure is an excuse to save money. I do not believe that anyone who has watched a mother, sister, daughter or friend go through the process of bereavement will regard the Government's proposals as anything other than cruel and inhumane.

In many ways, this is four Bills in one. We have had a taste of some of the more complex aspects of the Bill earlier today. We have had to rely on experts to give us their views on what might happen. That is not the case with this measure, because it is within the personal experience of us all. I doubt that there is a single person in the Chamber tonight who does not have direct experience of bereavement. If there is, they are very lucky. At some stage, they will have to face that problem.

I use the word "veneer" deliberately. Unlike the welfare budget—which my hon. Friend the Member for Chingford and Woodford Green (Mr. Duncan Smith) said earlier was growing out of control—the number of people claiming widow's benefit is dropping. It has fallen by 30 per cent. since 1983, when 405,700 widows claimed the benefit. In 1997, 283,600 widows claimed the benefit. It is my sincere hope that the figure continues to fall.

This is a cost-cutting measure to save £600 million. Husbands have paid in that £600 million over many years in the reasonable expectation that the Government would honour their promise. The lack of that £600 million will force widows on to means-tested benefits. It will amount to £600 million worth of disincentives to save or make provision for one's loved ones.

It is our contention that six months is too short a period. Grief affects us all differently. Some people become practically catatonic in the immediate aftermath of a bereavement, while others want to throw themselves straight back into work. The person who goes straight back to work and the one who takes a long journey of many faltering steps both need time and understanding.

Sympathy is always greatest in the immediate aftermath of a death and a funeral. That is when people gather round and want to help, saying that the bereaved person need only pick up the phone, and so on. As many hon. Members will understand, as time goes on, the phone calls and letters start to dry up, and life for the friends and relations goes on as before.

Six months is a crucial period for anyone who has been through a bereavement. In the first months, there are legal matters to take care of, the estate has to be organised and the clothes and possessions have to be disposed of. There is a lot of activity to keep people's minds occupied. It is often around the six-month mark that the full impact of the loss is felt.

I cannot put it better than the National Association of Widows and the Widows Advisory Trust, which say:

"The proposals give an allowance of six months after which the widowed person is expected to be fit to move through the system into full-time paid employment. In our long experience of bereavement care we would identify six months as being a crucial point in the grieving process. In the early stages of grief the shock goes some way to numb the pain, however at six months the shock is fading and the loss becomes a reality. Imagine the difficulty at this point for a woman who may not have worked outside the home, may have nursed her husband for many months, and still grieving, having to register as unemployed and begin actively seeking work."

That is precisely what the Government will force thousands of women to embark on when the Bill becomes an Act.

Mr. David Prior (North Norfolk): My hon. Friend has spoken movingly about the plight of widows. Is not the man who knows that his life is coming to an end, and who has paid his contributions for many years on the understanding that his widow would have a decent pension after he died, also in a difficult situation?

11.30 pm

Mr. Pickles: That is absolutely right. A contract existed between the state and the citizen, and the Government are embarking on a breach of that contract. Men have contributed over many years, through several generations, on the assumption that, should their life be terminated before their wife has reached retirement age, the state would not desert her. The state will desert now them. We would add to all the problems that widows face at the very moment that their loss becomes reality by requiring them to look for a job.

Reality is such that the job search would have to start long before the six months was up. The hon. Member for Newbury (Mr. Rendel) is in his place, and he made that point tellingly on Second Reading. In practice, no one will wait until the six months is up, because they will have to start looking for work much earlier—probably after three months. The prospect of the worry of having to find a job and that little bit of financial security being denied to them because they do not have dependent children will hang over those widows, and add to their worries, at a time when their judgment is defective and they are emotionally vulnerable.

I told the Committee that I lost my mother when I was in my mid-20s. I found the experience numbing, I felt bereft, and I had no judgment. The plight that I felt myself in is well described by Mrs. Sheila Walker, from the Survivors of Bereavement by Suicide. She makes this point:

"The widow . . . did not choose to be in that position. She has been through this traumatic experience and she is left numb, unable to keep her thoughts straight. Each day initially is a struggle. I spoke

to a newly widowed lady yesterday who said, 'I was never like this'. She was very upset because she could not function as she would have liked."

Six months is a very short time, and the new clause seeks to address that problem. It is a compromise between the status quo and the harshness of the Government's position and it would give the Government a chance to think again.

Various arguments can be made about social change. The widows benefit was first introduced in 1925 and it was replicated in the national insurance system introduced in 1948. I concede that in 1925 and the years following 1948 the majority of women were housewives. The past two decades have seen an acceleration in the numbers of women joining the work force. From a personal perspective, I say that that is a welcome change in society. The changes in society are offered as an explanation for the proposals for widows benefit, but the Government are anticipating future changes. The proposals do not necessarily reflect changes in the situation of women in their mid-40s and 50s.

We must nevertheless address the current situation. Not all widows are high flyers—city lawyers, partners in accountancy firms or highly paid executives. Many women are engaged in low-paid jobs, supplementing their husband's earnings. That was put very well by Cruse Bereavement Care, which says:

"losing a spouse from the age of forty-five to retirement age is usually devastating and can result in financial hardship. In particular, many parents in this age group still need to continue to support their older teenage or young adult children"

without further assistance.

Mrs. Patricia Thomas, national liaison officer of Survivors of Bereavement by Suicide, wrote to me and other members of the Committee, and said that her income had been reduced by two thirds by bereavement, and by a further half by a series of redundancies.

Women often return to work in their mid-40s, working in jobs that do not command very high salaries. The widows benefit offered an additional income that went some way to compensate for the sudden drop in income resulting from the loss of a spouse.

Let us consider a couple of cases who will be especially badly hit by the proposals. A female constituent—whose name I shall not use, to protect her confidentiality—was widowed, aged 48. Her children were no longer dependent. At the age of 43, she had restarted work. A year later, her husband contracted throat cancer. At 45, she left work to take full-time care of him. She was advised by doctors that he probably had only three months to live. Actually, he lived for a further three years—three years of very stressful daily care, watching someone who was once a vigorous husband, a commanding man, slowly wither away. For months after his death, she was plagued by nightmares of the last months of his suffering. It is not reasonable to expect such a person to recover sufficiently well to seek employment after a mere six months.

Another case, brought to the attention of a member of the Committee, was that of suicide. It takes a long time for emotions to settle down. The loss is even harder if the bereavement results, not from accident or illness, but from suicide. Overlaying the grief is the question, "Why me? What did I do wrong?"

I return to what Patricia Thomas says. She has considerable expertise, and she writes very movingly:

"I am extremely concerned about the lack of appreciation of the effects of bereavement, especially in cases such as suicide which inevitably causes significant traumatic shock. The suggestion that a widow will, six months after such an event when she is still suffering from shock, be capable of applying for jobs, attending interviews or coping with the further rejection of not being offered a post, is completely unrealistic."

Career breaks can also affect the situation. Often mothers intend to return to work fairly soon after the birth of their child, and some who do are very successful parents.

Others wish to remain at home to take a career break. A woman might do part-time work from home, or no work other than taking care of her children and running her home successfully.

Work progresses and practices change. New people join a firm, and those familiar with a woman's work move on. She may have been progressing satisfactorily up the promotion ladder, but her time away will force her to start again at the bottom. Mrs. Sheila Walker, secretary of the National Association of Widows, says:

"Alistair Darling seems to have lost sight of the emotional side of losing a much loved partner. He proposes that after six months a widow should lose her allowance and be urged to seek employment or to go on to income support, thereby subjecting her to a means test. No way can a widow of six months be in any fit state of mind to do either. She could be suffering from problems of mid life, made even worse by having lost the breadwinner. Where are these jobs Mr. Darling expects her to get? She has had a career break and may not be able to get on any rung of a working ladder."

It is little wonder that the Social Security Advisory Committee said that it regarded as unrealistic the emphasis on retaining financial independence through employment.

This change is fundamentally an attack on the contributory principle. If a private company was involved, it would be regarded as mis-selling. Many of us watch the Government's adverts on television in which we are told that anyone who is short-changed has a right to return. My hon. Friends will recall the sight of an ice-cream van. Ice cream is served, a woman buys some, looks at her change and goes back to say, "Excuse me." The Government have gone one stage further than the ice-cream man. Not only are they short-changing us, they are denying us the ice cream altogether, ignoring part of the contract between the state and the citizen.

The Secretary of State is doubtless safely tucked up in bed, pleasantly asleep as we deliberate on the Bill.

Mr. Duncan Smith: No, he is out running the ice-cream van.

Mr. Pickles: No doubt he is at least revving the engine. I hope he is sleeping pleasantly and that he will read what we have said in the morning.

The Secretary of State's argument that the money will go to those who most need it is redundant. The substantial point is that people paid in expecting that their widows would be taken care of if they died. The national insurance principle means that those who contribute get the benefit. Widows currently receive benefit because their husbands paid during a lifetime of work.

Mr. Webb: I have agreed with almost all that the hon. Gentleman has said even if I am puzzled by where it is

coming from. Would the principles that he is advancing not have applied equally to the Conservative Government's decision to halve widows state earnings- related pension scheme entitlements?

Mr. Pickles: It must be said that we gave 16 years notice of that—*[Interruption.]* Labour Members should not get so excited. As late as 12 January, the Government were still giving out duff information at the same time as they were sending out a memorandum to staff. Did they instruct the staff to correct the duff information?

Mr. Duncan Smith: No.

11.45 pm

Mr. Pickles: My hon. Friend anticipates me precisely. The answer is no.

The hon. Member for Northavon (Mr. Webb) did not have the opportunity of joining me in that Committee, but his hon. Friend the Member for Newbury (Mr. Rendel) will tell him that I wore sackcloth and ashes: I accepted responsibility. Those on the Government Benches and Members who aspire to those Benches should accept responsibility for not ensuring that the correct information was given out. The decision was taken at administrative level, but ultimately those who stand at the Opposition and the Government Dispatch Boxes must accept responsibility. The whole matter has been a sorry mess.

Mr. Julian Brazier (Canterbury): My hon. Friend is being his customary generous self. In pointing out the weakness in the analogy, surely one should also point out that we are talking about a measure that goes back to 1925, whereas SERPS had been in being for only a few years when we came to office and found that it was actuarially unsound.

Mr. Pickles: My hon. Friend offers me a Savile row hair shirt, which I accept. He is absolutely right and the sums of money involved are also considerably different. However, one thing that I was taught by mother is that if one has to say sorry, do so and do not qualify it. The point was well made.

We have not been given sufficient time to allow people to change their affairs. I still think that people are blissfully unaware of the change that is about to take place. It will come in, not in 16 years, but almost immediately, after a very brief gap. People should have time to adjust their financial affairs and to increase provision for their wives because the state is going to renege on its promises.

Widows will be pushed on to means-tested benefit. At present, only 16 per cent. of widows are on any sort of income support. Age Concern says that because widows benefit is disappearing, many more widows will be forced on to some kind of contributory benefit. In a simple sentence, Age Concern says:

"After a lifetime of work, many pensioners find that they might have been better off if they had not saved."

What message are we sending out? On the one hand, we are encouraging people to save for their old age. If they do so, they should be rewarded.

My hon. Friend the Member for Canterbury (Mr. Brazier) intervened to encourage me to have a better fitting hair shirt. In Committee, he said:

"Are we now telling people, 'You should provide for your widow, in case you die early'? Or are we saying, 'Don't save small amounts, don't provide for a modest amount of support, because the state will be relatively generous towards your widow if you don't bother. However, if you do bother, after six months she will be on her own.'"—[*Official Report, Standing Committee D*, 30 March 1999; c. 554.]

Frankly, I cannot put it better than my hon. Friend.

Mrs. Dunwoody: Since the hon. Gentleman is so generously accepting the hair shirt, will he assure me that if he returns to government at any point, he will automatically reverse this legislation?

Mr. Pickles: I like to think that the hon. Lady and I are old friends. She tempts me, but I have to give her the same reply that I gave in Committee. When we return to power, that is one of the measures that we will—[HON. MEMBERS: "Oh!"] This must be part of the training at Millbank towers. One starts to jeer before hearing the answer. Certainly, we will consider the matter and we will look hard at the pros. We will have to take over a welfare state that has seen a considerable erosion of the contributory principle and a considerable growth in welfare higher up the economic scale, further away from people in need. We will have to address those problems. I can give no promises, but if the Conservatives were in government, we would not be robbing widows.

Mr. Bayley: You've lost this one.

Mr. Pickles: If we have lost this point, it is the only thing that we have lost tonight, except perhaps the votes. It is been a very poor show by Ministers, with junior Ministers having to defend an indefensible Bill. If I was one, I would be saying, "Where is my boss? Why can't he spend some time with us at the chalk face?"

We know that this is principally about savings. The Government want to save £600 million. That risks a further reduction in the savings ratio. They say that they want to encourage savings, particularly for retirement but they penalise those very people. In two years the savings ratio has dropped from 10.5 to 7.5 per cent.

New clause 1 is designed to mitigate the effects of the Budget, which was particularly damaging to widows, with the abolition of mortgage interest relief at source. The Government handout suggested that everyone would be compensated for abolition of the widows bereavement allowance and that no one would lose out. In Committee, we examined the Inland Revenue press release, but it turned out that the boast was wrong. An important group of widows aged between 60 and 64 will lose out because they will not be entitled to the bereavement payment. We thought that we could probably do something in Committee by tabling amendments to give the money back. After all, that is what the Chancellor intended. I was disappointed to find that it was not possible.

When we asked whether the Chancellor really wanted to ensure that all widows would be compensated, the answer was no. The Minister of State said that I was

right to say that that is not the case because that payment is not available to those widows who are over retirement age. For that reason, the Inland Revenue has publicly acknowledged that it made a mistake in the press release."—[*Official Report, Standing Committee D*, 25 March 1999; c. 497.]

[Mr. Pickles]

Are we really to believe that when the Chancellor of the Exchequer sat in No. 11 Downing street in his sparse office drinking his cups of tea, he thought that through this Bill, he would compensate all widows except those aged between 60 and 64, who would be penalised? I do not think that that was his intention. I do not think that he knew the effect that the provision would have. When we give the Government an opportunity to try on their own version of the hair shirt, they refuse. They say that it was all a mistake, a printing error. They did not mean to say it; it belonged to another press release. The last debate showed how much Government commitments given in press releases are worth. They are worth only a few weeks before the Government change their mind. It is worth as much as the Prime Minister's promise that he would review the plight of war widows and their pensions. That promise was made a year ago and it would seem that the right hon. Gentleman has done nothing.

The new clause has been introduced in the spirit of compromise. We wish to arrive at all-party consensus on widows. It should be recognised that the further a person is from her mid 40s, the harder it is to find well-paid work, especially after a break.

It is reasonable to ask why there has not been an outcry. Why are people not pounding on the doors of the Chamber demanding change? The answer is that the Government have been particularly cunning. No one currently resident in this country knows that he will be affected by the change that is set out in the Bill. There is not a victim now. Those who will be affected are going about their normal lives. They are blissfully unaware that in a few months disaster will affect them.

Mr. Brazier: Surely my hon. Friend will agree that that is the story of the Government. There is the exact parallel of £5 billion taken out of pension funds when many of them were in surplus. Nobody noticed at the time. It is when disaster strikes that the markets turn down. That will be exactly the same in this instance.

Mr. Pickles: My hon. Friend is right. When the Government see a soft target, they kick. They avoid all difficult decisions, which are put off to spin. If they can find a group who are defenceless, who cannot focus on attacking them, they will go in hard.

Mr. Hawkins: I think that my hon. Friend is being remarkably polite to the Government. Would he agree that people are starting to discover what is happening? I do not know about other hon. Friends, but I have started to receive letters from constituents, from husbands who are starting to discover Labour's betrayal. Our constituents who may be affected by the Government's proposals are becoming extremely angry.

Mr. Pickles: My hon. Friend is absolutely right. It is a betrayal of everything that the Labour party used to stand for. My great grandfather helped found the Independent Labour party. He would be ashamed of the decision taken tonight. *[Interruption.]* It is worth while attending these debates because one learns something.

I wish everyone in the Chamber a long, happy and fulfilled life. However, the Government's proposals could affect any one of us. We had a sharp and sad reminder of that last week. People going about their daily lives are unaware that the state is about to desert them. Fine words at funerals are not enough. Similarly, sympathy and kindness are not enough. The new clause offers a financial breathing space to enable people to get on with the rest of their lives, and I commend it to the House.

12 midnight

Mr. Field: I shall speak to amendment No. 20 and the linked amendments, but before I do so, I hope the House will allow me to comment on the speech that we have just heard from the official Opposition. As usual, the hon. Member for Northavon (Mr. Webb) was gentle in his intervention.

Unlike the hon. Member for Northavon, I have been in the House for 20 years. During that time, there must have been 20 occasions when the then Conservative Government attacked the national insurance principle, the national insurance system and the contributors who, over a long period, had built up what they thought were entitlements.

Although it is always welcome when a sinner repents, and we know that there is much rejoicing in heaven when such an event occurs, when there is a mass conversion, as seems to be happening on the Opposition Benches, I am not sure what is going on up there. Their conversion is welcomed, but some of us feel that it is 20 years too late.

Tonight we have been looking at the broad canvas of the Government's welfare reform programme. We spoke earlier about the single gateway and one of the most successful parts of that programme, the new deal. Labour Members rise with considerable pride to support their Government in the changes that they are bringing about through that programme. The Government are turning a largely passive welfare service into one that is proactive and that tries to help many of our constituents who were largely ignored by the Conservatives.

There is a clear difference between the way in which this Government behave when reforming welfare, and the behaviour of previous Conservative Administrations. The Government have raised substantial sums from the privatised utilities to ensure that there is not just rhetoric, and that staff are not simply given more power to persuade some claimants that they should be more anxious to seek work. The Government have laid down a programme to ensure that there are real opportunities for them.

It is noticeable that Labour Members speak about the new deal with pride and confidence. However, when we move to another aspect of the Government's reform programme—their reforms of or, some would say, cuts in national insurance—uncertainty is expressed on these Benches. Partly to counter those uncertainties, my hon. Friends and I tabled our amendments.

When the Conservatives were in government and were hacking away at the insurance system, on at least 12 major occasions we in opposition spoke with one voice. We said that those attacks on the insurance system were an unwarranted attack on working-class values. In our communities there was a decency that sprang from wanting to look after oneself and one's family, and a real wish to pay those contributions.

We attacked the Conservative Government for endlessly pushing our constituents on to means-tested benefits. We saw during those 20 years a welfare state

that was largely based on a system of people paying for it through their direct contributions being changed to one that was paid for largely by taxation and in which an ever-growing body of our constituents were dependent on means-tested assistance.

At the end of the Conservatives' stewardship, one in three of our constituents were living in households dependent on one or more of the major means-tested benefits. We did not attack the Conservatives for ideological reasons; we did it because they had attacked the basis of the way in which our constituents tried to survive and live their lives. The Government were developing a powerful engine and teaching people not to work and not to save or, if they did either of those things, not to tell the truth.

The reforms in the Bill affecting widows will affect older women and older men so I hope that all of us have received some correspondence—though perhaps not quite as large a correspondence as that which has already been received by one Member of the House—from people who contributed to the insurance system knowing that their wives, and then their widows, would be covered should their health fail.

Those people are coming to the end of their working lives and may have contributed for 30 or 35 years. They would not have had the resources, even if they had had the freedom of not contributing to the insurance system, to make alternative provision for their spouses. That group in particular will be hardest hit by this reform. I hope that we will hear from those on the Treasury Bench an assurance on how that fits in with the programme of reform that the Cabinet approved in the first Green Paper on welfare reform and with the Prime Minister's more recent remarks about the kind of welfare state that he wants to be more firmly established in this country.

In the Green Paper, the message was clear: we would move from the provision that we have now to provision that would increasingly place the emphasis on contract. We would do so because we thought that that would add not merely security in respect of how people run their own lives, but protection against attack from Governments, and because those benefits would be safer if there was transparency and people could see clearly what they were paying and what they were receiving.

The Prime Minister has said more recently that it is his wish to move from a something-for-nothing society to a something-for-something society. All of us knew what he meant by that. Many of us would have felt that it was noble that some people should get something for nothing in our society, and that being dependent was a noble situation for many people to be in. Most of us read his speech as the country read it, quite properly—he would have a determined war and drive against those scallywags who think that they can take most taxpayers to the cleaners not once, but on many occasions.

Given that it is the Prime Minister's wish for welfare to be based on something for something, it is difficult to justify the Government's changes in the provision for widows. We are taking away benefits—contributions towards which may have been made for more than 30 years—and substituting nothing, which is the exact opposite of what he says he is about.

There would have been an alternative way to reform widows benefit—maybe one day this approach will be adopted—had we introduced universal and compulsory stakeholder pensions reform that brought in age groups regularly as they came on to the labour market. We could have ensured that each of those groups had life cover on the back of their pensions cover. That would have been very cheap, because there would have been no cherry-picking from the private sector. Everyone would have been covered and we could have moved safely to seal the national insurance widows benefits for those who would have alternative provision. Sadly, that alternative is not on offer at the moment.

I should like briefly to say what the amendments attempt to achieve. They attempt to ensure that women aged 35 and over will continue to be covered by the range of provision that they currently have—not only for the national insurance benefit, but for the state earnings-related entitlements which widows have. We are not trying to reverse the first or the second major attack made on SERPS by the Conservatives when they were in government; we are accepting SERPS as it stands as the status quo.

Amendment No. 20 and subsequent amendments would ensure that women aged 35 or more continued to be entitled to their current entitlement. Younger women would be expected to have alternative insurance cover, as they would be in a position—if not financially, at least in terms of their age—to make that cover. In that sense, people would not be pushed on to means-tested assistance. There would be time to make those changes, and those who had paid for their entitlement would be secure.

There are a number of amendments in this group, and I am sure that many hon. Members want to catch your eye, Mr. Deputy Speaker. Later, we shall need to consider which amendments should be pushed to a vote. As you know only too well, once we have finished with the Bill, it will go to another place. I am fairly confident—at least, I hope—that the amendments that my right hon. and hon. Friends and I have tabled will be moved in another place and will thus become part of the Bill for us then to reconsider in this House.

As the House wishes to come to a major decision tonight on incapacity benefit, I shall not press these amendments at this stage. However, I hope that many of us will have an opportunity to express the disquiet that we still feel about this aspect of the welfare reform programme while rightly drawing attention with pride to other aspects, such as the new deal. I hope that, both here and in the other place, the Government will be in listening mode and that we shall have some progress to report when we debate that aspect of the Bill at a later stage.

I am grateful to the House for allowing me to explain what these amendments are about and to hint at the disquiet that exists on these Benches about the attack on the insurance and contributory principle. Although we are grateful to be joined by that band of sinners opposite, we know that, ultimately, if the Government change their mind, it will be because they have listened to views from the Labour Benches. I hope that hon. Members will continue to press their views on the Government.

Mr. Rendel: I am delighted to follow the two previous speakers, whose speeches I mostly agreed with. That will come as no great surprise to the hon. Member for Brentwood and Ongar (Mr. Pickles), with whom I found myself in considerable agreement on several of the amendments that he tabled in Committee on this part of the Bill.

[Mr. Rendel]

I was interested in the points made by the right hon. Member for Birkenhead (Mr. Field), who seemed to come close to saying that if the Government accept the amendments, they will have fulfilled the requirement which the hon. Member for Brentwood and Ongar outlined—that the imposition of the changes that the Government are trying to introduce, particularly the cut in widows pensions, would be put off for a time. I hope that the Government will listen carefully because the amendments would allow them to overcome the fact that this measure would be a very sudden imposition.

New clause 4 and amendment No. 2, tabled by my hon. Friend the Member for Winchester (Mr. Oaten) and I, address two different aspects of the problem. New clause 4 would allow those who would otherwise leave bereavement allowance after six months but who would then be on income support to continue to receive benefits up to the level of the bereavement allowance until they reached retirement age. I hope that, when the correct time comes, I shall have the chance to press new clause 4 to a vote.

12.15 am

Amendment No. 2 would have a different effect. It goes part of the way towards the move that was being made by the right hon. Member for Birkenhead in that it phases in the changes over a five-year period, rather than bringing them in straight away.

The overall effect of the proposed changes in bereavement allowances will be a cut of some £600 million in the long term. The cut in widows pensions is larger than that. However, some of the changes that the Government propose are welcome, such as the extension of bereavement benefits to widowers. That was rightly forced on the Government through the European courts, but the Government have taken on board the need to make that change. We all respect the need for equality between the sexes in these matters, so it is right that benefits previously available only to widows are now being made available to widowers. That is a small extra cost compared with the proposed cuts in benefits.

The Liberal Democrats also welcome the doubling of the bereavement payment from £1,000 to £2,000. It has not been raised for a long time. There is no question but that the extra costs involved in bereavement, such as funeral expenses, have gone up over time, and it is reasonable that the payment should be doubled. Again, the cost of that is small compared with the overall savings that the Government are making.

Had the Government come to the House with a Bill that included a certain number of potential savings that they could justify on the basis that they were increasing some benefits—whether bereavement benefits or payments to widowers—and that the cuts were necessary to pay for the extra benefits, many of us would have been able to accept that. However, the difficulty that we have with the Bill as it stands is that the major, significant cuts to these benefits are not necessary to cover the extra costs. The Government are making some £750 million worth of cuts at a cost of only £150 million, which is a net cut of £600 million in the long term. We see no reason or justification for that.

The hon. Member for Brentwood and Ongar was kind enough to refer to some of the arguments that I used on a previous occasion. I contend that the six-month limit on the bereavement allowance is far too short to allow people who have been recently widowed to recover from their bereavement. Sadly, many of us have lost a close friend or relative, and we know that that can set us back for some time. Happily, most of us have not yet lost our spouses; some may never do so. I am happy to say that I have been married for 24 years, and I can only imagine what it must be like to face the loss of one's spouse after that length of time. It must be a shattering blow.

We are talking about people who lose their spouses when they are still comparatively young. Sadly, the loss of the spouse will be a traumatic and unexpected event, perhaps as the result of an accident or even suicide. It is the traumatic and sudden loss that is most likely to cause the surviving spouse real trauma, which may take months to get over—certainly a great deal longer than the six months in the Government's proposal. That is far too short a time to enable the widows or widowers who are left behind to recover their lives and to have a chance of getting back into work.

There is, however, a problem relating to the way in which, up to now, benefits payable to widows—which will, in future, be payable to widowers—were expected to make up not only for the amount that the woman involved might have earned later in life, but for the loss of the earnings of her partner who has died.

In future, a number of people will undoubtedly find themselves bereaved, having expected to live another 10 or 15 years with the spousal income still coming into the family home. The loss of that income will be a significant factor for the surviving family. One of the reasons why people were happy to pay national insurance contributions in the past is that they genuinely believed that the payment was intended to take account of just that sort of loss of salary in the later part of their married lives. The fact that that is now being lost is, I think, a reason for those people to believe that a genuine contract between the state and the individual is, sadly, being broken as a result of the Bill.

In some cases it will be too late to do anything about this, although such cases would certainly be met by the amendments tabled by the right hon. Member for Birkenhead. Some people—such as a gentleman who has written to me—will find that, although the wife may have never expected much more in the way of salary to come in from her husband, it is now too late to make alternative arrangements. A man who wrote to me recently said:

"as a State Pensioner I am not now in a position to make alternative widows pension arrangements. I am 65 years of age, had major heart surgery and my wife of 24 years is only 51 years of age, as a profession she provided a home"—

spent her life providing a home—

"for my two daughters"

and for him; and now she takes care of him. She has not had

"the training to earn a salary on my demise."

Such a woman would not expect much further salary to be brought in by her husband but, because of the almost immediate effect of the Government's proposed cuts, there is now no way in which her husband—already of pensionable age—can make any sort of alternative arrangements to ensure that his wife would not be not driven into deep poverty were he to die in the near future.

The Government have said all along, and no doubt will say again today, that their proposed changes are intended to help the most needy. They want, perhaps, to take a little money from those who do not really need it to provide a bit more for the least well-off. One of the Government's arguments in Committee was that a great many people who currently receive widows pensions do not need the money all that much, because they are receiving some other form of income.

We have already heard the argument that such benefits rely on the contributions of ex-spouses. There is a strong case for saying that those who make insurance payments when young have a right to expect insurance pay-outs when they are older, and that it is necessary for those who are putting something in to be promised something at the end—that we should have not a nothing-for-something but a something-for-something society. If the Government really wanted to target the neediest members of society in making the big cuts that they are making, they would feel confident about giving a little more to the very neediest. That is why our new clause 4 directly addresses that point.

There will, of course, be some widows who are comparatively well off. Some widows will perhaps find it comparatively easy to get over the death of their spouse. Some will find it easy to go back into work and to earn an income in later life, but there will always be others for whom that will not be easy. There will always be others who do not come into the richer category, whom the Government seem happy to deprive of their benefits. There will always be others who depend on means-tested income support. It seems unfair that their widows pension should be removed, with no alternative means for them to obtain income.

If the Government's wish to give back to the poorest some of the money that they are taking away from the comparatively well-off is genuine, surely they should see the point of new clause 4—all we ask is that at least those who are bereaved and who then depend on income support should have their incomes raised to the bereavement allowance amount, which they will receive only for six months, and for which their husbands have paid through a lifetime of earnings and contributions. It is for that reason—to follow the Government's own theme of trying to give back a bit more to the most needy—that we hope that the House will accept new clause 4.

Mrs. Dunwoody: All Parliaments and all Governments have been known from time to time, when they found themselves in control, suddenly to decide that the things that they were attacking when in opposition were not quite as dreadful as they initially imagined. It is not exactly a new phenomenon, but it is one that some of us find difficult to accept.

I hope that the hon. Member for Brentwood and Ongar (Mr. Pickles) will not misunderstand me if I say that I was irresistibly reminded of the walrus and the carpenter when he told us how he wept for us and deeply sympathised. Those of us who know what happened to those for whom the walrus had that warm streak of sympathy will remember what the Conservatives did when they had control of the national insurance system.

All Governments take political decisions. They decide what their priorities are, what is important to them and to those who support them. Therefore, it should be accepted that the amount that will be saved by the change may not be quite the world-shattering amount that it appears to be on first acquaintance. Indeed, what we should be considering are the implications of the decisions of those who, having for many years accepted the idea of a national contributory scheme, at this juncture, with very little preparation and very little open discussion, are now prepared to abandon one particular aspect of it, which will affect a group of women who are least able to cope.

It is not a well-founded theory. I find it difficult to accept, not just because I have always strongly supported the idea of contributory schemes and resented what the previous Government did to SERPS, but because it is partly a generational thing. Many women who will be affected by the changes will not have had jobs, will not have qualifications and will find it impossible to find employment. They will find it almost unimaginable that, after their husbands have for many years contributed to a scheme that they regarded as a form of insurance, they will not be able to benefit.

There may be a number of ways of equivocation; there may be a number of wonderful phrases; there may be a number of theories—but those who say that there are good things in the Bill, that we will support four-year-olds, and that we will make major changes in various sectors that will target help at the least comfortable, have a duty to say why that should be done at the cost of a group of people who are themselves extremely frail and vulnerable. I do not mean that they are physically frail. However, they are at a time in their lives when they will find it extremely difficult to cope. I do not believe that they have been given sufficient warning of the changes.

12.30 am

I do not believe that the principle behind the changes is defensible, and I very seriously ask my hon. Friends on the Treasury Bench to think about what we are doing tonight. Do we genuinely believe that those things to which we have contributed, and the principles on which we have built our political platform all these years, are so unimportant that they can be thrown over for, in Government terms, not a very large amount of money? If that is their case, I do not accept it. Even if the vote does not go as we wish tonight, before the measure goes on to the statue book this particular, rather grimy little law will be examined in much greater detail. It may be found to be seriously wanting.

Miss McIntosh: Cutting the bereavement allowance after six months for widows without dependent children is a disgraceful act. I should like to recall one personal experience during the general election campaign to explain the misconceptions that were put around by the Labour party when it realised that it was on the verge of entering government.

I was, exceptionally, out campaigning with my husband, who—in the last week of the campaign, for the first time—devoted himself full-time to canvassing. It was a new role for him, and I and many of my supporters in the Vale of York welcomed him to it. In Rawcliffe, on the outskirts of the city of York, in my constituency, he called at one door where he was met by a recently bereaved lady, a lifelong Conservative voter who had no family and felt—as my hon. Friend the Member for Brentwood and Ongar (Mr. Pickles) felt when his mother died—completely bereft.

[Miss McIntosh]

The lady was completely alone, grieving for her husband. She probably could not afford a financial adviser, but was completely taken in by Labour's claim that if the Conservatives were re-elected to government in May 1997, the state pension would end or be cut.

Mr. Hayes: Ha.

Miss McIntosh: My hon. Friend may laugh, but the lady was taken in by the claim. Initially, she closed the door on my husband. Subsequently, however—as she had been a lifetime Conservative voter and, as she admitted, had been fooled by Labour's rhetoric—she followed my husband down the street in tears.

The fact is that a Conservative Government would have increased the state pension and allowed additional top-up contributions to private pensions for those who could afford to make them and wished to do so. As we now know, the Labour party was able in the general election campaign to propagate a complete, but very successful misconception about our position on pensions.

The Government's Budgets and the provisions of this Bill, which the Government are today pushing through the House, demonstrate that it is the Government who want to cut pensions. It is now becoming apparent that, most regrettably, the Government want to cut bereavement allowance for the most vulnerable people—recently bereaved women. The change would be most regrettable for women between 45 and 60 without dependent children, as their payments would be cut after six months. As my hon. Friend the Member for Brentwood and Ongar said, those women have no children to tide them through possibly the most difficult period of their lives. They are probably not in a position to take financial advice.

It is regrettable that we are also seeing the end of the contributory principle. I hope to strike a chord with Labour Members when I say that the proposals go to the heart of the post-war Beveridge system. There are wide ramifications that we should pause to consider. If the Government succeed in ending the contributory principle, how far will they seek to go? It is insulting to husbands who have paid their contributions in good faith, often over a long time—10, 15 or 20 years—particularly in cases where there is an older husband and a much younger wife. They have been taken in by the Government. Means testing will damage them considerably. Widowed women between 60 and 64, many of whom are reliant on savings, are also net losers under the Government's proposals.

We are seeing the unravelling of the Beveridge system. The Government are no longer entitled to call themselves the people's Government. They have made a mockery of their own phrase this evening. I hope that I shall have an opportunity in the next few months to knock on the door of my constituent in Rawcliffe and assure her that had the Conservatives won the election two years ago, she would not be in the position that she will find herself in under the new provisions.

Mr. Eddie O'Hara (Knowsley, South): This is a major social welfare Bill. It is being debated in the context of many generous improvements in social welfare by the Government, affecting all age groups: child benefit, nursery provision, the new deal for the young unemployed, the extension of the new deal to the older unemployed, the billions spent on schools and the national health service, and numerous enhancements to the living standards of pensioners, including increases in pensions, the minimum income guarantee, cold weather payments and the reduction of VAT on fuel bills. Clauses 46 and 47 also extend bereavement allowances and payments to widowers and double the bereavement grant to £2,000.

However, there is another context. I do not want to be confrontational with a Government who have been responsible for all that I have just described, but I want dialogue with them about the effects of some of their measures on a group of people who concern me, as chairman of the all-party group on ageing and older people. The widows and widowers affected by the provisions can be of many ages, but typically they are of middle age, either side of state retirement age.

Let us consider a widow in her 50s, who has been out of the job market for some time, who does not have many marketable skills and who perhaps had a low-paid, part-time job supplementing the family income while her husband was alive. At the moment, she has the cushion of a non-means-tested widows pension to enable her to continue to get by in that job or get another job as needs be. Under the new proposals, the means-tested element in the bereavement allowance may be a disincentive to finding employment or staying in employment, because her earnings may go above the threshold.

Let us also consider a widow over 60. Currently, she gets a bereavement payment if her husband was drawing the state pension. There might be a case for improving that and saying that a widow over 60 should get a bereavement allowance if her husband was not yet drawing the state pension. Under the proposed system, her situation will worsen and she will lose the payment altogether.

Those are yet more examples of a feature of recent tax changes to which I have drawn the attention of Treasury and Social Security Ministers in this House. Older people—male and female—on either side of the official retirement age are finding that their incomes are under attack from an array of recent tax changes, of which the bereavement allowance and bereavement payment proposals are but the latest.

Add to those the abolition of tax credits on dividends, the abolition of tax relief on new home income plans and the monumental fiasco of the changes to SERPS—for which the Government are not responsible; that fiasco was perpetrated by the previous Government—and we have a picture of older people who have done exactly what the Government wish all people to do in future: they have made financial provision for themselves or their spouses in old age. However, they have found that the goal posts have moved and their expected incomes have been salami-sliced. Juvenal usually had a line for a rum situation, and this is one. Juvenal's line was "probitas laudatur et alget"—probity is praised and is left out in the cold.

I ask the Government to consider their proposals for bereavement benefits in the wider context of their impact, together with other changes, on the incomes of the people to whom I have referred. If the Government cannot find a way during the passage of the Bill to help those people, I appeal to them once again—in friendship and

fraternity—to stop attacking that group and, when they have an opportunity in future, to find some way of being more generous to them.

Mr. Hawkins: We have heard three distinguished speeches from three senior Government Back Benchers, none of whom significantly supported the Government's policy. All of them have criticised it—although, admittedly, all three spoke more in sorrow than in anger.

Unlike those Labour Members, I am angry on behalf of my constituents. I have referred to the fact that I have started to get letters on the matter, and it may be that other hon. Members have received letters also. However, I can promise hon. Members that they will get a lot more letters after tonight's debate. An awful lot of Labour Members will be getting letters from their constituents, who will be asking why they did not tell them what was going to happen.

I do not blame the Pavlov's dogs who have been left to try to defend the indefensible from the Front Bench. I blame the guilty men who are absent—the Chancellor of the Exchequer and the Secretary of State. They have left the monkeys to try to defend the indefensible while the organ grinders are safely abed. It is outrageous that the guilty men are absent and are not prepared to face the music on this or subsequent clauses, where they will be under even more fire from their own Back Benches. They cannot be bothered to defend this proposal in public.

Mr. Swayne: The last time we were faced with such a situation, the then Secretary of State at least showed up—although the Treasury Bench was entirely abandoned by the right hon. Lady's colleagues.

Mr. Hawkins: My hon. Friend is quite right.

I was particularly struck by the apt quotation from Juvenal given by the hon. Member for Knowsley, South (Mr. O'Hara) about probity being praised but left out in the cold. That quotation applies, above all, to the right hon. Member for Birkenhead (Mr. Field), who was originally asked to think the unthinkable. When he started sticking with probity and principle—he would not have introduced the changes that we are debating—he was left out in the cold.

12.45 am

Earlier this evening, by accident, I saw a Labour party political broadcast. It was not a broadcast of hon. Members in this debate talking about abolishing the widows pension and forcing widows on to means-tested benefits; it was full of the usual smug, sanctimonious claptrap. There was nothing about European policy, about which the Labour party is clearly ashamed; it was supposedly a party election broadcast for the European elections, but it talked entirely about domestic policies. It did not admit the truth because today's Labour party knows that if it tells the truth about its policies, nobody will want to support it.

We want to expose the truth about new Labour policies, as the three Labour Back Benchers have already done. The hard-faced, uncaring new Labour party is not fit to call itself a caring party. A constituent wrote me a letter which I received this very day. He said:

"An unbelievably unfair change is proposed . . . How can it be right?"

He had never received any verbal or written information about what the Government intended. He said:

"This reduction would cause considerable hardship to my wife should I pre-decease her . . . I feel very strongly that this proposed legislation should be withdrawn."

The letter ends with a request to forward it to the Secretary of State, but I am unable to draw the matter to his attention tonight because he does not dare to come and listen to Labour Back Benchers—former Ministers—attacking the Government's policies.

This is a betrayal of all that the old Labour party claimed to stand for. If Ministers had any guts, they would demand that the Secretary of State come and face the music and they would listen to my hon. Friends the Members for Brentwood and Ongar (Mr. Pickles) and for Vale of York (Miss McIntosh), and to the hon. Member for Newbury (Mr. Rendel), who made valid points attacking the proposals.

The proposals are an outrage and a betrayal of what new Labour said at the general election. They should be dropped and the new clause should be substituted for them.

[Mrs. Maria Fyfe]

Mrs. Maria Fyfe (Glasgow, Maryhill): I subscribe to what my hon. Friends have already said. I want to concentrate on the position of the 45-year-old widow with no dependants. Until now, such a woman would have had up to 15 years' widows pension, up to the age of 60. From that, we are going to the extreme of having only 26 weeks' widows pension.

I urge the Government to rethink their policy, because they are treating all women over 45 without dependants as though they were in identical circumstances. A small minority of women are well-off in their own right. A woman might have a good salary or a substantial pension from her husband's employment. Better-off families will have taken out insurance so that, when either spouse dies, the mortgage will be paid, but plenty of families cannot afford such insurance.

At the other end of the income scale, women on income support have the widows allowance deducted pound for pound in any case. The circumstances of a vast swathe of lower-paid women in the middle are not being sufficiently regarded. The vast majority of working women are in jobs that pay less than the male average wage. Some have been on very low pay and are only now beginning to benefit from the national minimum wage. Some will not have been working at all while raising their families. A woman's family might have left the nest only recently, leaving her on her own.

Why are women in that position being given only six months to find work, training or other means of support? Mention has already been made of how traumatic it is to be suddenly widowed. The widow has to get over that pain and distress and launch herself into a career that she might not otherwise have had, with all the difficulties that one can imagine for someone whose skills have gone rusty over the years. Why make no distinction between the different circumstances of women? Why treat all women as if their circumstances are all alike? It does not make sense.

I was amused to notice that the Bill provides that the benefit would not be payable on remarriage. That was a sensible provision in the context of a span of up to 15 years, but suggesting that widows will remarry after six months reminds me of Hamlet describing Gertrude as remarrying in time to serve the funeral meats at the wedding feast. I wonder how many widows marry again within six months of bereavement. I suggest very few. The vast majority will have to launch themselves into the world of work.

I beg Ministers to reconsider this issue. The Government have done good work helping other groups having difficulty getting back into work, in particular through the new deal for under-25s. Why is insufficient notice taken of the needs of that middle-age group of women? We need a new deal for widows, not the treatment that the Bill will give them. I urge the Government to rethink that aspect of the Bill.

Mr. Brazier: At this stage in the evening, the blood sugar is getting low and the House is often fairly empty, but the quality of the speeches that we have heard in the past hour or so is enough to energise anyone. I think in particular of the right hon. Member for Birkenhead (Mr. Field), and I also regret missing part of the speech by the hon. Member for Crewe and Nantwich (Mrs. Dunwoody). I was reminded of just how much is at stake in this issue.

The three worst features of the changes that the Government are making in social legislation are combined in the provision that new clause 1 seeks to address. First, the provision would undermine the contributory principle and force people into means testing. Secondly, it would hit an especially vulnerable group in an especially obnoxious way, while saving relatively little money. Thirdly, it would put one of the final nails into the coffin of one of the few measures left in the tax and benefit system in which marriage still plays a part.

In an excellent opening speech, my hon. Friend the Member for Brentwood and Ongar (Mr. Pickles) admitted to some wearing of sackcloth and ashes for the record of the previous Government on means testing and the contributory principle. The right hon. Member for Birkenhead chided us mildly—and all the more effectively—for the number of times that we departed from the contributory principle.

I would rightly be chided by you, Mr. Deputy Speaker, if I were to repeat the points that I made on Second Reading, but I wish to tell the House that the great conversion came for me when I saw the massive impact on pensioners' saving behaviour of the changes the previous Government made in 1988. Some 500,000 pensioner households ditched their savings when they discovered that they could live better off the state than by retaining their savings and providing for themselves. We slapped in the face those who had sought to use their modest savings to top up their retirement income and rewarded those who did no such thing.

A smaller group would be affected by this provision, but it is an especially vulnerable group. I do not wish to cover the same ground that so many hon. Members on both sides of the House have covered so effectively, but I wish to throw in three brief thoughts of my own.

The first concerns the position of someone who has just lost their husband, someone who—as several Labour Members have said—may have been earning for long periods, but has not had a proper career in any sense that we would recognise. All the work may have been part-time. It may have been full-time work, but at a miserably low wage. It is one thing to expect that person to re-enter the labour force, but quite another to expect her to do so and find work within six months. Realistically, the earning power of someone who has not had a proper career—a person of that age who may have been out of the world of work for a bit—is very small. It is hardly fair to choose to take money from that group of people.

Secondly, if we are to say to people who have lost husbands, and who are grieving, "We shall not look after you all the way through", surely it must be possible, simply out of common humanity, to give them longer than six months. If the Government want to put aside the contributory principle, there is surely a case in elementary decency for more than six months. The sums involved are relatively small. When the existing generation has worked its way through, only a few hundred million pounds a year will be saved. If we were to extend the period from six to 18 months, the cost would be in tens of millions, not even hundreds of millions.

I shall conclude with a political point, which I should like to share once more with the House, which is remarkably well attended for almost 1 o'clock in the morning. Repeatedly, at every stage of the Bill's passage, whenever Conservative Members have said, "The Government pledged themselves to make people more self-reliant but now they are introducing more means-testing," we have had the same jibes—from Ministers. I am not talking about distinguished Back Benchers who have maintained the same view throughout. Ministers have jibed, "Look at all the means testing that the Conservatives introduced."

I have news for the Government. One reason why they were elected two years ago was that a lot of ordinary people, including many who had always voted Conservative, were fed up with the undermining of the contributory principle, and they believed the then Leader of the Opposition—the present Prime Minister—when he said that he was going to get back to the contributory principle and give a hand up, not a handout. Many people decided, for the first time, to cast their vote for the Labour party, not for us.

I remember the fury among some of our party workers at some of the changes that we made, and I have the following message for the Government. The Government have picked on many vulnerable groups in the Bill, but I doubt whether any of the picking has been quite as mean as the picking on widows.

Mr. Jim Cousins (Newcastle upon Tyne, Central): The House finds itself in genuine difficulty in discussing such an important and complex matter at such an hour, but I gently say to Conservative Members that, in those circumstances, we should pay regard, not simply to their strategies as a Government over 18 years, but to their tactics tonight, in the last nine and a half hours of debate.

Like several of my hon. Friends, I am troubled by the removal of an entire category of long-term contributory benefits. That important and significant step may have ramifications and consequences for other issues on other occasions. We should think again.

1 am

My right hon. Friend the Member for Birkenhead (Mr. Field) pointed out that benefits can be replaced on the private market, but the sums of money required to buy substitutes are far in excess of the savings of most of the people whom Labour Members represent. They are far in excess of a lifetime of savings for a working family. That should make us cautious as we consider this matter, reminding us that the collective savings of working families, expressed through national insurance contributions, are a basic, inescapable building block of our social security system. They should not be chipped away.

I am disappointed by the Government's proposals. In short-term bereavement allowances, they have dealt with the problem of equality between men and women and come up with positive and imaginative solutions. Yet, in the proposals before us now, there are important gaps. My hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody) rightly reminded us that people who return to the labour market in their 50s find it a tough and raw place. Good opportunities are scarce. The Government intend to make more opportunities and to support people who take them, but they should recognise that men or women who have been full-time carers and who, between 45 and 55, find themselves back in the labour market after a bereavement require special support that goes beyond six months.

The Government should also recognise the link between these proposals and the Budget's proposals for an employment tax credit for the over-50s. Can the Ministers assure us that the short-term bereavement allowances introduced by the Bill, which are new, will be a qualifying benefit for access to an employment tax credit on return to the labour market, even though that credit, in its present form, is just a short-term support?

May I draw to the Government's attention the situation of women who have been on widowed mothers allowance? When their children cease to be dependent, they will find themselves with no support at all. The average age at which that occurs is 51. The position for those women is difficult and traumatic.

Mr. Rendel: Has the hon. Gentleman considered the possibility that such a woman may no longer have a dependent child because the child may have died? That would be an even more traumatic circumstance in which to be left with nothing.

Mr. Cousins: Clearly, if there were time, it would be possible to devise all sorts of circumstances that could heap upon the misery of those women. That is not my intention.

At termination of widowed mothers allowance, when children are no longer dependent, women require support. The Government's proposals lead to complete withdrawal of widows benefits and pensions. I urge the Government to think again. At a better time, in better circumstances and in a better mood, I hope that we may return to this matter and find better proposals.

Mr. Brady: Despite the late hour, I am pleased to follow such powerful speeches in this important debate. I mention in particular the contribution of my hon. Friend the Member for Canterbury (Mr. Brazier), who powerfully criticised the Government's proposals, saying that they undermine the contributory principle, attack those who are most vulnerable and remove one of the last vestiges of recognition of marriage in the tax and benefits system. I can think of no better way to crystallise everything that is wrong with the proposals in the Bill.

Like hon. Members on both sides of the House, I have received many letters from constituents who are concerned about these matters. What struck me most strongly was not merely the concern of those who have been widowed and are anxious that proper provision should be in place for others who may face a similar fate and circumstances. Sometimes, the most moving letters were from elderly husbands, to whom the hon. Member for Newbury (Mr. Rendel) referred. Frequently, they are much older than their wives and are of a generation who have felt a total responsibility to care and provide for their wives. Also, in many instances, they are men who are quite ill and who have written to me in some distress and anguish feeling that, because of the changes, they may not be making proper provision, and are letting down wives for whom they have cared for so many years and for whom they believe that they should continue to care.

[Mr. Brady]

All that I can tell them is that I believe that the contributory principle should be maintained. It is an important principle in the welfare system. In some ways, it is the most important, in that it contains an element of contract. People have paid in expectation of securing a benefit. In this instance, perhaps more than any other, they have paid in the expectation of securing a benefit not for themselves but for others who may be left in need of support in difficult circumstances later in their lives.

The right hon. Member for Birkenhead (Mr. Field) welcomed sinners on the Opposition side of the House who repent. I was left wondering what was the appropriate phrase for the opposite situation. Hon. Members who have been in the House for longer than I have will remember that, when this matter was raised by the previous Government, the then Opposition spokesman responsible, the right hon. Member for Oldham, West and Royton (Mr. Meacher) said:

"I want to make it absolutely clear that the Opposition unequivocally reject the revised proposals on SERPS".—[*Official Report*, 28 January 1986; Vol. 90, c. 834.]

At that point, the then Opposition were unequivocal on the matter. It was a principle that had to be defended. Far from being sinners who repent, they were virtuous believers in a principle that was important to them. Apparently, they now feel that it is appropriate to sin.

Mr. Hawkins: My hon. Friend mentioned the anguish expressed by a number of husbands and the inconsistencies on the Labour side. Does he agree with one anguished husband who has written to me to draw attention to the fact that, once before, someone who professed to be Labour robbed pensioners—the late Robert Maxwell. Are not the Treasury Bench the spiritual inheritors of the mantle of Robert Maxwell?

Mr. Brady: I thank my hon. Friend for that colourful illustration, but perhaps I should not be drawn on that at a late hour in a serious debate in which some Labour Members have made thoughtful contributions.

Mr. McWalter: The hon. Gentleman talks about the contributory principle. Does he agree that clause 53(4) allows some people who have not made contributions to be treated as though they have? They have made contributions, but not of a financial nature. People who receive invalid care allowance who may not have a recent work record would be protected by that principle. Does he agree that extending contributory rights to those who have not been able to make them is valuable?

Mr. Brady: The hon. Gentleman makes an interesting point. However, the Government are extending not contributory rights but some rights to benefit. That may be reasonable, but it does not, by definition, involve a contributory right because no contribution has been made to secure it. The Bill would snatch away rights for which contributions have been paid. That is where the contributory principle is undermined. He may have a reasonable point, but it does nothing to lessen the abuse of taking away something that was paid for in good faith. People have a right to expect what they paid for, and those who have contributed on behalf of others over many years have a right to expect that it will be maintained.

Many people who are drawing to the end of their working lives face legislative changes that affect the benefits for which they have contributed and permanently affect the well-being of those for whom they care. However, there is no long run-in, no recognition that the measure should apply only to those who can make alternative provision. It will come into effect quickly, with no opportunity for people to make such provision. It will affect many people who cannot contemplate private provision. For them, this is the most appalling betrayal, because they have paid.

Mrs. Louise Ellman (Liverpool, Riverside): In view of the hon. Gentleman's concern for the fundamental importance of the contributory principle, will he commit the Conservative Opposition to restoring it where they summarily removed it, such as with earnings-related unemployment pay and in the undermining of the state earnings-related pension scheme? That profoundly affected the individuals who suffered.

1.15 am

Mr. Brady: Sadly, the hon. Lady cannot make me commit the Conservative party to anything. The critical factor is what her party and Government are doing. I think that she would do herself more credit if she were to take responsibility for her stance and that of her right hon. and hon. Friends on the Treasury Front Bench. That is the issue on which she, and her right hon. and hon. Friends who are not safely tucked up in their beds at this hour, will be judged when the time comes. They must remember the pledges and unequivocal statements that they made in the past. They should look to those and try for some record of consistency and principle.

Ms Diane Abbott (Hackney, North and Stoke Newington): I shall speak briefly on the regrettable Government proposal that is before the House. It will not do for Ministers to wrap it up in spurious feminism, claiming that the world has changed, women have moved on, women all work and they do not need the present provision. The world has not changed that much and the majority of women, particularly working-class women, still earn less than the majority of men. It is unrealistic of Ministers to imagine that women in their 50s, who perhaps have never worked or have worked only part time, can re-enter the labour market at a time of bereavement and hope to earn the sort of income that widows benefit would have provided.

I remember when my mother died. It took me much longer than six months to recover from that. It must be much worse if a partner in life, with whom one has lived for 20, 30 or 40 years, has died. Six months after that, Ministers are expecting unskilled and semi-skilled women to go back into the labour market. The spurious feminism that I have heard about in the past will not do.

Secondly, there is the idea of alternative provision. It has been said already that to make such provision, people would have required notice of the Government's proposal. Moreover, it would require sums well out of reach of most of my constituents. Why should people put their money into private sector provision, with the huge rake-offs in commissions and up-front fees, when they thought that they had a contributory system available to them, to which they had contributed throughout their working lives in good faith?

We have seen much briefing in the press during the days running up to the debate about how Ministers will be tough on these issues and face people down. We have been told that Ministers will show that they have backbones of steel. I say gently that it is not necessarily the most desirable thing to be tough on widows and the disabled.

Last week, we had a set of election results in Scotland and Wales which were variable in their quality. We were told by Millbank—I always believe what Millbank tells me—that we had such a low turnout in parts of Wales because people were so happy and pleased with new Labour. That was why they did not bother to come out to vote. However, I shall put forward an alternative theory, accepting that the results in Scotland and Wales were complex and there were different phenomena in different parts of the country.

For our core electorate—the people who stuck with us throughout the 1980s when many of those surrounding new Labour or in positions of high office in new Labour were nowhere to be seen—it is matters such as those before us which make them wonder, "Is this really our party after all?" Even if we are not able to reverse the Government's proposal, I believe that at another time and in another place, the Government's unfitting and rather mean proposal will be taken out of the Bill.

Mr. Hayes: I have listened with great interest to the contributions of Labour Members, perhaps with even more concentration than I listened to the contributions of my colleagues. We have heard most interesting criticisms of the Government's position from Labour Members, and not always from the most expected quarters. I was particularly interested in the speech of the right hon. Member for Birkenhead (Mr. Field), who talked with unnecessary generosity about the Prime Minister's facile remark about the something-for-nothing society. I accept that it was just a facile remark in what was an otherwise banal speech. The right hon. Gentleman may have been excessively generous for that reason.

However, the right hon. Member for Birkenhead will understand, because of his distinguished record in these affairs, that many right hon. and hon. Members on both sides of the House found the Prime Minister's remark a flagrant attack on some of the most disadvantaged, desperate, needy and defenceless people in our society. There are those of us on both sides of the House who believe that there are some people who deserve something for nothing. They deserve compassion, care and even our indulgence. They have very little to give in return. Those who are most disadvantaged in our society do not believe that they should give something in return for that care, compassion and charity.

The idea of compassion for the needy being part of a trade-off is unacceptable to many of us, but it does not surprise me that the idea has currency with the Prime Minister. If we are sinners, we are venal sinners. He is a mortal sinner, and an unrepentant mortal sinner. I shall not take the right hon. Gentleman too far down an Anglo-Catholic road, but it is important to recognise that Labour does not have a monopoly on care and compassion, or on regard and concern for disadvantaged and needy people.

Labour never has had such a monopoly, throughout the history of this place and of British politics. The Conservative party has a proud history. I shall not go into it—[HON. MEMBERS: "Go on."] You would not let me, Mr. Deputy Speaker, but you and other hon. Members are fully aware of that proud history.

The right hon. Member for Birkenhead also spoke of his admiration for working class culture. There is nothing incompatible between that admiration, which I share—a belief in preparing for the future, in putting by for tough times, and in making provision and taking responsibility—and my earlier remarks. Working-class culture is also compassionate, caring and concerned for those who cannot put by for the future. That acceptance has always been a central part of our welfare state.

The contributory principle is valuable and important, but it does not mean that everyone should be obliged to contribute. Those who cannot contribute and those who are most desperate deserve support. The least fortunate deserve support from the most fortunate. That must be said time and again, particularly when we are governed by such a Prime Minister and Government.

My hon. Friend the Member for Brentwood and Ongar (Mr. Pickles) set the tone when he dragged out his great-grandfather—not literally, I hasten to add. Perhaps that was fortunate, because we all have a great-grandfather in the cupboard whom we can drag out to prove our credentials. While the grandparents of some liberal bourgeois Labour Members were no doubt founding the Woodcraft Folk, or writing pamphlets about the Spanish civil war, my grandfather was on the dole, a chairman of his local branch of a trade union and campaigning for the rights of other working class people to improve their lot. We do not need any lectures from the other side of the Chamber about working class culture or the need to support working class communities.

The right hon. Member for Birkenhead spoke with proper admiration for that culture, but I believe that he was referring to a deeper strain—the idea that we should look to the future, and that man is not here by accident, but is a product of his past and has a role in looking to his future. Man is linked to both past and future; preparedness and responsibility for the future are thus a fundamental instinct in humankind. It is the antithesis of the hedonistic live-for-today attitude that characterises the worst extremes of pop culture.

The right hon. Gentleman is right to draw our attention to that. The attack on the contributory principle implicit in the measure is an erosion of values which are bigger than working class culture. It is a deeper instinct still. That attack is also an attack on the trust of the people—*[Interruption.]* If the hon. Member for Halton (Mr. Twigg) wants to say something about his working class roots, I am happy to give way. I am not sure whether he has any, so perhaps he does not want to intervene after all.

The attack on the contributory principle is a breach of people's trust in government. The contribution that people make is based on a proper expectation of what they were told they would receive at the end of the contributory period. The undermining of trust implicit in the measure not only damages the working class culture to which the right hon. Gentleman drew our attention, but undermines people's faith in good government. It also undermines people's trust in the promises that they were given—year by year, by successive Governments—about what they would receive when they fell on difficult times.

[Mr. Hayes]

No time is more difficult than when one loses a loved one. I do not want to dwell on that, because it has been spoken about already, but, as my hon. Friend the Member for Brentwood and Ongar said, most of us have been through some form of bereavement and understand some of the tensions that it creates. His honest remarks contrast starkly with the assurances given in the Budget speech by the Chancellor, who said that

"the Budget will increase the income of all pensioners."—[*Official Report*, 9 March 1999; Vol. 327, c. 174.]

Does not that look pretty strange in the light of the measure that is before us tonight?

That calumny was reiterated in the Inland Revenue press release on the Budget, which said:

"Widows will be more than compensated by the loss of this allowance by the proposed Bereavement Payment in the Welfare Reform and Pensions Bill."

The end of widows bereavement allowance, which would be worth up to £197 in the new tax year and £285 this year, will certainly not leave widows better off and will not increase the income of all pensioners. Widows will not receive any degree of equivalence.

It has already been said that the change will harm the interests particularly of widows aged between 60 and 65 who will no longer be entitled to the benefit. It has also been said, but needs amplifying, that the six-month rule is at best—and I am being extremely generous—very harsh, given what we all know about bereavement and the status of people in the job market at that stage of life, to which the hon. Member for Crewe and Nantwich (Mrs. Dunwoody) referred. Her point concerned that generation of women who find themselves in the job market, and peculiarly and particularly disadvantaged because of their historical situation.

Administration of the new allowance will now be carried out by the Department of Social Security and the benefit will be available only to widows and widowers under retirement age. The change is not aimed at improving the lot of widows and widowers; it is about saving money. It would be better if the Government came clean and did not hide behind the pretence that, somehow, people will be better off. We all know that they will be significantly worse off. The change is about saving money and filling the coffers of the Exchequer in a fairly grubby way. If that money were reallocated to another good cause or to similar groups, one might be able to justify the reform, but there is little evidence of that. The net cost to widows of £600 million is highly unacceptable to Members across the Chamber.

The change also needs to be seen in the context of the other pressures that fall on elderly people and on these widows. We should not ignore the fact that the abolition of mortgage interest relief at source affects older people as well as younger ones; and, I suggest, disproportionately affects people who bought their own council house in their 50s. Following the Thatcher legislation in 1980, a lot of working class couples in their 50s decided to buy a house for the first time. Almost 20 years down the line, some of them find themselves still with a mortgage. I can say that with some authority, because my parents were in that category.

Tax credits on dividends have been abolished, people continue to pay tax on savings income and the married couples tax allowance has been abolished, too. Older people were excluded from that, but people coming up to retirement age—60 or 65—would have continued to receive that allowance for some time.

1.30 am

Therefore, we need to see the change in the context of a wider attack on the elderly and on a range of disadvantaged groups. I do not want to anticipate the heated debate that the House will have later on disabilities, but it would be remiss of me not to mention the context of disabilities, because many old people and widows are also disabled. Those groups overlap. We should remember that some 70 per cent. of disabled people are over retirement age. It is therefore important to consider these matters in an holistic fashion.

Mr. Hawkins: Does my hon. Friend agree that it is important to reflect on what our hon. Friend the Member for Brentwood and Ongar (Mr. Pickles) said in drawing a comparison with the Government's television campaign, which talked about paying pensioners back and used the phrase "They owe you"? Given all the changes that the Government are making—introducing stealth taxes and attacking pensioners—is it not the case that the Government owe the widows?

Mr. Hayes: Yes. I—

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. I think that we have now sufficiently explored the width of the context, and the hon. Gentleman would do better to bring his remarks back into focus on this new clause.

Mr. Hayes: I had no intention of allowing my hon. Friend the Member for Surrey Heath (Mr. Hawkins) to seduce me into pursuing a subject that would meet with your displeasure, Mr. Deputy Speaker, and test the patience of the House. It is important, however, that we understand that widows may well fall into one of the other groups that have been targeted for particular treatment by the Government, which is why I mentioned disability.

This is a grubby measure. I am not the first to describe it as such; that word has already been used by Labour Members this evening. It is negative, spiteful and draconian. I hope that the House will reject it and that the people of this country will see it and understand the sort of Government with whom they are dealing. I hope that many Labour Members who have been brave and bold enough to criticise their Government will remember that as we discuss other matters later tonight, when they may have a chance to register their compassion, care and concern, and their contempt for this sort of attack on vulnerable people by the Government.

Mr. Alan Simpson (Nottingham, South): I wish to speak briefly in support of the tranche of amendments tabled by my right hon. Friend the Member for Birkenhead (Mr. Field). I begin, as he did, with a recognition of how much praise and credit the Labour party deserves for founding the welfare state, which Labour built up and has been responsible for constructing and maintaining. Labour fought to resist its erosion by the previous Conservative Government—

Mr. Quentin Davies: There are some things that one should not be allowed to get away with, even at this time

of night. Is it not a bit rich for the hon. Gentleman to say that the Labour party built up the welfare state when we are now talking about defending widows pensions, which were introduced by a Conservative Government in 1925?

Mr. Simpson: The strengthening of widows pensions was among the first tranche of measures that the Labour Government introduced in 1945—

Mr. Pickles: 1948.

Mr. Simpson: The Labour Government of 1945 laid down the building blocks of a welfare state, based on universality and rooted in the contributory principle. However much of a hair shirt the Conservatives now wish to wear in accepting the damage that they have done to widows benefit, we should not be deluded into believing that that somehow makes them the defenders of a universal and inclusive welfare state. That is about as convincing as Rupert Murdoch proclaiming his support for a contributory tax system.

When the Conservatives were in office they got someone else to make the commitments and contributions. Their notion of equality was based on the principle of hitting the old just as hard as the young, and of treating the not so young as badly as those who were not so well. That is the history of their 18 years in office. Labour has inherited the remnants of that destructive period. We should treat their hair shirt confessions with some caution.

I should also put in context the unexpected and belated conversion of the Liberal Democrats to new clause 4. I was pleased to see that they have come round—I knew that they would, but not this soon. Yet that party has found more ways to spend a penny than any other in political history. A universal and inclusive welfare state cannot be funded entirely from a one penny increase in tax revenues.

The Labour party wants to preserve and modernise the welfare state. Our position must be tested against the benchmarks that are important to the Government in the refounding and reforming of the welfare state. We make great play of the fact that the Labour party is committed to the family, and to marriage in particular. I am not sure that we should focus on the centrality of marriage instead of having a more inclusive view of families, but that is one of the benchmarks that we have set ourselves. We have also set out our stall as a party that encourages responsibility and that values the things that we hold in common as much as those we have constructed for ourselves as individuals.

I ask Ministers to measure the proposal on the restriction of entitlement to widows pensions against those three benchmarks. I think that the proposals breach all three commitments. The national insurance principle is a contributory principle. Millions of families, whose members are spread across several generations, believe that they have been part of that contributory principle. and that it gives them some guarantee against an uncertain future. People believe that there is a safety net which, in the event of an early and unexpected death, will leave their widow with an entitlement based on contributions already made. We cannot wipe out that history of contributions or condense it into a six-month period and pretend that that is still the basis of a universal and inclusive provision.

We must recognise that millions of people still believe that, under the national insurance structure, widows benefits form the foundation of a modest income that may be supplemented by earnings. Whether a person is male or female, the prospect of finding work in their 40s and onwards is not great. All Members of Parliament in their constituency advice surgeries have heard a litany of complaints from older workers who feel that they have been abandoned by the labour market. They constantly refer to their experiences of seeking jobs and being told that they are past their sell-by date. It is a tribute to them that they continue to look for work, but we ought not to pretend that this is a process whereby a declaration of intent to look for work will magically secure the opportunity. Bereavement compounds the problems that older workers experience in pursuing secure and reasonably paid employment.

I am sure that most Members of Parliament will have received letters from Age Concern and many other groups. We are, in fact, vulnerable to the criticism that the changes will mean that the Labour Government are themselves guilty of a form of pensions mis-selling. Age Concern has sent details of people who have received letters from what is now the Department of Social Security, dated 1979, 1987, 1991, 1994 and 1998, all telling men that their wives would be covered, and would receive widows pensions. One sentence from such men comes up time and again: "I am now too old to make any alternative plans for my wife".

The amendments tabled by my right hon. Friend the Member for Birkenhead (Mr. Field) address just how far back we ought to set the benchmark relating to those whom we continue to include in the current provisions governing the contributory framework for national insurance. All who have made such contributions will no doubt tell us that, to a certain extent, we have been obtaining money on false pretences. They believed that they were contributing to the common pot of national insurance, on the basis that it would be there for all at the point at which it would be needed. In that context, we are in danger of constructing something that is close to retrospective legislation. It is retrospective in the sense that all who have already made contributions are in danger of seeing those contributions being taken from under their feet not just by a change in future commitments on social policy, but by a reneging on past commitments.

We should also consider what bereavement means as a personal experience. I do not think that the House has begun to scratch the surface in considering the impact of the death of a partner. Seeing a partner die makes huge demands not only on a person's work prospects, but on that person generally. It makes demands on the person's social confidence; it makes the person introspective, in that he or she must simply get through life day by day, week by week. The point at which death occurs is the beginning of what is often a long grieving process. The idea that the process can be limited to six months—the idea that people can be told, "That's your lot, get yourself sorted out, get out there and get a job"—does not remotely equate to the real-life trauma that many people, especially women, experience in the process of nursing a partner to a dignified death.

I think it demeaning to talk about time-limiting, or cash-limiting, the entitlement to six months. To compensate for the cash losses for a woman of 55—what would amount to more than £21,000 in the five years that

[Mr. Simpson]

would take her to retirement age—we would now offer £1,735. That is a derisory exchange, given the human and personal commitments that would have been made over, perhaps, many years of nursing care.

1.45 am

It is also an impossible message to sell. How on earth do we tell people, as the legislation goes through, that the only way to deliver the widows benefit that they had hoped would be in place for their spouses is to do a Captain Oates and say, "I am going out now and I shall be gone for a while." We cannot say, "You have to act quickly before the legislation comes in. Die now while stocks last." That is hardly a commitment to a new, refounded welfare state, based on the principles of social inclusion and universality.

I hope that, when the Bill goes to another place, Ministers will take the opportunity to reflect on the fact that the House has other choices. It has better and more inclusive choices. I hope that, when the Bill comes back in its final stages, we will have found a way in which to honour and to extend widows' benefit rights, rather than contracting and limiting them.

Mr. Oliver Letwin (West Dorset): I am, for once, grateful to have been called in the debate after many hon. Members have spoken—perhaps, for all I know, near the end of the debate. It has been a fascinating debate. In the course of it, I have understood much better some of the points that I wanted to make from the beginning. What has become clear is that we are discussing two separate, but connected issues. The first relates to the specific question of widows and their payments on bereavement.

In case Ministers do not do so in their answer to the debate, I should explain what I take to be the logic behind the Government's proposals on the precise question of widows. It is part of a general logic. If I were going to defend the Government's proposition on widows, I would say what the Government would say, if they were honest, about a range of their social security measures: the Government no longer accept what my hon. Friend the Member for Canterbury (Mr. Brazier) referred to implicitly, which is that with certain categories of person, regardless of their income, it is right to recognise their need for extra payments, or for reduced taxation, which come to the same thing, but in different ways. That is as true of the married couples allowance—which, obviously, I am not able to speak about tonight—as it is of widows benefit.

If they were defending their position against new clause 1, the Government would say, "We do not accept the idea that widows as widows have any right to any special payment on bereavement. For political purposes, we will admit to payment for six months." However, the six-month limit makes no sense. There is no logic to six months. While we are at it, there is no logic to a limit of three or nine months.

Mr. Duncan Smith: It is plucked out of the air.

Mr. Letwin: Indeed. It is plucked out of the air for understandable political reasons, but the proposition that underlies that arbitrary six months is the fundamental one that circumstance should not count. In the Government's view, only one circumstance should count: income.

That is a reasonable proposition; it is rational. However, it is wrong because of two consequences. The first involves incentives; the right hon. Member for Birkenhead (Mr. Field) has talked many Labour Members and now, thankfully, almost all Conservative Members into recognising the argument. The proposition that it is always lack of income, and only lack of income, that should attract payment from the state, or reduction of tax from the state, is an incentive always to reduce, rather than to increase, income at any stage in life. The right hon. Gentleman has written lucidly and powerfully about that. In the Bill and in many other measures, the Government have forsaken the principles that he has enunciated.

The second reason why circumstances should count is that we should be giving positive incentives to people. In this case, we should be giving people incentives to save and to contribute; in other cases, they should be given incentives to look after themselves and to behave in certain ways—such as to enter stable relationships for the sake of children. If we do not admit the principle that certain circumstances, quite apart from income, are ipso facto a reason for being treated differently from other people, we sweep away the whole argument for using the tax and benefit system as a means of creating a better society and preserving that which is good in our society.

The conception that certain circumstances are not a reason for different treatment—if that is what Ministers believe—is a profound misconception. If that is not their conception, the argument for doing away with widows benefits collapses entirely. If one admits that circumstance is a reason for increased payments from the social security system, who could possibly be in a circumstance more meritorious and needy than someone who has been bereaved?

We have been discussing two issues: the first is that of widows; the second is a broader and deeper one, on the contributory principle. I should like to enlarge a little on a debate, which, although it has been very interesting, has not quite yet got to the nub of the issues.

It is clear that the contributory principle is a very special thing. It is not like a contribution or a contract between an individual and a private scheme, and I think that many hon. Members on both sides of the House will agree that that is a very fine thing.

As the right hon. Member for Birkenhead said, a principle in the Green Paper, and for the Prime Minister, has been to encourage private provision. However, private provision has a characteristic that contributions to the social security system can never share. More importantly, contributions to the social security system have a characteristic that private schemes can never share. Private schemes can never be as diversified as contributions coming compulsorily to the central pool. Compulsion is the basis for universality—which is the principle that I think that the hon. Member for Nottingham, South (Mr. Simpson) had in mind.

Mr. Edward Garnier (Harborough): I am fascinated by the debate, and am delighted that I stayed up to listen to it. *[Interruption.]* I may be mad—and I hope that my hon. Friends will help me out when I am old—but I think

that my hon. Friend the Member for West Dorset (Mr. Letwin) is alighting on a very important point. We talk about the contributory system, but are we not simply talking about a form of taxation?

Mr. Letwin: I am delighted that my hon. and learned Friend stayed up, not to listen to me, but to alight instantly on a point that is far distant in my speech, towards which I was gradually wending my way. My answer is no—I do not think that the contributory principle is a form of taxation. The problem, however, is that the Government do. I shall try in a moment to explain just what I mean by that.

The difference between contribution in social security and contribution to a private scheme is that, in a private scheme, a person is looking after himself or herself—[HON. MEMBERS: "Here he is."] I certainly do not attribute the arrival of the Secretary of State to my own eloquence, but we are honoured by his presence.

In a private scheme, in which an individual looks after himself or herself, the individual necessarily is an economic proposition; otherwise, the private scheme would not be taking him or her on. All the other individuals in that private scheme also are economic propositions—which is a fine thing; there is nothing to be said against it. I think that my hon. Friends on the Front Bench will agree that any proper long-term provision for old age and the many other vicissitudes of life depends greatly on private provision. However, it will never satisfactorily wholly depend on private provision; neither will it ever satisfactorily wholly depend on means-tested benefits for those for whom private provision fails. There must be a middle portion that is funded by compulsory contribution into a pool that is sufficiently diversified for there to be a transparent link, in the words of the right hon. Member for Birkenhead, for those who, throughout their working life or for a large part of it, do not constitute economic propositions for private providers between what they contribute and what they receive. That link is not between the amount that they contribute and the amount that they receive, as in a private scheme, but between the fact of contributing and the fact of receiving. That is the huge distinction between contribution and tax.

Mr. Garnier: Might I not have the same feelings about the payment of tax and what I eventually receive in an old age pension or another form of benefit?

Mr. Letwin: I am particularly grateful to my hon. and learned Friend for that intervention, which moves me on to the next phase of my argument. My answer to his question is again no. When I make a tax payment, I do not believe that I have any right to expect particular results. For a long time, the House has recognised that distinction through the consolidated fund. We have also recognised that it is legitimate to change entitlements and tax regimes more or less willy-nilly, year after year, without trying to go back and ask whether someone making a tax payment in previous years had any contractual expectations.

Mr. Hayes: Will my hon. Friend give way?

Mr. Letwin: Of course I shall in a moment.

That was a great distinction between the tax system and the contributory system. Those who fostered and preserved the contributory system always imagined that there would be a framework of legitimate expectation and that people would not retrospectively make changes that falsified those expectations.

Mr. Hayes: I am sorry to harass my hon. Friend. Is his point that obligation produces a certain type of trust? The difference between a compulsory system managed by the state and a private contract that one might enter into, like a business deal, is that the obligation engenders a certain expectation and trust that is peculiar to the system that we are talking about.

Mr. Letwin: My remarks seem to be so unpleasing to the Secretary of State that he has left the Chamber again. [HON. MEMBERS: "Back to bed."] I hope that he rests well.

My hon. Friend is right. Part of the point of the contributory system as it was understood is that it creates a bond of trust in the framework of legitimate expectation, but it also does more, creating clarity for people who would otherwise lack it about the fact that they are contributing to their later benefit. It creates a sense of responsibility that would not be possible for them in private schemes because they are not economic propositions. It transfers a large part of the population, widows in this case, from being legitimised beggars looking to the state for money to being upstanding, proud people who have contributed—either personally or through a spouse on their behalf—to something that they receive.

We all know that distinction as it is felt by people in this country. Despite the efforts of the Government, which I applaud, there are still hundreds of thousands of pensioners who refuse to draw income support, because they make in their hearts the distinction that I am trying to make in our minds between contribution and receipt of unmerited benefits.

Mr. Garnier: Is my hon. Friend suggesting that the taxation system and the contribution system should be engines of social change? I thought that the old Labour party used to stand for that.

Mr. Deputy Speaker (Mr. Michael Lord): Order. Before the hon. Gentleman responds to that, I think that we are getting wide of the mark. He ought to talk more specifically about the new clause and the amendments.

Mr. Letwin: Of course, Mr. Deputy Speaker. I stand admonished and I shall not say more than yes. I believe that the tax and social security system should be used as a framework to try to create proper relationships between individuals and the state and proper relationships between one individual and another. There is nothing harmful in that.

This is a defining moment for the Government and their social security policy and for my party and its attitude. To take the second first, there is no doubt that the right hon. Member for Birkenhead was right to say that we were grossly at fault. In trying to save money in the social security system, we frequently attacked both the contributory principle and the principle that means testing should not be extended. Ironically—horribly ironically—the results of our efforts to save money by doing those two wrong things were to increase vastly social security spending; a point made in opposition and now in government by the Prime Minister, who frequently thinks that he is still in opposition.

[Mr. Letwin]

2 am

Tonight is a defining moment for my party, because we must promise ourselves that we will never again make that mistake because we will have learned the lessons that the right hon. Member for Birkenhead has taught us all these years.

Mr. David Ruffley (Bury St. Edmunds): In seeking to justify the abolition of non-means-tested widows benefit, the Government have said that only 16 per cent. of widows benefit recipients are on income support. Does my hon. Friend agree that there has been no calculation of the numbers who will have to go on to income support as a result of the abolition of widows benefit?

Mr. Letwin: My hon. Friend—as usual, with his acuity about Treasury matters—is absolutely right, and it is typical that the calculations often omit hidden costs. However, the situation is worse. It is not just a question of the immediate effect of the measure, but the collective effect of a range of measures of which this is one of the most important. Together, they will vastly increase the propensity to move to a position where means-tested benefits are attractive. That has a colossal systemic effect on the bulk of social security spending.

It is a defining moment for the Government tonight. If they stick to their guns—admirable as that may seem in moral terms—against their own Back-Bench feeling, which is very strong tonight, they will be engaging in precisely the mistake that we, to our great cost, have learned that we made and which we are promising ourselves tonight not to make again.

The only purpose of Ministers imposing this arbitrary six-month limit on widows benefit—they do not hate widows any more than the rest of us—and in getting rid of that bit of the contributory system in which, in principle, they believe is to save some money. They have been told to do so by the Treasury because it has decided that tax and social security are all one, and that the big aim must be to save money. The tragic irony is that the Government will not achieve that.

Two or three years' hence, the Government will end up discovering—to their astonishment—that, yet again, as in the past two years, the social security bill has gone way up. Hey presto, they will discover a new range of benefits that they can clobber and new means testing that they can introduce. Yet again, social security spending will go up. The widows will have lost, but the taxpayer will not gain.

What makes it so surprising that the Government are adopting that position is that it was a Labour Member—someone who was, for nearly two years, a member of the Government in charge of these matters—who made us all see the light. Yet they are wearing a mask to protect themselves from this light because they have been told to do so by the Treasury. That is extraordinary.

I beg the Government to listen, not just to their own Back Benchers but to the lesson of the recent economic history of this country. The Government's whole project depends critically on containing social security spending. In that, they are right—but this measure will not do it. It will have the opposite effect in the long term. If they learned that lesson, they would deserve and get—I hope—our praise.

Sir Peter Emery (East Devon): I have listened to the two and a half hours of debate since my hon. Friend the Member for Brentwood and Ongar (Mr. Pickles) moved the new clause. I do not normally speak to the House at this time—*[Interruption.]* Well, I have not for the past 20 years, but I did for the 20 years before that. I do so tonight for a number of reasons.

If this new clause, which we are trying to correct, had been introduced by a Conservative Government, there would have been uproar from a Labour Opposition. Labour Members would have been incensed and would have rolled out all aspects of the terrifying prospect of a Government determined, once again, to attack the pensions and benefits system. I find it strange to have to remind Ministers of how they would have behaved if the proposals had been introduced by a Conservative Government.

The measure has been condemned in many aspects, but what is so sad is that it is unnecessary, because it does not save much. My hon. Friend the Member for West Dorset (Mr. Letwin) is absolutely right. The cost of benefits will rise and any saving from the measure will be a drop in the bucket. For that very reason, it is mean. It is the meanness that I object to, on behalf of my constituents.

Many people will consider that their husbands have paid for them to have a pension. They will have believed that they were protected and will suddenly find that they are not. The Government will have to do a lot to make certain people understand what they are doing. They should not do it in the dark.

My constituency contains the second largest proportion of retired people, at 38 per cent. Many of those people have much younger wives. *[Laughter.]* Some may laugh, but I am delighted for the older men, because they are being properly looked after, and surely hon. Members of all parties can admire that. I hope that it happens to them when they get older.

Mr. Bercow: I hope that my right hon. Friend will not take it amiss when I say that, from my own extremely stimulating visit to his constituency some years ago, I seem to recall that he himself has a substantially younger, and extremely agreeable, wife.

Sir Peter Emery: Who, I am very glad to say, looks after me extremely well.

What position will the Government be in when many women who become widows find out that they have been taken for a ride, in that their husband's contributions have not brought them the benefit that they expected? Members of Parliament will be inundated with letters of objection. If the Government are intent on pressing ahead, they must be much more frank than they have been in publicising the effect, because some people will want to take other measures to replace the protection that currently exists for their wife when they die.

I cannot understand why the Government persist. They must know in their heart of hearts that they are not doing something to be admired. They must know that. I say to Labour Members, you know that you do not like this or approve of it.

Mr. Deputy Speaker: Order. The right hon. Gentleman, of all Members in the House, knows the correct parliamentary language.

Sir Peter Emery: I do indeed, and I apologise. It must be the hour. Nobody in the House believes that the Bill should pass unamended: new clause 1 would be of great benefit to everybody in the country and it deserves support.

Mr. Swayne: My right hon. Friend the Member for East Devon (Sir P. Emery) is right to draw attention to what will happen when the letters arrive. Earlier in the debate, several hon. Members mentioned the letters that they had received. I have received no letters, but I believe that the public have yet to cotton on to what is happening. Those letters will come and many Labour Members will find answering them very disagreeable.

I found some two hours ago that Ministers were at their weakest when responding to our criticisms of Government new clause 15. However, one of their arguments resonated with me, although it was treated somewhat dustily by many of my colleagues. Perhaps I am more gullible. I was persuaded by the Ministers' argument about their motive. They said that it was their perception that some people were escaping their obligations and not paying the level of national insurance contribution that they should be paying. The Ministers' estimates were probably incorrect, but the motive behind them had some resonance for me. However, in the context of these provisions, the incentive to pay up and make proper contributions is undermined by the way that we will all be treated in the future.

I entirely understand those hon. Members on both sides of the House who have dwelt on the plight of widows—often movingly—and of elderly men who recognise their frailty and are concerned about how their wives will manage after they have gone. However, the Government's proposal should concern everyone, and not only widows and elderly men. It is a question for all of us, because we will all be short-changed by this measure. Our legitimate expectations will be undermined.

The hon. Member for Hemel Hempstead (Mr. McWalter) made a telling contribution when he intervened in the speech by my hon. Friend the Member for Altrincham and Sale, West (Mr. Brady). Indeed, my hon. Friend gave a dusty response to the important point made by the hon. Gentleman when he drew attention to the importance of imputing to people contributions that they could not otherwise make because we approved of the activities that they were undertaking. That is a good and responsible measure, but I am tempted to ask to what end we would do that now. What is the point of imputing contributions when we are set on abolishing the contributory principle? That will be the effect of this measure. We will move away from the contributory principle to means testing.

It has been said before, but it bears repetition, that the previous Government greatly extended means testing. As a policy, it was not a success. It certainly failed to achieve its principal purpose of restraining the rise in the social security bill. However, one of the most depressing features of life since 1 May 1997 is the inability of the Labour party to learn from that experience.

2.15 am

I urge the Government to recognise the problems that we faced and the problems that they now face. Astonishingly, as the debate has proceeded, I have heard three Labour Members sort of shuffle away from the debate, saying, "We might not press our amendments tonight, we might not sort this out tonight, but we hope that these matters will be properly addressed in the other place". After the debates in recent months about the nature of the other place, Labour Members would do well to press their amendments tonight if they have any honour and honesty.

Mr. Timms: In Committee, we had a very serious debate on this part of the Bill; on the whole, we have done so again tonight. In Committee, we debated several permutations for extending bereavement allowance. I shall tell the House the reasoning behind the reforms that we propose, and explain why we believe that we are doing the right thing.

First, the widows benefit system that we inherited was hugely out of date. Thousands of people are unfairly excluded from the benefit each year, simply because of their gender. Conservative Members have said remarkably little about that tonight, but I suppose that that is not surprising.

We are modernising the system by extending benefits to bereaved men for the first time, giving widowed fathers the support that they need through the new widowed parents allowance—support to which they have never previously had access. That is a huge step forward. Let me emphasise for the benefit of some Conservative Members that the widowed parents allowance is a wholly contributory benefit. It is an extension of the contributory benefit system to people who have never had access to it before. It is an extension, not a reduction, of the contributory benefit principle.

Secondly, and equally old-fashioned, the current system is based on the assumption that wives are wholly dependent on their husbands. That has not been the case for a considerable time.

Mr. Pickles: The hon. Gentleman says that this is an extension of the contributory principle. Will he confirm that, because women accumulate a smaller amount of national insurance contributions, it will not create equality because the level of allowance that a widower will receive as a result of his wife's contributions will be less than a widow will receive as a result of her husband's contributions?

Mr. Timms: No. Through the widowed parents allowance we are greatly extending the contributory benefit system to many people who have not had access to it before. The hon. Gentleman's argument is misleading because women's contribution records are very rapidly catching up with those of men.

Mr. Pickles: One cannot use phrases like "are very rapidly catching up" in this context. The fact is that women's contribution records are considerably behind.

[Mr. Pickles]

In future they are bound to catch up, given time, but now and for the next few years they will be less than the equivalent of male contributions, and therefore widowers will receive a lesser pension than widows will. It is common sense.

Mr. Timms: The amount of contributions will not affect the level of allowance that widowers receive, but it will determine whether people are entitled to receive that allowance.

In Beveridge's time, when the current system was designed, only one in eight married women worked. Today, seven out of 10 do—a proportion almost as great as the proportion of men who work. As a result, women's national insurance contribution records are catching up.

Dr. Lynne Jones: Has my hon. Friend discussed the proposal to curtail widows benefits with the Minister for Women? I understood that it was Government policy to involve issues concerning women's disadvantage in the mainstream of Government policy. Even when women are working full-time, they earn far less than men, and the disparity is greater the older they are. Given those facts, are the proposals not discriminatory against women?

Mr. Timms: I can reassure my hon. Friend that our proposal has the full agreement and assent of every member of the Government, including the Minister for Women. National insurance contributions records for women are catching up with those of men.

The third flaw in the system is that it pays money to people who have substantial provision of their own, while simultaneously failing to provide adequate support for those who need help most. It does not distinguish between those who need continuing help and those who do not. Those who earn decent wages or who have substantial occupational pensions or life insurance see the greatest benefit from the system as it stands. The least-well-off widows receive the least. Some 35,000 widows see no gain from their widows benefit because they have to have it topped up in income support. Widowers receive no help at all.

Mr. Rendel: The Minister says that he does not like the present system because it does not give more help to the poorest. Am I correct to say that if he cuts widows pensions for everyone, that will not give more help to those who are poorest?

Mr. Timms: I do not entirely follow the hon. Gentleman's logic. I shall come to his amendment in a moment.

Mr. Bercow: Will the Minister give way?

Mr. Timms: No, I need to make some headway.

I have outlined the background to the problems that we inherited in the present system. We are introducing reforms that will bring the system up to date, delivering support to those who need it. No one on the Opposition Benches mentioned the fact that we are doubling the lump sum benefit paid on bereavement from £1,000 to £2,000.

Mr. Pickles: I mentioned it.

Mr. Timms: I beg the hon. Gentleman's pardon. I am grateful to him for informing the House of something that none of his hon. Friends mentioned.

We want to provide help with the immediate costs that face people following bereavement. We are ensuring that the system helps the least-well-off widows and widowers with children and on income support. They will be entitled to an additional premium of £10 a week through a new disregard of the widowed parents allowance instead of having their benefit deducted pound for pound. We are also providing long-term, non-means-tested contributory support for bereaved mothers and fathers with dependent children through the widowed parents allowance. That is equivalent in value to the current widowed mothers allowance.

I ask the House to support Government amendments Nos. 63, 64 and 65, which correct a minor drafting error in clause 48 to make sure that widowed mothers and fathers receive the full pension that they are entitled to at retirement age. As well as providing continuing help for those who most need it, we recognise that people need breathing space to come to terms with the emotional and practical upheaval caused by the loss of their spouse. We have rightly heard a good deal about that, and we propose that the new bereavement allowance should offer financial support to widows and widowers aged over 45 and without dependent children for the six months following bereavement. I suggest that that is a reasonable period of adjustment.

Mr. Malcolm Wicks (Croydon, North): I have listened with care to speeches from both sides of the House and have heard many hon. Members talk about the inadequacy of the six-month period, given the nature of bereavement. Given the weight of argument, would the Minister at least agree to reconsider the period?

Mr. Timms: No. This is a question of balance. Having considered the matter carefully, we think that we have struck the right balance.

Mrs. Fyfe: Will my hon. Friend give way?

Mr. Timms: No, I need to make some progress. [HON. MEMBERS: "Give way."] I shall be pleased to give way to my hon. Friend later in my speech.

The hon. Member for Vale of York (Miss McIntosh) said that we were moving away from the principles of the Beveridge system. I took the opportunity to look back at what William Beveridge said about widows benefits in 1942. He rejected universal cover for all widows regardless of need. It is important to recognise what the Beveridge principle was in this respect. The report said, although it is in terms that I would not use:

> "There is no reason why a childless widow should get a pension for life, if she is able to work, she should work. On the other hand, provision much better than at present should be made for those who, because they have to care for children, cannot work for gain or cannot work regularly."

It is important to remind the House of that because, from the comments of the hon. Member for Vale of York and some of the other comments made in the debate, one could easily get the impression that these things were fixed in tablets of stone years ago by our forefathers and cannot possibly ever be changed. That is not the case. The truth is that we need continuously to review the way in which the system works and reflect in it the changes that have occurred. In that way, we can ensure that the system meets current needs and does so effectively. We will have

a stronger benefit system as a result. Simply refusing to change things—saying that we cannot change anything, as a number of people have said tonight—would mean that the system would not meet the new needs that it must address.

Miss McIntosh: My point was a more serious one. I think that hon. Members on both sides of the House accept that one has to move with the times. I associate myself with the remarks of the hon. Member for Hackney, North and Stoke Newington (Ms Abbott), who said that the Government are trying to score a cheap feminist point. I particularly want the Minister to answer this question: what about the expectations of husbands who have contributed for a substantial number of years and whose contributions will be worth nothing when, as has been put on the record this evening, the savings will be so minimal that the Government will not help the category of people whom the Minister says that he wants to help?

Mr. Timms: The hon. Lady may well want to put that question to those who were on the Front Bench when the Conservative party was in government and to ask them why they made the huge changes that they did to the contributory benefit system during their 18 years in office. I wanted to raise that matter myself.

Mrs. Fyfe: I happen to agree with Beveridge. Speaking as a widow, I do not believe that widows should be kept by the state for life, but I object to the six-month period. Will my hon. Friend expand on what made him and his colleagues arrive at six months? I do not believe that most middle-aged women could get into work or training in that space of time.

Mr. Timms: The judgment is a balance. We want a reasonable breathing space to allow people to adjust to their new circumstances and then move on. That is what the six-month period will do.

Those who are aged 55 or over at the start of the new arrangements and who are widowed in the first five years after the changes are implemented will be able to claim income-related help without signing on for work—my hon. Friends the Members for Crewe and Nantwich (Mrs. Dunwoody) and for Glasgow, Maryhill (Mrs. Fyfe) asked about that. Particular help will be available transitionally, and there will be a special premium in the income-related benefits to help ensure that people's income remains at the level of the six-month bereavement allowance.

It would not be right to assume that younger widows and widowers, many of whom will already have regular employment, should settle into a lifetime of dependency. We have a firm commitment to help men and women to be financially independent, both during their working life and in retirement. We are putting policies in place to achieve that.

We have introduced a comprehensive welfare-to-work programme, which offers a wide range of support to help people back to work, including advice on employment, training and benefits. In particular, I would pick out the new deal for the over-50s that was announced in the Budget, which will provide a personalised service for people who have been on benefit, jobseeker's allowance, income support, incapacity benefit or severe disablement allowance for more than six months to help them return to work. Bereavement allowance is not included in that list. My hon. Friend the Member for Newcastle upon Tyne, Central (Mr. Cousins) made an interesting point about that, but it is not in the list as it stands. The new deal will offer people a £750 in-work training grant.

2.30 am

Mr. Cousins: I want to clear up this important point. The Minister rightly drew attention to the introduction of the employment credit system for the over-50s. Is he telling the House that short-term bereavement allowance will not be a qualifying trigger for access to it?

Mr. Timms: That is correct. People would need to spend a further sixth months on one of the other benefits to qualify for the new deal for the over-50s. A spin-off benefit of what we propose is to ensure that people can be put in touch with this support at the earliest stage, in six months rather than delaying longer.

Mr. Ruffley: Will the Minister give way?

Mr. Timms: I will not because I must make some headway.

Our reforms will refocus expenditure where and when it is most needed: on immediate needs, children and families. We are concentrating help on the immediate period of bereavement and, where necessary, providing carefully focused help to those most in need thereafter.

Several Opposition Members suggested that changing the rules for contributory benefits is a breach of promise. They spent 18 years doing that. We will take no lectures or crocodile tears from them on that front. A series of Conservative Members, including a Front-Bench spokesman, apologised in Committee and tonight for the record of their Government. I will be interested to hear whether the shadow Secretary of State will echo them.

Mr. Letwin: Will the Minister give way?

Mr. Quentin Davies: Will the Minister give way?

Mr. Timms: No, I need to conclude.

Our measures modernise bereavement benefits. It is right that the benefit system should reflect changes in our society. I understand the attraction of the argument that we should leave things as they are, and that some people believe that it is in the interests of those who depend on the benefit system to do so. It is not. If we hand out benefit to people who plainly do not need it, we undermine the system. It saps confidence in the national insurance system that underpins it and, in the long run, those who depend on the system are the losers. That is why modernisation is so important for those of us who believe in the system and in the potential of publicly delivered welfare to improve people's circumstances in a decent, dignified manner.

Things do not stand still. It does no favours to those who depend on the benefit system to behave as though nothing has changed. If we are spending benefit cash to

[Mr. Timms]

meet yesterday's needs instead of today's, we are weakening the system and damaging the interests of those who need support. The capacity of the system to meet need will always be constrained. To insist on continuing to meet yesterday's needs means only that we will be unable to meet today's, let alone tomorrow's. There are big new demands that the system needs to address. We must ensure that the capacity to address them is in place without making unrealistic demands for new resources. That is what we are doing.

Fifty years ago, one in eight married women worked; today it is seven out of 10. The benefit system needs to reflect that change. Some 47 per cent.—almost half—of widows receive income from an occupational pension; 50 years ago, it would have been unusual. That change has consequences for the benefit system that it must reflect.

Audrey Wise (Preston): Will the Minister give way?

Mr. Timms: I cannot give way.

According to the latest labour force survey, of the minority of women aged 35 to 54 who are not working, only 16 per cent. had not worked in the past five years. That is a small proportion. The benefit system must reflect those changes. If it does not, it will be weakened and those people—widows, widowers and others—who depend on it to provide security will be the losers. We will not allow that to happen. I urge the House to reject the new clauses and the Opposition amendments.

Mr. Pickles: We know now that when a Minister is in trouble he puts his head down, sticks to his brief, and ignores everything around him, including arguments and reasons. The Minister's speech was a disappointing end to a fine debate which has included some interesting and intelligent contributions. I am sorry that the Government seem to be so obdurate when so many Labour Back-Bench Members and Opposition Members are doing their best to dig them out of a hole. The debate has continued for more than three hours, and it is remarkable that there have been only two loyal interventions from Labour Members. With the notable exception of the Minister, not one speech has been made in support of the Government's proposals.

Mr. Rendel: Does the hon. Gentleman agree that one of the most disappointing features of the Minister's response to the debate was when he was challenged on six months? He was asked to say what evidence he had to support his suggestion that six months was the right period. Does the hon. Gentleman also agree that not one of the organisations that deals with widows has said anything other than that six months is far too short a time? I know that he has several letters similar to those that I have received.

Mr. Pickles: I agree with the hon. Gentleman. I have not come across anyone, with the exception of those who occupy the Treasury Front Bench, who thinks that six months is acceptable. I have considerable time for the Minister, but I am unhappy about the way he responded to the hon. Member for Croydon, North (Mr. Wicks). The hon. Gentleman made a reasonable suggestion. He said, "Maybe we should have a think about this. Perhaps we should pull back from this. Perhaps we should consider a figure other than six months." The Minister just said no and moved on. That is insulting to a senior Member of this place.

Mr. Letwin: The Minister is laughing.

Mr. Pickles: I am sorry that he is laughing.

It is also insulting to the House that we have not had the continued presence of the Secretary of State. The right hon. Gentleman has been in his place for exactly five minutes. If he was able to break off from the pensions debate last week systematically to tell Lobby journalists how he would crush the rebels, he should have the decency to be here in front of the rebels to tell them how he will crush them.

There have been some notable contributions from both sides of the House. Some were very amusing but mostly they have been sombre. That reflects the fact that what we are about to do is shameful. I think that I heard the Minister say—he was going at such a gallop that I cannot be sure—that people on contributory benefits were part of dependency.

Mr. Letwin: Yes.

Mr. Pickles: My hon. Friend agrees with me. If that is what the Minister said, and his civil servants do not try to erase it or paint it out in *Hansard*, it is the clearest indication that we could get that he does not understand the contributory principle and the basis of someone paying into a national insurance scheme so that, if times are bad, he can take out what he has been paid in.

Mr. Letwin: If my hon. Friend thinks that he may have misheard the Minister, does he agree that the Minister went on to say that we should not—I think that I quote almost ipsissima verba—hand out benefits to those who do not need them. That is undermining the entire contributory principle and announcing that means testing will be the sole basis of the whole system.

Mr. Pickles: I regret that that is the only way in which the Minister's comments can be construed. I hoped that it was a slip of the tongue. If it was not, the Government are in deep trouble.

Mr. Bercow: Does my hon. Friend also recall that in response to the intervention from the hon. Member for Birmingham, Selly Oak (Dr. Jones) the Minister failed to confirm that support for the Government's proposals had been forthcoming from the Minister for Women, or even that that Minister for Women had been consulted? He merely gave a blithe, bland and meaningless reassurance that Government policies commanded the support of all Ministers, including the Minister for Women. He failed to answer the specific question whether the Minister for Women was consulted directly, yes or no.

Mr. Pickles: That is true, but, in fairness to the Minister, perhaps he cannot remember who the Minister for Women is. Who can blame him?

The Government are in a terrible hole. They will have to rethink the measure. It will not get through another place in its present form. We are conscious that votes give

people mandates, and that the decisions of this place affect the other place. We want to give the Government a chance to rethink. We do not want to paint them into a corner. It would be easy to kick them about now, as they seem to have lost the support of every thinking hon. Member on their Benches.

We believe that the Government should be given one last chance to rethink. I am firmly convinced that another place will send the measure back for our further consideration. In order to enable the Government to climb down, as they must do in the interests of justice, I beg to ask leave to withdraw the motion.

Motion and clause, by leave, withdrawn.

New Clause 2

AGE ADDITIONS

'For section 79 of the Social Security Contributions and Benefits Act there shall be substituted—

"79.—(1) A person who is above the specified age and who is entitled to a retirement pension of any category shall be entitled to an increase of the pension, to be known as 'age addition'.

(2) Where a person is in receipt of a pension or allowance payable by the Secretary of State by virtue of any enactment or instrument (whether passed or made before or after this Act) and—

(a) he is above the specified age; and

(b) he fulfils such other conditions as may be prescribed,

he shall be entitled to an increase of that pension or allowance, also known as age addition.

(3) In this section 'specified age' means an age specified by the Secretary of State in regulations.

(4) Age addition shall be payable for the life of the person entitled, at weekly rates to be determined by the Secretary of State in regulations.

(5) Regulations under this section may—

(a) specify one or more specified ages at which age addition shall be payable;

(b) provide for different rates of age addition to be payable for persons of different specified ages.".'.—*[Mr. Webb.]*

Brought up, and read the First time.

Mr. Webb: I beg to move, That the clause be read a Second time.

New clause 2 gives the Secretary of State additional powers. After the debate that we have just had, many Labour Members may feel that giving the Secretary of State additional powers is the last thing that they want to do. The new clause allows the Secretary of State to do something that the Minister told us the social security system needs to do—not to leave policies set in stone for decades, but to reflect the changing patterns of a modern society.

The new clause, which is supported by my right hon. and hon. Friends and, I am pleased to say, the right hon. Member for Birkenhead (Mr. Field), calls on the Government to take an extra power. That power would enable them to pay age additions to the basic state pension not just at the age of 80, which is currently written into primary legislation, but at such ages and at such rates as the Government saw fit. The Secretary of State could decide to pay age additions at 75, 80 and 85. He could decide to pay age additions not at the current, rather insulting, 25p, but at whatever rate he saw fit. The new clause gives the Secretary of State new powers, but takes away none that he currently possesses. For that reason, I am sure the Government will welcome it with open arms.

New clause 2 is the thinking person's new clause. As evidence, I shall quote from a pamphlet from the Social Market Foundation produced in 1993. It is called, "The Age of Entitlement", and states:

"There is a tendency for older pensioners to be the poorer ones. . . older pensioners tend to get left behind as living standards enjoyed by the rest of the population increase. After a decade or more of retirement the gap in incomes can become significant."

The pamphlet continues:

"These arguments constitute the case for a higher rate of pension payable to the over-80s. There is indeed a hint of this in our current pension arrangements, with a 25p pension increase payable on reaching the age of 80. This is a laughable attempt at implementing a sensible policy."

Those are wise words, written—as the Minister suspects—not by me, but by the hon. Member for Havant (Mr. Willetts), the Conservative spokesman on education and employment matters, who is regarded by his friends, I gather, as Two Brains. If it is good enough for him, I hope that his hon. Friends in the Conservative party will see fit to support the new clause.

The policy is supported not only by the leading thinker in the Conservative party. The right hon. Member for Birkenhead, who repeatedly denies being asked to think the unthinkable, but says that he was called upon to think the doable and the workable, has lent his support to the motion, and was cited recently in the *Financial Times* publicly giving his backing to the idea of tiering the basic state pension to give additional support to older pensioners.

I have referred to two distinguished thinkers—one from the Conservative party and one from the Labour party—but what did the Government's independent pensions review group say in response to the pensions Green Paper? It said that the Government could

"provide a non-trivial step increase in state pension rights at a relatively high age such as 80."

The leading thinker of the Conservative party, one of the Labour party's leading thinkers and the Government's independent pensions review group all back higher pensions for older pensioners. The Liberal Democrats back higher pensions for older pensioners. We would not normally dream of putting ourselves in such exalted company, but there is a strong case for the measure.

2.45 am

When the age addition at 80 was introduced in 1971, the typical male aged 65 had one chance in three of reaching 80. Now, he has one chance in two. Rather than being a minority sport for men, reaching 80 is becoming the majority experience of those who reach pension age, but the state pension system and the basic state pension have not changed.

A few moments ago, the Minister ended his remarks with a flourish by saying why widows pension arrangements needed to move on. I believe that he used the phrase, "Things do not stand still." However, the 25p age addition to the basic state pension has stood still for 28 years. He implied that the modern social security system should take account of modern trends and modern demographics, but that provision is a relic of an era during which I was six. I should add, hastily, that that was over a quarter of a century ago.

[Mr. Webb]

The Minister may say, "Why do we need multiple additions to the basic pension? Surely an age addition at 80 is good enough." Why does he not consider income support, which has one rate for those slightly over pension age, a higher rate for those over 75 and another rate for the over-80s? That recognises the diversity within the large pensioner population.

What about the income tax system? Income tax allowances rise at 65, rise again at 75 and rise again at 80. The tax and social security systems recognise that pensioners are not a large homogenous lump to be treated identically, but have differing needs which can be met in differing ways. The new clause would allow the Secretary of State to take account of that in structuring the basic state pension.

Will older pensioners always be poorer? Do we want to enshrine in legislation a structure that is not necessary? Will older pensioners catch up? If anything, the evidence is to the contrary. In 1979, which is the earliest year for which the Government produce their pensioner income series, the newly retired single female pensioner had a typical weekly income of £60 a week, in today's money. Her elderly counterpart aged over 80 had a weekly income of £58, which is virtually the same. In the mid-1990s, there was a substantial gap. A newly retired single female pensioner could expect £96 a week; her elderly counterpart could expect £83 a week. If anything, this policy is for today and for tomorrow. That gap is growing, not diminishing, and the provision could be included in legislation now to meet present and future needs.

At pension conferences, the Minister speaks of the three pillars of the Government's pensions policy: a minimum income guarantee for the poorest pensioners; stakeholder pensions for those who lack private provision; and a state second pension for the low earners. Higher state pensions for older pensioners are not inconsistent with that vision—they would get the Government off the hook. As one of the principal Opposition parties, it is not normally our role to do that, but, because we want good rather than bad policy, and in a spirit of co-operation, we offer them a route off that hook.

Why would that policy get the Government off the hook? The Minister has said that he wants to do most for those most in need. As he well knows, the neediest pensioners are not those on income support, but those who are entitled to it but fail to claim. The Government's best guess is that there may be 500,000 such people. They have received precious little so far—of the £2.5 billion for the income guarantee, they have not received a penny. The only way to guarantee those people is through the basic pension, targeted on older pensioners. We know that two thirds of the pensioners who fail to take up the income support to which they are entitled are over the age of 75, so the new clause gets the Government off the hook with today's pensioners. In addition, it deals with the Government's big problem with tomorrow's pensioners.

The Government have set up an extraordinary pensions proposal, whereby the basic pension will be massively below the poverty line. They propose to fill that gap with a state second pension, which edges people just above the poverty line in the year in which they retire. Within a few years of retirement, however, according to written answers given to me, income from the basic state pension and the state second pension—it is pegged to prices—will have fallen back below the poverty line. Ten years after retirement, at the age of 75 or 80, people will be well below the poverty line. If the Government take advantage of new clause 2 and tier the basic pension so that 10 or 15 years after retirement people have a more generous state pension, they will not fall below the poverty line. All their additional savings will be on top of their pension income and there will be no disincentive.

There are two extreme positions on pensions. The first puts everything into universal provision. The Government's response to that is that it is expensive and poorly targeted. The second relies heavily on means-tested provision. The Government's projections assume that in 2050, 2 million or more pensioners will receive means-tested pensions. That cannot be a sustainable long-term approach. If the Government use tiering and target by age, they will have a well-targeted strategy that does not discourage people from saving.

When I have put that proposal to the Minister before, his response has been, "You can't spend this money because some of it will not be well targeted." Some of it will go to the woopies—well-off older people. That is fine. If a certain amount goes to the well-off over-80s, good luck to them. However, the Minister will have to explain to the House how he can support a Chancellor who gave £100 in the Budget to every single pensioner household in the land. That is completely untargeted expenditure.

Mr. Duncan Smith: The new clause does not specify ages or amounts. That is probably a good thing, but I am interested in the hon. Gentleman's view about age breaks. Will he explain it?

Mr. Webb: I shall complete the point that I was making, and then respond to the hon. Gentleman's question.

The Minister's key objection seems to be that, although targeting by age is fairly effective, because poverty increases with age, it is not perfectly targeted in the sense that he believes income support to be perfectly targeted on the poor. I hope that he accepts that income support is not perfectly targeted on the poor, because it misses half a million of the poorest in the land who fail to claim. He must also accept that his Government, at precisely the same time, are giving money to pensioners in an untargeted way. He cannot have it both ways. If paying £100 to every pensioner household in the land is a good idea, why is not a targeted increase in the basic state pension, which is more targeted than that, a good idea? He cannot say that it is because it is not targeted.

The hon. Member for Chingford and Woodford Green (Mr. Duncan Smith) asks at what age we would set the age break. We have suggested a first cut-off at the age of 75 and a second at the age of 80. We have used the illustrative figures of £3 at 75 and £5 at 80. Interestingly, that proposal would cost exactly the same as the Chancellor's £100 for every pensioner household in the land, but would do more for the poorest households because they tend to be the oldest ones.

We would not want to enshrine those age cut-offs in primary legislation because the state pension was initially introduced—by a Liberal Government, as I recall—as an insurance against extreme old age and the risk of living too long. It was to cover the final years of life. Life

expectancies are increasing all the time, so we would want to look at those age cut-offs and at people's life expectancies, and adjust them accordingly. The new clause would free the Government from the rigidity in the current primary legislation.

The new clause contains a proposal that the Government must welcome. It gives the Secretary of State a new power, which he may or may not wish to exercise. If he chooses not to exercise it, it is in place for when I, or one of my colleagues, become his successor and can implement it on the first day of a Liberal Democrat Government. Failing that, it would provide a structure that would allow us to target without means testing. Surely that is the right balance to strike. The Government are encouraging people to save, but the savings they make will be taken from them in reduced income support payments.

The new clause is a way of getting money to today's poorest pensioners, who are most in need, and to tomorrow's poorest pensioners, and it gives them an incentive to save to top that up. It would give the Secretary of State new powers to make sensible reforms to the pension system, and I commend it to the House.

Mr. Quentin Davies: Conservative Members are not desperately attracted by the prospect of joining the new form of Lib-Lab pact that is being put together by the right hon. Member for Birkenhead (Mr. Field) and the hon. Member for Northavon (Mr. Webb). We would be wise to maintain our freedom to manoeuvre for a little longer. Nevertheless, there are at least two aspects of the hon. Gentleman's proposals, supported as they are by the right hon. Gentleman, that we think are on the right lines.

The right hon. Member for Birkenhead and the hon. Member for Northavon are certainly on the right lines by trying to do something for the mass of pensioners who do not qualify for income support. Normally speaking, an intention to do something for the mass of pensioners who do not qualify for or claim income support would be platitudinous and scarcely worthy of comment. Such is the state of affairs brought about by two years of this Government, that it is remarkable that someone is thinking of this category of pensioner. What is striking about the Government is that they have done nothing for pensioners who do not qualify for income support. They have come up with some hare-brained schemes for prospective pensioners that will not work. Such people are now providing for their pension or could be induced to provide for their pension if better and more sensibly thought out policies were introduced.

The Government have come up with the minimum income guarantee for those who qualify, which is merely a repackaging of means-tested income support, which they love so much. They have done nothing for retired people who do not qualify for income support or are too proud to claim it. That is a disgraceful record, and it does not stop there. Not only have they done nothing for this deserving category of citizens, many of whom fought in the second world war and have been through much tougher times in the past 50, 60, 70 or 80 years than many of us could conceive of, but they have attacked them in the most brutal fashion. Pensioners will have to pay tax at 20 per cent. and will not qualify for the 10 per cent. tax rate on their savings income.

The Government have gone even further than that. Pensioners who are not supposed to be paying tax, because their total incomes are below the threshold fixed by Parliament at which income tax becomes payable, will nevertheless be forced to pay tax on their pathetically small savings income. The Government have not merely neglected this particularly deserving group of our fellow citizens, they have brutally and cynically attacked them.

Mr. Peter L. Pike (Burnley): I remind the hon. Gentleman that the Government have provided a 100 per cent. winter fuel payment for all pensioners next year. The Conservative Government intended to increase VAT on fuel to 17.5 per cent., whereas this Government have reduced it to 5 per cent.

Mr. Davies: I am afraid to say that the hon. Gentleman is wrong. Those payments are means tested. [HON. MEMBERS: "No."] That is what I am complaining about.

Mr. Bayley: It is a universal payment—£100 to every pensioner household in the land.

3 am

Mr. Davies: I accept that, but £100 is pretty pathetic compensation for what the Government are doing.

It at least represents a brave attempt, and a welcome departure, that the right hon. Member for Birkenhead and the hon. Member for Northavon should try to do something for a category of pensioners for which nothing, or virtually nothing, has been done by this Government.

There is a second aspect to the proposal, which I must say we strongly support. We think that it is on much better lines than those on which the Government have been working. When the economy permits it—when we can afford it nationally—it would be far better to try to do something to reinforce the national insurance system by rewarding contributions made out of people's incomes over many years, to make it clear that there is a reality in the national insurance system: that people who contribute are not just throwing their money away. It is not just a form of tax; it is and genuinely remains a social insurance system, rather than simply reserving any money that is available for an expansion of means-tested benefits.

The Government have a fatal obsession with means testing. Never but never, Mr. Deputy Speaker, do I believe that anyone in this country would suppose that one of the great negative achievements of this Government—I do not offer any positive achievements—would be, having come to power in 1997, to extend means testing to bring about the biggest expansion of it since the 1930s, and as a result to reverse so much of the good work that has been done by all parties to build up our national insurance system over the generations.

Given those aspects—the desire to see what can be done for a category of our fellow citizens who have been shamefully neglected, and the intention to do that by strengthening the national insurance system—we think that those who tabled the new clause are on the right lines. In due time, we shall present our own proposals, which—I can tell the House this now—will be a good deal closer to the principles enshrined in the proposal than the policies of the so-called new Labour Government.

Mr. Garnier: I thank my hon. Friend the Member for Grantham and Stamford (Mr. Davies) for presenting our proposals so clearly. I agreed with much of what he said.

[Mr. Garnier]

I am happy to have understood that, before long, those on the Conservative Front Bench will produce proposals that will come close to the proposals in new clause 2. There is much in new clause 2 that I think Conservatives can recommend, although I disagree profoundly with other parts of it.

I received quite a lot of criticism in the last Parliament when I suggested to a number of my constituents in the local press that the 25p increase for pensioners over 80 was an insult, and a misuse of public money. I believed that because the 25p accumulated across the cohort of pensioners over 80 could have been better spent on the poorest pensioners over that age. Some pensioners over 80 might not need the extra 25p, and the agglomerated 25ps could be directed better to help others.

New clause 2 suggests that it is impossible to assess the cost, as no figures are included. That point was anticipated by my hon. Friend the Member for Chingford and Woodford Green (Mr. Duncan Smith), who asked the hon. Member for Northavon (Mr. Webb) what the age ranges and price ranges—if I may use that expression—were. I was interested to hear the hon. Gentleman's explanation. It appears from what he was saying and from the illustrations that he provided that the proposals would be cheaper and better directed than the Government's present proposals, with their so-called £100 gift.

That is one of the reasons why I hope that my hon. Friend the Member for Grantham and Stamford will persuade hon. Members to be encouraged by the new clause. We want better-targeted spending and the best use of public money in the funding of provision for our elderly citizens. I am greatly encouraged by his remarks. I am particularly encouraged that at least someone is doing some thinking about what to do with the pension arrangements.

Where I part company with those who support new clause 2 is in relation to its creation of unspecified new powers for the Minister, or Secretary of State. Subsection (2) refers to someone being above a specified age. I ask myself what the specified age is, and I am told by subsection (3) that it is

"an age specified by the Secretary of State in regulations."

I am not sure that I would trust such a Government with any further powers. I am inimical to any proposals that create unspecified secondary powers through primary legislation. As I have said, I do not necessarily disagree with the thrust of the new clause, but I do not like the way in which the proposal is delivered into legislation.

It is a pity that, increasingly, primary legislation is no more than a Christmas tree, or a collection of coat hangers—I think that the hon. Member for Torridge and West Devon (Mr. Burnett) will remember the phrase from the Committee stage of the Access to Justice Bill, which was recently completed—by which the Government give themselves the ability to create secondary legislation by handing powers to members of the Executive. Here we have another example. I hope that the Liberal Democrats will not allow themselves to be persuaded by the present Government that that is a good way in which to make legislation.

The first concern arises when we deal with specified age. The second is to be found in subsection (2)(b), which says that someone above the specified age has to fulfil

"such other conditions as may be prescribed".

There is a double vagueness. The conditions are not specified, and there may be some prescription, about which we know nothing. I do not believe that we have heard anything about that from the hon. Member for Northavon.

It may be that the hon. Member for Northavon has, in the back of his head, a fully worked out scheme and that it is only because of lack of time, or shortage of paper that he has been unable to inform the House, either on paper or orally, what the other conditions might be and how they may be prescribed.

Mr. Webb: May I briefly explain? The new clause mirrors the existing measure; the figure "80" is written into primary legislation. The first part of the new clause refers to the state retirement pension. The second vaguer bit relates to any other benefit where an age addition might be added. All that is beneficial to the claimant because he or she does not receive that addition at present.

The power that the hon. and learned Gentleman is worried about the Secretary of State exercising would be to introduce additions that do not currently exist: more age additions and other benefits. That is why it is vaguely drafted. The Secretary of State could not exercise those additional powers malignly, save possibly by abolishing the 25p age addition; that is the worst that he could do under the new clause. Otherwise, it would be entirely beneficial.

Mr. Garnier: I fully accept the sincerity and motives behind new clause 2. However, that does not stop me making the point that drafting legislation in such a manner is to be deprecated. I have a constitutional abhorrence of such legislation—which was passed increasingly by the previous Government, and is being passed increasingly by the current one. We should be aware of, and check, the practice.

I hope, however, that my criticisms of the way in which the new clause is drafted will not prevent my hon. Friend the Member for Chingford and Woodford Green, and others who take an interest in the matter, from making proposals that are worthy of consideration.

Subsection 4 of the new clause states:

"Age additions shall be payable for the life of the person entitled, at weekly rates to be determined by the Secretary of State in regulations."

Although I do not have to repeat the points that I am making, that is another example of vagueness. It is not sensible to deal with such a matter in that particular way.

I fully accept that the Bill would be very fat—fatter than it is already—if all its rules and regulations were included in primary legislation. However, it would be of assistance to the House—as it would have been to the Standing Committee when it considered similar matters—if draft rules had been available for consideration alongside the new clause.

In response to the intervention of my hon. Friend the Member for Chingford and Woodford Green, the hon. Member for Northavon was able to produce some additional information that, on another day, might have been available in written form. Sometimes, the Government produce explanatory notes, giving the public some idea of their intentions. In the case of this new

clause, however, we have been left with nothing but what is stated on the amendment paper. I do not expect the hon. Member for Northavon to bob up every time that I make a criticism, but am simply stating, for the benefit of the House, my concerns about the way in which the legislation is being made. I urge the House to consider very carefully any other new clauses, or any Government proposals, that are so drafted.

Subsection (5) of the new clause states:

"Regulations under this section may—

(a) specify one or more specified ages at which age addition shall be payable".

The hon. Member for Northavon has very helpfully provided us with some idea of what he had in mind there.

Subsection (5)(b) goes on to say that the regulations may

"provide for different rates of age addition to be payable for persons of different specified ages."

I again applaud the hon. Member for Northavon for responding with some detail—in anticipation of my point—to the intervention of my hon. Friend the Member for Chingford and Woodford Green on that provision.

A matter of growing concern for me, and I believe also for other hon. Members, is that we should check the increasing practice of creating legislation in which Secretaries of State are given additional, but unspecified powers to make rules and regulations. Nevertheless, despite my criticisms, I am grateful to my hon. Friend the Member for Chingford and Woodford Green for stating that at least Conservative Members will sympathetically consider proposals of this nature, subject to the strength of the economy and to economic good sense.

Sir Richard Body (Boston and Skegness): I agree wholeheartedly with my hon. and learned Friend the Member for Harborough (Mr. Garnier) in questioning whether such far-reaching power should be handed over to any Minister. However, I suspect that the intention of the hon. Member for Northavon (Mr. Webb) in moving new clause 2 was, once again, to raise a long-term issue from which so many of us run away. We all know that the ratio between those who are working and those who will be retired in 15 years' time will deteriorate quite dramatically, and that, by the time that we reach a certain year, we shall have to introduce some form of differential pensions.

In the past, we should have shuddered at such a thought and considered it quite unfair, but, today, I do not think that that is the case. Today's 60 or 65-year-olds are much fitter and healthier than those from earlier generations.

3.15 am

There are five travel agents in Boston. I believe that their main clients are pensioners, who hop into aircraft and fly to exotic places. Earlier generations would have been happy with a holiday down the road in Skegness. Things have changed tremendously. I can vouch for the fact that Skegness is a good place for a holiday. The air is very bracing.

It is still 17 May as far as the House is concerned, but in the real world outside it is 18 May. In an hour or two, I shall have been entitled to a retirement pension for seven years. I sometimes feel rather ashamed about receiving that money. I like to think that there are still a few people in Boston who think that I am fit to carry on working and not retire yet. These days, people are far more capable than in times past of working a few more years. The days when 65-year-olds were to be seen slopping around in their houses in slippered feet have long since gone. It is quite common to see people in old people's homes in their 90s, whereas anyone reaching 80 used to be a cause for major celebration in such homes.

We have to recognise that, as the standard of living of those in their 60s increases, we would be justified in introducing differential pensions so that, in the future, when funds are limited, the Minister will be justified in freezing the payments to those who are still in their 60s and giving an enhanced pension to those who are over 80. I see nothing unjust in that. It must happen. The new clause could be the mechanism to make it possible, but it is such a far-reaching proposal that it is not appropriate for secondary legislation. If we are to make such a drastic change in the system of pensions, it must be a matter for primary legislation, which should be debated fully on the Floor of the House before it is approved. Although I sympathise wholeheartedly with the aims behind the new clause, I shall not vote for it.

Mr. Rendel: I should like to speak briefly on the new clause. There are three main areas in which the Government are proud of their policies for pensioners to date. One is the minimum income guarantee, which, as we have already heard, does not apply to the poorest pensioners—those who, for one reason or another, do not get income support but live below income support levels. The other two are the reduction in VAT on fuel and the winter fuel payment, both of which apply equally to all pensioners—those who are comparatively well off and those who are comparatively poor. The Government are clearly not aiming their main policies for pensioners at the poorest. In contrast, the new clause is clearly aimed at the poorest pensioners, because the more elderly pensioners tend to be the poorest.

One might expect our policy to meet with some dismay from the younger pensioners, many of whom are also in some poverty. I did not have local elections in my area recently, but, during the campaign, I visited several other areas to promote our policies. I am happy to report that younger pensioners accept almost unanimously that the older pensioners need a bit more. They find that it is a fair policy that should be implemented, and that where there is extra money, it should be given to the older pensioners.

Therefore, this is not only the right policy in moral terms—it targets those who are the poorest—but it will prove to be popular if the Government take it on. I urge them to do so.

Mr. Timms: The hon. Member for Northavon (Mr. Webb) made a characteristically interesting and thoughtful speech, which the House will have enjoyed. The House will have enjoyed also the reminder provided by the hon. Member for Boston and Skegness (Sir R. Body) of the bracing character of his constituency.

[Mr. Timms]

The context of the amendment is the proposal from the Liberal Democrats to extend the age addition so that it is payable from the age of 75 at an increased rate of £3 per week, which would be further increased to £5 per week from the age of 80. The problem is not just that that is not a well-targeted proposal, as the hon. Member for Northavon accepted.

Mr. Webb: I did not.

Mr. Timms: The hon. Gentleman made the point that I would say that it was not well targeted, which I am doing. The problem is that, for most on income support, it would provide no help at all.

By contrast, the minimum income guarantee—which we introduced last month—which increases income support for pensioners by three times the rate of inflation, is making a substantial difference. We have already announced that, next April, the increase in rates will be based on earnings. Next year, an older pensioner couple—where one member is over 80—on income support will be more than £400 a year better off in real terms over two years.

By contrast, the proposal from the Liberal Democrats would provide over 80s with £260 a year and would provide nothing at all to most of those who receive income support. Our long-term aim, as resources permit, is for the minimum income guarantee to be increased in line with earnings, thus further enhancing the amount of the premium that older pensioners receive.

The hon. Member for Northavon has been clear—he supports the minimum income guarantee for pensioners. The hon. Member for Newbury (Mr. Rendel) has been rather more equivocal. However, there is no doubt in my mind that what we are doing is the most effective way of helping those who need help most. We are addressing also the problem of those who do not claim but should, and our mechanism enables us to make a real difference in providing help to the least-well-off pensioners as quickly as possible.

In the long term, our proposals for pension reform outlined in the Green Paper—in particular the introduction of stakeholder pension schemes and the new state second pension—will ensure that everyone with a lifetime of work behind them will build up rights to a pension that will take them above the minimum income guarantee on retirement.

Hon. Members should consider that extending the payment of the age addition in the way that has been proposed would cost around £910 million gross, or £600 million net. That extra money would go to all pensioners, but it would be poorly targeted. The poorest pensioners—those who receive income support—would get no increase at all.

The £100 winter fuel payment is going to every pensioner, but that provides a benefit, worth £100, to every single pensioner—whereas increasing the state pension does not, because the level of income of those on income support does not increase. The £100 payment provides the full benefit of that payment to everybody who receives it.

Mr. Webb: Would the Minister describe paying £100 to every pensioner household in the land as targeted?

Mr. Timms: It has certainly been extremely well received by my constituents and those of my hon. Friends. That is something to be said for it.

Although we appreciate hon. Members' concerns, we have already done a good deal in terms of increasing the incomes of older pensioners, reducing taxes through increased tax allowances and providing help in other ways to older pensioners. The new clause is not the most effective way forward. We do not plan to use such powers, although my right hon. Friend may be grateful for the suggestion that he should have them. I urge hon. Members to reject the new clause.

Mr. Webb: That is the reply that we expected. I sought to anticipate all those remarks, but we got them none the less. The Minister is not comparing like with like. The Government are putting £2.5 billion into the minimum income guarantee over three years, which is £800 million a year, and £600 million a year into the winter fuel payments. The question is how the money is best spent. The Government seem to think that it is right to spread half of it thinly and evenly, yet the Minister's objection to our relatively targeted strategy is that it is not targeted enough. There is obviously a complete inconsistency at the heart of that response.

I tabled a parliamentary question asking what the 25p figure would be if the £2.5 billion over three years had been spent instead on the over-80s age addition. The answer was £11. That is the equivalent of the money that the Government are putting into the minimum income guarantee. It would provide substantially more for the over-80s, and we could probably do more for the over-75s as well.

Mr. Duncan Smith: Does the hon. Gentleman agree that the Government may have decided to spend money in that way because two, three or four years down the road, they will have the option of not increasing the amount or even of reducing it, which would not have been the case if it had gone on to the state pension?

Mr. Webb: The hon. Gentleman is right to point out that the £100 has no statutory indexation arrangements attached to it, so it may be a good gimmick in the run-up to the next general election, but we do not know what will happen thereafter.

The new clause would enable the Government to create a more rational structure for the basic state pension without denying them the opportunity to carry on exactly as they are. Should they decide, in response to developments in pensioner incomes and living standards, that the proposal offers a more sensible structure, the power would be there, ready for them to use.

We are disappointed that the Government have chosen not to take advantage of our kind invitation, so we want to see whether the House shares that disappointment, by pressing the motion to a vote.

Question put, That the clause be read a Second time:—

The House divided: Ayes 41, Noes 361.

Division No. 181] **[3.27 am**

AYES

Allan, Richard
Ballard, Jackie
Beggs, Roy
Beith, Rt Hon A J
Brake, Tom
Breed, Colin
Bruce, Malcolm *(Gordon)*
Burnett, John
Burstow, Paul
Cable, Dr Vincent
Campbell, Rt Hon Menzies *(NE Fife)*
Chidgey, David
Cotter, Brian
Davey, Edward *(Kingston)*
Donaldson, Jeffrey
Ewing, Mrs Margaret
Forsythe, Clifford
Foster, Don *(Bath)*
George, Andrew *(St Ives)*
Gorrie, Donald
Harvey, Nick
Hughes, Simon *(Southwark N)*
Jones, Nigel *(Cheltenham)*
Kirkwood, Archy
Livsey, Richard
Llwyd, Elfyn
Michie, Mrs Ray *(Argyll & Bute)*
Moore, Michael
Oaten, Mark
Öpik, Lembit
Rendel, David
Russell, Bob *(Colchester)*
Sanders, Adrian
Smith, Sir Robert *(W Ab'd'ns)*
Smyth, Rev Martin *(Belfast S)*
Swinney, John
Thompson, William
Tonge, Dr Jenny
Tyler, Paul
Webb, Steve
Willis, Phil

Tellers for the Ayes:
Mr. Andrew Stunell and
Mr. David Heath.

NOES

Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Armstrong, Rt Hon Ms Hilary
Ashton, Joe
Atherton, Ms Candy
Atkins, Charlotte
Austin, John
Banks, Tony
Barnes, Harry
Barron, Kevin
Battle, John
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Begg, Miss Anne
Bell, Stuart *(Middlesbrough)*
Benn, Rt Hon Tony
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry, Roger
Best, Harold
Betts, Clive
Blears, Ms Hazel
Blizzard, Bob
Blunkett, Rt Hon David
Boateng, Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Butler, Mrs Christine
Byers, Rt Hon Stephen
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Canavan, Dennis
Cann, Jamie
Caplin, Ivor
Casale, Roger
Caton, Martin
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Cohen, Harry
Coleman, Iain
Colman, Tony
Connarty, Michael
Corbett, Robin
Corbyn, Jeremy
Corston, Ms Jean
Cousins, Jim
Cox, Tom
Cranston, Ross
Crausby, David
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Rt Hon Dr Jack *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Curtis–Thomas, Mrs Claire
Dalyell, Tam
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dismore, Andrew
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Drown, Ms Julia
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Lorna
Flynn, Paul
Follett, Barbara
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Foulkes, George
Fyfe, Maria
Galbraith, Sam
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Dr Norman A
Godsiff, Roger
Goggins, Paul
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Harman, Rt Hon Ms Harriet
Heal, Mrs Sylvia
Healey, John
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Hoey, Kate
Home Robertson, John
Hood, Jimmy
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Ingram, Rt Hon Adam
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Mrs Fiona *(Newark)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Jon Owen *(Cardiff C)*
Jones, Martyn *(Clwyd S)*
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keen, Ann *(Brentford & Isleworth)*
Kelly, Ms Ruth
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Laxton, Bob
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Liddell, Rt Hon Mrs Helen
Linton, Martin
Lloyd, Tony *(Manchester C)*
Lock, David
Love, Andrew
McAllion, John
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McFall, John
McIsaac, Shona
McKenna, Mrs Rosemary
Mackinlay, Andrew
McLeish, Henry
McNamara, Kevin
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
Mahon, Mrs Alice
Mallaber, Judy
Mandelson, Rt Hon Peter
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Marshall–Andrews, Robert
Martlew, Eric
Maxton, John
Meacher, Rt Hon Michael
Meale, Alan
Merron, Gillian
Michie, Bill *(Sheff'ld Heeley)*
Milburn, Rt Hon Alan
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Ms Julie *(Cardiff N)*

Morley, Elliot
Morris, Ms Estelle *(B'ham Yardley)*
Morris, Rt Hon John *(Aberavon)*
Mountford, Kali
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr Doug
Norris, Dan
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
O'Hara, Eddie
Olner, Bill
O'Neill, Martin
Organ, Mrs Diana
Osborne, Ms Sandra
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quinn, Lawrie
Radice, Giles
Rammell, Bill
Raynsford, Nick
Reid, Rt Hon Dr John *(Hamilton N)*
Robertson, Rt Hon George *(Hamilton S)*
Roche, Mrs Barbara
Rooker, Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruane, Chris
Ruddock, Joan
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Short, Rt Hon Clare
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Rt Hon Chris *(Islington S)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Snape, Peter
Soley, Clive
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stinchcombe, Paul
Stoate, Dr Howard
Strang, Rt Hon Dr Gavin
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Temple-Morris, Peter
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Vaz, Keith
Vis, Dr Rudi
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Wills, Michael
Wilson, Brian
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Wood, Mike
Woolas, Phil
Worthington, Tony
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Mr. Graham Allen and Mrs. Anne McGuire.

Question accordingly negatived.

New Clause 4

INCOME SUPPORT PREMIUMS PAYABLE UPON TERMINATION OF BEREAVEMENT ALLOWANCE

'After section 39 of the Contributions and Benefits Act there shall be inserted—

"39D.—Where the surviving spouse after 26 weeks is eligible for Income Support and below pension age, she or he will be entitled to a premium to be paid with Income Support at a level which will maintain the income received from the Bereavement Allowance while she or he remains eligible for Income Support or until that surviving spouse reaches pension age.".'.—*[Mr. Rendel.]*

Brought up, and read the First time.

Motion made, and Question put, That the clause be read a Second time:—

The House divided: Ayes 41, Noes 360.

Division No. 182] **[3.41 am**

AYES

Allan, Richard
Ballard, Jackie
Beggs, Roy
Beith, Rt Hon A J
Brake, Tom
Breed, Colin
Bruce, Malcolm *(Gordon)*
Burnett, John
Burstow, Paul
Cable, Dr Vincent
Campbell, Rt Hon Menzies *(NE Fife)*
Chidgey, David
Cotter, Brian
Davey, Edward *(Kingston)*
Donaldson, Jeffrey
Ewing, Mrs Margaret
Forsythe, Clifford
Foster, Don *(Bath)*
George, Andrew *(St Ives)*
Gorrie, Donald
Harvey, Nick
Hughes, Simon *(Southwark N)*
Jones, Nigel *(Cheltenham)*
Kirkwood, Archy
Livsey, Richard
Llwyd, Elfyn
Michie, Mrs Ray *(Argyll & Bute)*
Moore, Michael
Oaten, Mark
Öpik, Lembit
Rendel, David
Russell, Bob *(Colchester)*
Sanders, Adrian
Smith, Sir Robert *(W Ab'd'ns)*
Smyth, Rev Martin *(Belfast S)*
Swinney, John
Thompson, William
Tonge, Dr Jenny
Tyler, Paul
Webb, Steve
Willis, Phil

Tellers for the Ayes:
Mr. Andrew Stunell and Mr. David Heath.

NOES

Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Armstrong, Rt Hon Ms Hilary
Ashton, Joe
Atherton, Ms Candy
Atkins, Charlotte
Austin, John
Banks, Tony
Barnes, Harry
Barron, Kevin
Battle, John
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Begg, Miss Anne
Bell, Stuart *(Middlesbrough)*
Benn, Rt Hon Tony
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry, Roger
Best, Harold
Betts, Clive
Blears, Ms Hazel
Blizzard, Bob
Blunkett, Rt Hon David
Boateng, Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Butler, Mrs Christine
Byers, Rt Hon Stephen
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, Dale
Canavan, Dennis
Cann, Jamie
Caplin, Ivor
Casale, Roger
Caton, Martin
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Cohen, Harry
Coleman, Iain
Colman, Tony
Connarty, Michael
Corbett, Robin

Corbyn, Jeremy
Corston, Ms Jean
Cousins, Jim
Cox, Tom
Cranston, Ross
Crausby, David
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Rt Hon Dr Jack *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Curtis–Thomas, Mrs Claire
Dalyell, Tam
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dismore, Andrew
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Drown, Ms Julia
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Lorna
Flynn, Paul
Follett, Barbara
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Foulkes, George
Fyfe, Maria
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Dr Norman A
Godsiff, Roger
Goggins, Paul
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Harman, Rt Hon Ms Harriet
Heal, Mrs Sylvia
Healey, John
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Hoey, Kate
Home Robertson, John
Hood, Jimmy
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Ingram, Rt Hon Adam
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Mrs Fiona *(Newark)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Jon Owen *(Cardiff C)*
Jones, Martyn *(Clwyd S)*
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keen, Ann *(Brentford & Isleworth)*
Kelly, Ms Ruth
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Laxton, Bob
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Liddell, Rt Hon Mrs Helen
Linton, Martin
Lloyd, Tony *(Manchester C)*
Lock, David
Love, Andrew
McAllion, John
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McFall, John
McIsaac, Shona
McKenna, Mrs Rosemary
Mackinlay, Andrew
McLeish, Henry
McNamara, Kevin
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
Mahon, Mrs Alice
Mallaber, Judy
Mandelson, Rt Hon Peter
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Marshall–Andrews, Robert
Martlew, Eric
Maxton, John
Meacher, Rt Hon Michael
Meale, Alan
Merron, Gillian
Michie, Bill *(Shef'ld Heeley)*
Milburn, Rt Hon Alan
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Ms Julie *(Cardiff N)*
Morley, Elliot
Morris, Ms Estelle *(B'ham Yardley)*
Mountford, Kali
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr Doug
Norris, Dan
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
O'Hara, Eddie
Olner, Bill
O'Neill, Martin
Organ, Mrs Diana
Osborne, Ms Sandra
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quinn, Lawrie
Radice, Giles
Rammell, Bill
Raynsford, Nick
Reid, Rt Hon Dr John *(Hamilton N)*
Robertson, Rt Hon George *(Hamilton S)*
Roche, Mrs Barbara
Rooker, Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruane, Chris
Ruddock, Joan
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Short, Rt Hon Clare
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Rt Hon Chris *(Islington S)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Snape, Peter
Soley, Clive
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stinchcombe, Paul
Stoate, Dr Howard
Strang, Rt Hon Dr Gavin
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Temple–Morris, Peter
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Vaz, Keith
Vis, Dr Rudi
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Wills, Michael
Wilson, Brian
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wood, Mike

Woolas, Phil
Worthington, Tony
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Mr. Graham Allen and
Mrs. Anne McGuire.

Question accordingly negatived.

Motion made, and Question proposed, That further consideration be now adjourned.—*[Mr. Bradley.]*

Mr. Quentin Davies: This is a debatable motion and we do not intend to let the Government get away with this without giving a thorough explanation to the House. The Government are evidently on the run. They have lost the support of their Members. We were debating the bereavement proposals a moment ago and it is obvious that they do not want to face the House with the even more unacceptable proposals for means-testing incapacity benefit.

The Government came forward arrogantly with a set of proposals, mostly badly thought through and some pernicious, particularly those intended to wind down the national insurance system. They ran into much more resistance than they expected. They have been exposed already in several fields for not having done their homework properly. They were about to be exposed again. The next group of amendments related to re-rating the state retirement pension for pensioners who earned their entitlement by paying national insurance contributions, often through a lifetime, only to face a lottery if they live abroad. Depending on where they live, they may be entitled to continue to have their pensions uprated. If they live in the Philippines they will get full uprating, but in Canada they will not. The Government did not want to go into that and saw a possible trap or source of embarrassment. Defending that set of anomalies would not have been easy. The Government are already feeling pretty bruised—especially the hon. Members for East Ham (Mr. Timms) and for York (Mr. Bayley).

What was coming up after that? We all know that it was to be stakeholder pensions, which represent a colossal Government shambles. It is an issue on which the Government are in full retreat. They got a bloody nose last week when we had the pensions debate, and they do not want another one. They are running away from that. As they have the effrontery to suggest that we should interrupt our proceedings just as we are about to embark on the important matter of stakeholder pensions, I shall remind them of some of the issues that were exposed during the Opposition day debate on pensions.

The Labour party put an interesting sounding promise in its election manifesto to have a stakeholder pension. It all sounded splendid and Labour candidates appeared to be goodies before the electorate. The usual public relations merchants were roped in to package the scheme to give the impression that it was something for nothing and that everything would be very good if people voted for a Labour Government. However, Labour did not have the faintest idea what to do with the scheme when it was elected. We then had 18 months during which the Government were asked regularly what they were doing about the stakeholder proposals that they had promised to introduce, and answer came there none.

The Government became more and more embarrassed. A Secretary of State and a Minister of State—the right hon. Member for Birkenhead (Mr. Field), who has been playing a distinguished part in our proceedings—had to be got rid of. Another Secretary of State and another pensions Minister were brought in. After a few months that Minister had to be got rid of as well because nothing was happening. The Secretary of State—no doubt so as not to lose face entirely, and shivering in his shoes because he was in line to get the sack as well unless he did something—thought that he should do something extremely quickly.

The Green Paper on stakeholder pensions was originally promised for last summer. It was then formally promised for the autumn. In December, the Government were under great pressure. So they lifted the Australian superannuation system, which was based on compulsion. It was a funded scheme administered by trustees. Everything is set out in the Green Paper, with which we have become extremely familiar. However, at the last minute the Prime Minister vetoed the compulsion element, knowing perfectly well, and correctly, that we would say that the scheme amounted to an unjustified additional new Labour tax. It would have been exactly that, and extremely damaging, particularly for the self-employed who found that cash flow was being sucked out of their businesses. They would have ended up a great deal less well off in their retirement. Many more businesses would have gone to the wall, with corresponding damage to the economy. The Government were right to veto the element of compulsion.

The trouble was that the Government in their great hurry did not think things through. They did not realise that the rest of the structure, as invented by the Australians—the Government are rarely original in their thinking—was premised on the assumption of compulsion. When compulsion was removed, the rest of the edifice fell down. It was the equivalent of launching a new model of motor car and taking the wheels off at the moment of the launch.

The result was a spectacular collapse. Very amusing it was for Opposition Members but it was a bad day's work for pension saving, and we much regret it on that basis.

Mr. Burns: Does my hon. Friend agree that the Government, by trying to pull up the stumps now, are revealing yet another stage in the catalogue of confusion and disaster attendant on drawing up the Bill?

Mr. Davies: My hon. Friend is absolutely right. It has been a discreditable story. Incompetence has been the hallmark of the Government's handling of the pensions issue, including the stakeholder scheme. However, on top of incompetence there is something far worse.

Miss McIntosh: I am grateful to my hon. Friend for giving way. Either the Government are continuing their policy of holding the House in contempt, as we have seen on a number of occasions, or the point that I made to the Minister earlier is worrying the Government so much that they want to adjourn. They are seeking to dismantle the Beveridge system of welfare as we have known it. The Minister quoted Beveridge out of context. Which is it, in my hon. Friend's view—are the Government holding the House in contempt, or are they on the run because they are dismantling the Beveridge system?

4 am

Mr. Davies: It is a three-part story, which begins with incompetence. I shall return to that shortly in connection with the stakeholder pension and the other pension proposals.

In addition to their incompetence, the Government have made a cowardly attack on the most vulnerable people in our society, with a view to clawing back from them a large sum of money, and claiming that that was a great success because the money could be used for some more electorally alluring purpose. That is a thoroughly discreditable course to adopt.

It is no accident that the Government are trying to interrupt proceedings just a few hours before we would have got on to the vital matter of incapacity benefit. When their proposals come into effect, they intend to claw back more than £700 million in a full year, plus another £100 million from the abolition of severe disablement allowance. That is a total of £800 million in round terms, which the Government propose to get from the most vulnerable—the disabled. They would have to cough up. The Government thought that the disabled were limited in number and would be a soft target—

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. The hon. Gentleman cannot legitimately discuss on the motion everything that has yet to be discussed in the Bill. Presumably there will be opportunity for that. It is not in order to go through a catalogue of those matters on the present motion.

Mr. Davies: I accept that, Mr. Deputy Speaker, but I hope you agree that it is in order for me to draw out the Government's motives, so that we can see them exposed in Parliament, and so that the public should be under no illusion about what is happening. It is an extraordinary state of affairs when the Government decide to interrupt proceedings on a range of their own legislative proposals, in the middle of our debate.

Mr. Garnier *rose—*

Mr. Davies: I hope that my hon. and learned Friend will bear with me. I must first deal with the intervention of my hon. Friend the Member for Vale of York (Miss McIntosh).

The third aspect of what has happened is the most discreditable of all—the arrogance with which the Government have responded to the representations from the disabled, from my right hon. and hon. Friends, and from sensitive people on the Labour Benches who are concerned about the disabled and about safeguarding the traditions of the Labour party, and the traditional adherence of the Labour party to the principle of national insurance.

The Government responded incredibly arrogantly to that. As we all know, the Secretary of State has been going round the Lobby saying, "I will get tough with them. I will see them off. We are going to defeat them—don't you worry about it." That is the principle that he has adopted in the past couple of days. We saw that this evening with the Minister's deputy, who is not an arrogant person by inclination, but who has been dealing in an extraordinary manner with interventions from senior Back Benchers on his own side. I have seen nothing like it in my time in the House.

It is regrettable that this mood should have come over the Government. They have an enormous majority, and we realise that that holds great temptations for them, but they have fallen for those temptations and are not listening to anybody at all. We are witnessing arrogance followed by nemesis, because the arrogance has not worked. The Government's bullying tactics and the dismissal of honest representations from Members in all parts of the House, including their own supporters, have not worked. Precisely because the Government cannot face up to the consequence of their arrogance, or to the revolt that is brewing on their own side, they are attempting to interrupt our proceedings.

Mr. Jeremy Corbyn (Islington, North) *rose—*

Mr. Davies: I will come back to the hon. Gentleman in a moment. I give way first to my hon. and learned Friend the Member for Harborough (Mr. Garnier), who caught my eye first.

Mr. Garnier: Is not the Government's decision to cease debate made all the worse by their introduction on Report of a raft of new clauses which fundamentally and dramatically enlarge the Bill? There has been no chance to discuss those measures—that was drawn to the attention of the House by my hon. Friend the Member for Chingford and Woodford Green (Mr. Duncan Smith) when we began our debates this afternoon—and no chance for these matters to receive the proper scrutiny which they would normally have received in Committee. Those measures have been foisted on the House at this late stage, and now this arrogant Government have simply decided to rip away the opportunity for debate so that they can all go off to bed and read their nursery books.

Mr. Davies: I quite agree with my hon. and learned Friend. I had occasion to refer to exactly that point in our debate on insolvency. The Government tabled a new clause that completely contradicted the Bill that they had introduced on Second Reading and debated in Committee. The Minister of State did not want to confess that he had done a somersault or a U-turn, but he self-evidently had. Once again, the Government have been trying to run away from the consequences of their own actions.

Mr. Corbyn: Will the hon. Gentleman give way?

Mr. Davies: I will come back to the hon. Gentleman in a moment. I give way next to my hon. Friend the Member for Tiverton and Honiton (Mrs. Browning).

Mrs. Browning: The Government tabled new clauses as late as Friday past. We have been debating the Bill since 3.30 yesterday afternoon, and most of our time has been spent on Government new clauses. The Government have dispatched their own business on Report, but, arrogantly, they will not give Members who have tabled amendments reasonable time for them to be discussed and dispatched. We have been courteous enough to discuss and debate the Government's new clauses.

Mr. Deputy Speaker: Order. I think there has been sufficient implied criticism of Madam Speaker's selection and we should move off from that.

Mr. Davies: I did not hear any criticism of Madam Speaker's selection at all. I heard—[HON. MEMBERS: "Oh! "] No, I did not; I heard criticism of the way that the Government have behaved.

Mr. Corbyn: Will the hon. Gentleman give way?

Mr. Davies: I will come back to the hon. Gentleman in a moment. He need have no fear because, unlike his Front Benchers, I have no desire to stop him speaking in the House. However, I must deal with the point that has been made, because it is serious.

At stake is how the Government decide to treat not merely Parliament, but the general public. Stakeholder pensions are one of the major issues for us to debate, but the most extraordinary thing has happened. The Government rapidly produced an ill thought through Green Paper and attached to it was a consultation that would last until 31 March. The public, the experts, the industry, the academic world and so forth were all cordially invited to make their representations by that date.

The Government must have realised that their proposals were so hare-brained that the results of the consultation would profoundly embarrass them. What did they do? They cut off the consultation procedure midstream—in fact, almost before it started—and published a Bill at the beginning of February. They got the Bill through Second Reading and Committee using their majority, and then brought the Bill out of Committee because we had finished discussing the stakeholder pension provisions several weeks before the end of the consultation.

As if that were not enough, the Government then came here yesterday afternoon with proposals that contradict those that we debated in Committee on, for example, insolvency. They have thus treated the Committee with contempt.

There are only two possible explanations for the Government's behaviour. Either they were not taking seriously clauses 11 and 12 of their own Bill, and knew that they had in their back pocket their real intentions, which they would try to smuggle into the legislative process later—

Mr. Deputy Speaker: Order. I must remind the hon. Gentleman that we have dealt with those matters. The question is whether it is right that consideration of the Bill be adjourned at this point.

Mr. Davies: Given the Government's approach to parliamentary scrutiny of their legislative proposals, which is graphically demonstrated by their behaviour in this context—as it is by many of the other examples that I have cited and will cite in the course of my remarks—we should deny the Government the right to adjourn further consideration of the Bill. Given that they have been found out, why should we allow them simply to escape the consequences of their behaviour by summarily attempting to bring our proceedings to an end?

Mr. Corbyn: I can understand how the hon. Gentleman discovered his voice—he obviously practises megaphone diplomacy. Will he stop shouting? It is very disturbing to many of us up here who are trying to rest. Can he not accept that at 12 minutes past four, it is a brilliant decision of the Government to propose that the House adjourn? Why does he not just accept that, and let us go home?

Mr. Davies: I can see that, for the hon. Gentleman, the lure of his bed overrides all other considerations. That should not be our priority, because we have uncovered a Government who have been treating Parliament with systematic arrogance. I come back to their treatment of the insolvency provision because it is germane to the point that I am making.

There are only two possibilities. Either the Government knew that the Bill as published did not contain their real legislative proposals, and they had in their back pocket something else which they would bring out tonight, having tabled it at the last minute on Thursday in the hope that no one would notice. That is a terrible thing for a Government to do in a parliamentary democracy. Alternatively, they genuinely believed in the original proposals—clauses 11 and 12—and then changed their mind or decided that they had made a mistake. Perhaps they literally do not know what they are doing between Tuesdays and Thursdays. That is another possible explanation.

The House can choose any of those explanations; I do not know which is the least complimentary to the Government. If anybody can think of a third or fourth logically feasible possibility, I hope that they will intervene on me. Given that no one is seeking to intervene, I take that as confirmation of my description of how the Government have been conducting their affairs.

When the Government are found out in this way, should we just let them go off to bed and try and forget all about it? I do not think we should. Some profound issues need to be brought out into the open and debated.

We should not be afraid to give the Government a very hard time, because that is what Parliament should do with a Government who have been intoxicated by the arrogance of power. We have no intention of letting them off lightly. We intend to make them regret and repent their ways, and we shall be doing a good job for parliamentary democracy if we do so. We shall make it plain that, if they get things badly wrong and do not have the honesty and straightforwardness to accept that they have got them badly wrong; if they make mistakes or U-turns and come to the House and pretend that they have made no U-turns and that black is white and red is green, we shall not say, "Well, all right. We shall just stop proceedings because it is getting embarrassing for you. You can all go home to bed and try again another day when you might get away with it". We will not do that. We shall make them stand here and answer the many questions that require to be answered.

Only a few hours ago, the Secretary of State was briefing the press. He told them that the Government would defeat the Opposition and would roll them over in just a few hours. They have found that that cannot be done in a few hours, and they are feeling battered and bruised. They have even put up one or two Labour Members who do not normally intervene on such occasions to save the Government's embarrassment by suggesting that we should foreclose proceedings. The best argument that the hon. Member for Islington, North (Mr. Corbyn) could put was that some of us may be feeling a little tired.

4.15 am

Mr. Denis MacShane (Rotherham): Many of us who admire the hon. Gentleman's talents have often wondered why he was not given a Front-Bench job in the last Government. Now we realise that he would never have stopped talking. He is a courteous gentlemen, so could he give us some indication of when he proposes to sit down. We could all come back for his last 30 seconds, but in the meantime we could go off and do something more useful.

Mr. Davies: I do not know whether I should return the compliment by saying that we are sorry that the hon. Gentleman was not promoted to the Front Bench. Given the situation in which he finds himself now, perhaps a more significant and important role for him is the one that he can perform on the Back Benches. It is equally important that Labour Back-Bench Members keep the Government on their toes and prevent them from getting away with their recent monstrous assumptions about how they can treat the House. If the hon. Gentleman wants to do a good job for the Labour party, and if he wants the Labour party to have a future, I suggest that he uses his undoubted energies and talents to make it plain to the Government that such behaviour will not wash and will not be tolerated.

Labour Members, no doubt with considerable courage—

Mr. Deputy Speaker: Order. The hon. Gentleman must come back to the Question whether consideration of the Bill be now adjourned.

Mr. Davies: I do not believe that consideration should now be adjourned, because we are about to launch into a discussion of important matters.

Mr. Deputy Speaker: Order. I have already ruled that we cannot discuss future matters because they will fall to be considered on a future occasion.

Mr. Davies: Before we allow the Government to adjourn proceedings tonight, we must probe the reasons why they have suddenly changed their mind. It is not the first time that they have changed their mind. As I have said, there are several inconsistencies between the proposals that they have brought before us now and the original provisions of the Bill. What is new and has happened in the past half an hour or so is that they have changed their mind about seeking parliamentary approval for the totality of these proposals.

Mr. Deputy Speaker: Order. I must point out to the hon. Gentleman that the Question before the House is not why it is whether.

Mr. Davies: I wonder whether it is possible to consider the question whether without considering the question why.

Sir Richard Body *rose—*

Mr. Burns *rose—*

Mr. Garnier *rose—*

Mr. Davies: I shall give way to my most senior colleague, my hon. Friend the Member for Boston and Skegness (Sir R. Body).

Sir Richard Body: My hon. Friend has been most restrained, considering the circumstances. Is there not one argument that should be considered in favour of adjournment? We have no one up there in the Gallery to report the shambles.

Mr. Deputy Speaker: Order. The hon. Gentleman is an experienced Member of the House, and he should realise that there can be reference to no one other than those who are present in the Chamber.

Sir Richard Body: Is there not a chance that our proceedings might be reported, which would enable the public to appreciate what has been going on here, how arrogant and appalling the Government are and what a mess the Bill is?

Mr. Davies: My hon. Friend is absolutely right. I know that it is not right to refer to anyone in the Chamber other than Members of Parliament, but I think it is proper to refer to the media in general, which—rightly—focus on this place. It is not an accident that the moment that the Government have chosen to try to run away from the debate is the moment at which, probably, there is the least scrutiny from the media in general, whether by individuals who may be present above the Chamber or by others. Obviously, one of the Government's motives is the fact that they do not want the media to return in the morning and find that the Government are retiring in tatters.

Mr. Michael Colvin (Romsey): Is there not a very good reason for the House not to adjourn at 4.20 am? The next clutch of new clauses, to which my hon. Friend has rightly drawn the House's attention, relate to the uprating of pensions overseas. This may be a diabolical hour for us to debate the matter in the Chamber, but for those who will be affected in Canada and Australia it is prime listening time. They are all glued to their radio sets, listening to what is going on here.

This evening's debates have been won consistently by the Opposition and the Labour rebels. The fact that the Government continue to win the votes is immaterial: the debates have been won by those who have opposed the Government's proposals.

Mr. Deputy Speaker: Order. The hon. Gentleman has strayed far enough from the Question.

Mr. Davies: My hon. Friend is right. Those who are listening in from Canada, Australia or anywhere else will have no illusions about who is responsible for destroying their reasonable hopes—

Mr. Burns: Will my hon. Friend give way?

Mr. Davies: I will when I have finished my sentence, if that is permitted. Those people will have no illusions about who is responsible for destroying their reasonable hopes of receiving the benefit to which they are entitled through their own national insurance contributions in this country. Listeners in Canada, Australia or elsewhere will also appreciate that the Government are not prepared

[Mr. Davies]

to defeat and destroy their aspirations by presenting arguments. The Government are running away from the argument, which is despicable.

Miss McIntosh *rose—*

Mr. Hayes *rose—*

Mr. Burns *rose—*

Mr. Davies: I will give way to my hon. Friend the Member for West Chelmsford (Mr. Burns) first.

Mr. Burns: Is not a compelling reason for us not to adjourn now the fact that, at 10 pm last night, the Government were able to choose whether to continue consideration of the Bill or to call it a day and come back another day? They made a definite decision to proceed—

Miss McIntosh: Until any hour.

Mr. Burns: Until any hour, as my hon. Friend says.

What has happened between then and now? Have the Government suddenly realised that they face a defeat later this morning? Are they drawing stumps to avoid the humiliation that would be inflicted on them by a number of their hon. Friends?

Mr. Davies: It is incontrovertible that the Government changed their mind. They have changed their mind about substance many times, and tonight they changed their mind about procedure. They found that the going was ceasing to be tolerable. They thought that they could get all the measures through as recently as 10 pm, but now they know that they cannot get them through in good order. They have lost the argument on insolvency; they have lost the argument on bereavement, on which they found that the mass of their own Back Benchers were against them. Now they simply cannot contend with us on stakeholder pensions, or, of course, on incapacity benefit.

All Labour Members are doing is postponing the evil day. They are entirely wrong if they think that we shall simply go to our beds and forget about it, and talk about something else tomorrow or next week. Nevertheless, tonight has been very revealing. Here we have a Government who, for all their arrogance, made a clear commitment at 10 pm to getting measures through the House and then found some six hours later that they could no longer live up to it.

Mr. Garnier *rose—*

Mrs. Browning *rose—*

Mr. Hayes *rose—*

Mr. Swayne *rose—*

Mr. Davies: I see that a phalanx wish to intervene. To be fair, I can think of no other way than to go from left to right.

Mr. Garnier: I take it as a compliment that my hon. Friend has started from the left.

Does my hon. Friend know when the Government propose to resume the proceedings? When the Government Whip moved the motion, did he indicate when the Government would condescend to revisit the matter? If we are to adjourn now, it is essential that we should know when we can consult our constituents and when my hon. Friend can consult the experts, academics and others, so that we can revisit the matter.

Mr. Deputy Speaker: Order. I hope that the hon. Member for Grantham and Stamford (Mr. Davies) will not go down that line. This Question must be dealt with first. Presumably, when it is dealt with, or as it is reached, an indication will be given of further consideration.

Mr. Davies: It may be in order to anticipate. I can certainly anticipate with complete confidence that the last thing that the Government want to talk about tonight is resuming the debate, which has been disastrous for them. They will go away burying their head in their hands and hoping against hope that they never have to confront the House on those measures again, or have the shambles of their behaviour exposed again.

Mrs. Browning: My hon. Friend will know that we have spent some 13 hours discussing and debating six sets of new clauses and amendments. I should now like to persuade him that it would be appropriate to adjourn.

Those of us who have participated over those 13 hours, and I came to the Chamber especially to debate the measures that dealt with pensions and disability, have made a contribution; I say that to Members on both sides of the House who have contributed to the serious matters before us. However, as my hon. Friend will know, fewer Members, certainly on the Government Benches, were in the Chamber for any of the debates on various important matters—maternity allowance, work-focused interviews, the effects of insolvency on pension rights, earnings of workers and bereavement benefits—than are here for the present debate.

I believe that, in recognition of the seriousness of the matters that still remain to be dealt with, and to give credit to the people outside who will have an interest in what we have to say on the remaining issues, it is incumbent on us not to fill those debates just with Lobby fodder, which we see before us.

Mr. Davies: My hon. Friend speaks with genuine feeling. She has a considerable record in the House of speaking with great knowledge and understanding, particularly on disability and incapacity issues. I can understand her concern at the frivolous way in which the Government have treated our procedures, quite apart from the cruel way in which they propose to treat recipients of the various benefits. There is a fascinating contrast between the participation of Labour Members in the substantive discussions earlier and their participation now in the procedural debate, when we find that the Government Benches have almost filled up.

It is even more fascinating that few of the Back Benchers who have been on the Government Benches during any part of our proceedings tonight have sought to defend what the Government are doing. They were clearly embarrassed. Those who were disposed to be more loyal to the Government stayed away. Those who contributed

to our proceedings—we have had distinguished speeches from many Labour Members—invariably spoke against the Government proposals, particularly those on bereavement benefit.

Therefore, it is clear that the Government cannot mobilise their Members to support them on the substance—on their policies. The best that they can do is mobilise some support to adjourn proceedings, appealing to matters of personal comfort. Although it is understandable that people should like to go back to their homes at this time of night, surely that should not be decisive in determining the way in which we conduct our proceedings in the House of Commons.

Mr. Hayes: I risk disagreeing with my hon. Friend the Member for Tiverton and Honiton (Mrs. Browning), who, as my hon. Friend says, has enjoyed a distinguished career in the House, despite her rather radical feminist views—with which I do not agree, I hasten to add. I believe that it would be inappropriate to adjourn the debate. The hon. Members for Kingswood (Mr. Berry), for Gedling (Mr. Coaker) for Croydon, North (Mr. Wicks), other Opposition Members and I have sat throughout the long debates, listening quite carefully to what has been said, because we wanted to debate matters of on-going concern.

4.30 am

Although I accept—as the Deputy Speaker has ruled—that we are here to debate not what happened in the past, but the present, I must tell my hon. Friend the Member for Grantham and Stamford (Mr. Davies) that the public will find it very strange indeed if, having reached this point in the debate, we should choose to end it at 4 o'clock in the morning. It would have been acceptable to end the debate before completing our consideration if we had chosen to do so last night, but, having got so far into the night, the public will expect us to see the matter through.

Mr. Davies: I absolutely agree with my hon. Friend.

Mr. Swayne: I should like simply to draw my hon. Friend's attention to the fact that, when the business statement is made to the House on Thursdays, it is always prefaced with the remark, "subject to the satisfactory progress of business". Many Labour Members take great pleasure in being away from this place. I should warn them that, given that the House's business will not have progressed satisfactorily today, we might meet next Thursday to proceed with it.

Mr. Davies: The Government have an overwhelming majority and, ultimately, can do what they like with the House of Commons—which is what is so terrifying about the position in which we find ourselves. Nevertheless, today, the House of Commons has had a victory against an overbearing and arrogant Government. The Government were not able, as they had originally planned, to carry on through the night. They found that they just could not take the heat any longer, and that they could no longer effectively mobilise their supporters to back them. They also knew that, with the stakeholder pension, they were entering extremely difficult country, and that—with their pernicious plans to rob the incapacitated and disabled of the fruits of their national insurance contributions—they were facing a revolt by Members on both sides of the House.

The best that the Government could do today was to throw in the sponge, hoping against hope that, at some point in the future, they might somehow get away with their proposals. They are a Government who are in denial about their own obvious failure to convince either side of the House of their intentions.

Sir Richard Body: Will my hon. Friend give way?

Mr. Davies: No; I shall not give way again. I have already taken quite a few interventions.

Mr. Keith Bradley (Treasurer of Her Majesty's Household) *rose in his place and claimed to move,* That the Question be now put.

Question put, That the Question be now put:—

The House divided: Ayes 318, Noes 34.

Division No. 183] **[4.33 am**

AYES

Adams, Mrs Irene *(Paisley N)*
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Armstrong, Rt Hon Ms Hilary
Ashton, Joe
Atherton, Ms Candy
Atkins, Charlotte
Austin, John
Barnes, Harry
Barron, Kevin
Battle, John
Bayley, Hugh
Beard, Nigel
Bell, Stuart *(Middlesbrough)*
Benn, Rt Hon Tony
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry, Roger
Best, Harold
Betts, Clive
Blears, Ms Hazel
Blizzard, Bob
Boateng, Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brinton, Mrs Helen
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Butler, Mrs Christine
Byers, Rt Hon Stephen
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Cann, Jamie
Casale, Roger
Caton, Martin
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Cohen, Harry
Coleman, Iain
Colman, Tony
Connarty, Michael
Corbett, Robin
Corbyn, Jeremy
Corston, Ms Jean
Cousins, Jim
Cox, Tom
Crausby, David
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Jim *(Cov'try S)*
Curtis-Thomas, Mrs Claire
Dalyell, Tam
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Dismore, Andrew
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Drown, Ms Julia
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Field, Rt Hon Frank
Fisher, Mark

Fitzpatrick, Jim
Fitzsimons, Lorna
Flynn, Paul
Follett, Barbara
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Foulkes, George
Fyfe, Maria
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Dr Norman A
Godsiff, Roger
Goggins, Paul
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Heal, Mrs Sylvia
Healey, John
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Hesford, Stephen
Hewitt, Ms Patricia
Hinchliffe, David
Home Robertson, John
Hoon, Geoffrey
Hopkins, Kelvin
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Iddon, Dr Brian
Illsley, Eric
Ingram, Rt Hon Adam
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Mrs Fiona *(Newark)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jowell, Rt Hon Ms Tessa
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keen, Ann *(Brentford & Isleworth)*
Kelly, Ms Ruth
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Laxton, Bob
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Liddell, Rt Hon Mrs Helen
Linton, Martin
Lloyd, Tony *(Manchester C)*
Lock, David
Love, Andrew
McAllion, John
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
Mackinlay, Andrew
McLeish, Henry
McNamara, Kevin
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
Mallaber, Judy
Mandelson, Rt Hon Peter
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Martlew, Eric
Meacher, Rt Hon Michael
Meale, Alan
Merron, Gillian
Michie, Bill *(Sheff'ld Heeley)*
Milburn, Rt Hon Alan
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Morgan, Ms Julie *(Cardiff N)*
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr Doug
Norris, Dan
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
O'Hara, Eddie
O'Neill, Martin
Organ, Mrs Diana
Osborne, Ms Sandra
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prosser, Gwyn
Purchase, Ken
Quinn, Lawrie
Radice, Giles
Rammell, Bill
Raynsford, Nick
Roche, Mrs Barbara
Rooker, Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruane, Chris
Ruddock, Joan
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Short, Rt Hon Clare
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Southworth, Ms Helen
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stinchcombe, Paul
Stoate, Dr Howard
Strang, Rt Hon Dr Gavin
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Temple-Morris, Peter
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Thompson, William
Timms, Stephen
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Vis, Dr Rudi
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Wood, Mike
Woolas, Phil
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Ayes:
Mr. Mike Hall and
Mr. Keith Hill.

NOES

Allan, Richard
Beggs, Roy
Body, Sir Richard
Brady, Graham
Browning, Mrs Angela
Burns, Simon
Colvin, Michael
Davies, Quentin *(Grantham)*
Duncan Smith, Iain
Ewing, Mrs Margaret
Foster, Don *(Bath)*
Gale, Roger
Garnier, Edward
Gray, James
Hayes, John
Hughes, Simon *(Southwark N)*
Hunter, Andrew
Lait, Mrs Jacqui
McIntosh, Miss Anne
McLoughlin, Patrick
Moore, Michael
Nicholls, Patrick
Öpik, Lembit
Pickles, Eric
Rendel, David
Russell, Bob *(Colchester)*
Sanders, Adrian
Smith, Sir Robert *(W Ab'd'ns)*
Stunell, Andrew
Swayne, Desmond
Swinney, John
Syms, Robert
Tyler, Paul
Webb, Steve

Tellers for the Noes:
Mrs. Eleanor Laing and
Mr. Tim Collins.

Question accordingly agreed to.

4.45 am

Mr. Roger Gale (North Thanet): On a point of order, Mr. Deputy Speaker. The closure was taken when only one Opposition Member had been called to speak, on a matter that was debatable and could have been discussed for a considerable time. That is worrying to those of us who are concerned about the manner in which the procedures of the House are being manipulated. My point of order very specifically for the Chair—

Mr. Deputy Speaker (Mr. Michael Lord): Order. I will deal with that point of order straight away. When closures are accepted is entirely a matter for the Chair, and that decision has been taken.

Mr. Gale *rose—*

Mr. Deputy Speaker: No. I have dealt with the point of order.

Mr. Gale *rose—*

Mr. Deputy Speaker: Order. I have dealt with the point of order. Closures are entirely a matter for the Chair. The hon. Gentleman is an experienced Member of Parliament and must know that.

Mr. Gale *rose—*

Mr. Deputy Speaker: Order.

Mr. Gale: On an entirely different point of order, Mr. Deputy Speaker. Madam Speaker is the United Kingdom president of the Commonwealth Parliamentary Association. It is a matter that she takes very seriously indeed. Last year, I and others visited Canada with the Commonwealth Parliamentary Association, and we were lobbied very hard by overseas pensioners who are very concerned about their pension rights. The—

Mr. Deputy Speaker: Order. The hon. Gentleman is reopening a debate that we had earlier. I will not hear his point of order any further.

Question put accordingly, That further consideration be now adjourned:—

The House divided: Ayes 314, Noes 21.

Division No. 184] **[4.47 am**

AYES

Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Allen, Graham
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Armstrong, Rt Hon Ms Hilary
Atherton, Ms Candy
Atkins, Charlotte
Austin, John
Barnes, Harry
Barron, Kevin
Battle, John
Bayley, Hugh
Beard, Nigel
Benn, Rt Hon Tony
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry, Roger
Best, Harold
Betts, Clive
Blears, Ms Hazel
Blizzard, Bob
Boateng, Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brinton, Mrs Helen
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Butler, Mrs Christine
Campbell, Alan *(Tynemouth)*
Cann, Jamie
Casale, Roger
Caton, Martin
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Cohen, Harry
Coleman, Iain
Colman, Tony
Connarty, Michael
Corbett, Robin
Corbyn, Jeremy
Corston, Ms Jean
Cousins, Jim
Cox, Tom
Crausby, David
Cryer, John *(Hornchurch)*
Cunningham, Jim *(Cov'try S)*
Curtis–Thomas, Mrs Claire
Dalyell, Tam
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Dismore, Andrew
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Drown, Ms Julia
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Ewing, Mrs Margaret
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Lorna
Flynn, Paul
Follett, Barbara
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Foulkes, George
Fyfe, Maria
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Dr Norman A
Godsiff, Roger
Goggins, Paul
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Heal, Mrs Sylvia
Healey, John
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hewitt, Ms Patricia
Hinchliffe, David
Home Robertson, John
Hoon, Geoffrey
Hopkins, Kelvin
Howarth, George *(Knowsley N)*
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Iddon, Dr Brian
Illsley, Eric
Ingram, Rt Hon Adam
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Mrs Fiona *(Newark)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jowell, Rt Hon Ms Tessa
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keen, Ann *(Brentford & Isleworth)*
Kelly, Ms Ruth
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Laxton, Bob
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Liddell, Rt Hon Mrs Helen
Linton, Martin
Lock, David
Love, Andrew
McAllion, John
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
Mackinlay, Andrew
McLeish, Henry
McNamara, Kevin
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
Mahon, Mrs Alice
Mallaber, Judy
Mandelson, Rt Hon Peter
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Marshall–Andrews, Robert
Martlew, Eric
Meacher, Rt Hon Michael
Meale, Alan
Merron, Gillian
Michie, Bill *(Sheff'ld Heeley)*
Miller, Andrew
Mitchell, Austin

Moffatt, Laura
Moonie, Dr Lewis
Morgan, Ms Julie *(Cardiff N)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr Doug
Norris, Dan
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
O'Hara, Eddie
Olner, Bill
O'Neill, Martin
Organ, Mrs Diana
Osborne, Ms Sandra
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prosser, Gwyn
Purchase, Ken
Quinn, Lawrie
Radice, Giles
Rammell, Bill
Raynsford, Nick
Roche, Mrs Barbara
Rooker, Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruane, Chris
Ruddock, Joan
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Short, Rt Hon Clare
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Southworth, Ms Helen
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stinchcombe, Paul
Stoate, Dr Howard
Strang, Rt Hon Dr Gavin
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Swinney, John
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Temple-Morris, Peter
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Vis, Dr Rudi
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Wood, Mike
Woolas, Phil
Worthington, Tony
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Ayes:
Mr. Mike Hall and
Mr. Keith Hill.

NOES

Allan, Richard
Body, Sir Richard
Brady, Graham
Browning, Mrs Angela
Foster, Don *(Bath)*
Gray, James
Hayes, John
Hughes, Simon *(Southwark N)*
Hunter, Andrew
Lait, Mrs Jacqui
McIntosh, Miss Anne
Moore, Michael
Nicholls, Patrick
Öpik, Lembit
Rendel, David
Russell, Bob *(Colchester)*
Sanders, Adrian
Smith, Sir Robert *(W Ab'd'ns)*
Stunell, Andrew
Syms, Robert
Webb, Steve

Tellers for the Noes:
Mr. Desmond Swayne and
Mr. Roger Gale.

Question accordingly agreed to.

Bill to be further considered tomorrow.

Litter Laws

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Betts.]*

4.57 am

Mr. Bob Blizzard (Waveney): I was going to start by saying, "When the drama is over", but I think that, after the last hour, I should say, "When the farce is over." When the farce is over, the crowds disappear and all that remains is the Adjournment debate; so it is with my topic this evening, or this morning—or whatever it is. When the town centres empty of people, all that remains is the litter.

My central point is that litter is a form of pollution—pollution of the environment in its most basic and common form. It occurs throughout the country. Litter is a form of pollution with a very simple cause. One does not need a chemical factory pouring effluent into a river, or a smokestack discharging into the air, or a vehicle with exhaust emissions—just ordinary people dropping litter, as a result of laziness, thoughtlessness, carelessness, plain disregard or loutishness. That pollution is very visual, spoiling our streets, the alleyways and corners of our built environment and spoiling the natural environment of our countryside, especially on verges beside roads as litter is often lobbed out of cars. It also spoils our beaches, parks, open spaces and other places of recreation.

Litter is also a health risk, as it includes rotting material, broken glass, jagged metal, dangerous objects, cigarette ends and other things that can be picked up by young children. Dog fouling constitutes an even more serious health risk in the form of toxocariasis—a disease carried in dog faeces—which can be picked up by children playing in a fouled area and which can damage their eyesight.

Litter pollution has a much simpler solution than most other forms of pollution. There is no need to fit filtering devices to chimneys, to set up purifying processes in chemical plants, or to develop an integrated transport policy to reduce car usage, or even to devise a climate change level. The answer is simple: do not drop litter and do not leave the dog dirt behind. The ordinary person may feel that large, pollution-type issues, such as reaching Kyoto targets, are beyond their grasp and must be left to Government, but litter control is something which we can all understand and share in—and yet we do not.

The culture in the UK is that we live and walk around in our own litter until it is cleared up. That bad habit is acquired early. In all my years as a teacher, children told me that they cared about the environment. They wanted to save the whale and protect the ozone layer, but they dropped litter all over the school grounds. Despite the efforts of teachers, school playgrounds must be the most littered places in the country, although litter is everywhere.

The current approach—national and local—concentrates on paying to have litter cleared up afterwards. People judge councils by how well they keep the streets clean. People expect litter to be cleared, and many councils do a relatively good job, but it costs the taxpayer about £400 million a year. That figure is based on an estimate from the Department of the Environment, Transport and the Regions of £323 million in 1996, which did not include parks, beaches, special events and fly-tipping recovery. Waveney district council spends £470,000 a year just clearing up mess.

Why do we not change course to concentrate more on prevention than on clearing up? Why not stop people dropping litter and leaving dog dirt behind? There has been recent legislation. Part IV of the Environmental Protection Act 1990 concentrates mainly on clearing up the mess, placing duties on councils to ensure that their land is clear, to designate control areas, to set standards and to put up litter control notices on places such as takeaway food outlets. I read recently that the Government plan to plug some of the gaps in the Act by making Railtrack and other railway companies responsible for clearing railway lines. However, this approach resembles the legend of Sisyphus, rolling a rock for ever up the hill. When it comes to clearing litter, we never completely succeed.

The 1990 Act went further by introducing fixed penalty fines of £25 that could be levied by authorised council officers, a recognition that prevention and deterrence had to be applied. Similarly, and for the first time, the Dogs (Fouling of Land) Act 1996 put dog fouling on the same basis as litter on designated land. It also introduced fixed penalty fines.

Dropping litter and failing to clean up after a dog are offences. There is a fixed penalty system of enforcement. However, the record of the application of the law is interesting. In 1996, there were 626 prosecutions under the 1990 Act, resulting in 468 convictions. The following year, there were 505 prosecutions, and 352 convictions. In 1997-98, 297 fixed penalty fines were paid. That makes just a few hundred cases in a country of 56 million people. I do not believe that that is because not much litter is dropped. The laws are not being enforced, and there is evidence of a worsening situation. In 1990, there were 2,543 prosecutions, leading to 2,212 convictions.

The point is that there are few convictions. In Suffolk in 1995, there were only six convictions from the seven cases taken to court. In 1996, there were five convictions from seven cases. Those figures do not mean that Suffolk is litter free. In the Waveney district council area, there have been no recent prosecutions and no fixed penalties for litter. There has been just one fixed penalty for dog fouling.

Why is the law not enforced? What have councils done to respond to the 1996 Act? A Tidy Britain Group survey showed that 40 per cent. of councils have adopted it, and half of them have adopted fixed penalty fines. Ninety eight per cent. of councils have appointed dog wardens, but, in most cases, those amount to one or two people. Only 47 out of 474 councils employ litter wardens—again, I suspect that those consist of only one or two people. They are meant to deal with millions of litter droppers and the 6.9 million dogs in 5.38 million households that produce 1,000 tonnes of faeces daily, which I am told that half the dog owners never clear up.

When we bear in mind the fact that litter and dog wardens are involved in other activities, such as campaigns, education drives, poop-scoop promotions and so forth, it is clear that the resources are scarce to enforce the laws. That is why the laws are not working. The fixed penalties are not being used and, at a cost of £500 per prosecution, the number of prosecutions is falling.

People say that they are very concerned about litter and dog fouling. Surveys show that to be the case time and again. The Tidy Britain Group survey, which compared the people's attitudes to local environmental quality issues, put dog fouling at the top of the list with 80 per cent. and littered streets at 60 per cent. If we compare that with poor street lighting at 37 per cent., and broken pavements at 33 per cent., we see that people want something done.

When I was a member of my local council, we conducted an extensive survey of residents. Litter and dog fouling were at the top of the list of complaints and issues that people wanted more done about, yet the mountain of litter to be cleared up remains as large as ever.

We have had campaigns for as long as I can remember. I can remember the "Keep Britain Tidy" campaign when I was a small boy, and I can still see the logo in my mind. Now, we have more bins than ever before throughout the country. The sad conclusion is that when it comes to litter, education does not appear to work—and I say that as an ex-teacher.

When I was leader of my local council, I went out one morning with a team that clears up Lowestoft beach in the summer. We went out at 5.30 am and I found out what a back-breaking job it is to clear the beach. People come there because it is a blue-flag beach—a clean beach. According to the English tourist board, it is the best beach in England. I asked the cleaners whether people were dropping less litter and respecting the beach. The answer was no—people were dropping even more.

We have to concentrate on enforcement against those who drop litter. We must adopt the principle that is applied to other forms of pollution, which is to make the polluter pay: The problem is that councils do not have the resources to do so. We must allow councils to keep the revenue from fines or have the Treasury return it to them to be ring-fenced within councils for enforcement purposes. Then councils would use the fines to employ more litter and dog wardens, who would enforce the law against the polluters. We would change the culture of the country in a relatively short time.

Two problems are usually cited when I suggest that idea. First, I am told that it is a case of the perverse incentive and that a council should have no pecuniary interest in prosecution or giving a fixed penalty. That is a narrow legal view, which is not shared by the people at large. The council, as the community's representative, should have every incentive to bear down and drive out that anti-social activity. It is perverse that we tolerate the present situation. We have a law that is not enforced and councils without the resources, and the police, probably understandably, feel that they have more serious matters than litter on which to concentrate. Constituents tell me of police who walk past when people are seen dropping litter.

There are precedents for councils being allowed to use revenue from fines for enforcement. Councils regularly enforce and keep the penalty receipts from people who default on paying car park fees. We have residents' on-street parking in my constituency. The council uses the fines from that to finance the officers who enforce it. A few months ago, it was seriously suggested that the revenue from speeding fines should be used to set up more speed cameras, which were the reason people were caught and fined in the first place. We should go that way with litter.

Secondly, people ask whether the suggested approach would work. Would people who were not police officers be able to accost litter louts? Would litter louts pay up?

[Mr. Bob Blizzard]

It is already happening. People are paying fixed penalty fines, but it is not happening on a large enough scale. The main areas affected—the town centres—often have closed circuit television cameras. I am told that when people are caught on CCTV committing other offences, the police have only to tell them that they have been caught on camera for them to admit their guilt. That would happen with dog fouling. If wardens confronted offenders and said, "I saw you drop that litter or fail to pick up that dog dirt and you have been caught on camera," those people would admit it. They would rather pay a fixed penalty fine than risk going to court to face camera evidence and the maximum fine of £2,500. Such a system would quickly change our culture. If people knew that they would be caught, the overwhelming majority would not drop litter. I draw comparisons with the laws on seat belts and crash helmets, which were the subjects of long campaigns with limited success before real laws were adopted and enforced.

I am pleased that the Government have today published the document "A Better Quality of Life". It sets out principles, including making the polluter pay, the enforcement of regulations and the improvement of local surroundings. The section on local environmental quality refers to litter and states:

"Poor local environmental quality can detract from town and city living in particular".

Litter contributes to that. Zero tolerance of such offences can send the right signals to criminals and help fight crime in general. It is important that we take the fight against litter seriously.

Recycling fines would cost the Government virtually nothing. The Government get little income because there are few fines. If we overcame the litter problem, we could use the bulk of the £400 million that we spend on clearing up on more worthwhile and constructive services. If we were prepared to take this strong step, it would be popular. Litter will continue to blight our environment and cost us money as long as we permit it. Let us get serious and make the polluters and litter droppers and those who allow their dogs to foul the streets pay. Let us enforce the law of the land properly.

5.13 am

The Parliamentary Under-Secretary of State for the Environment, Transport and the Regions (Mr. Alan Meale): Mr. Deputy Speaker, thank you for doing your duty. We often forget that people such as you are here until the end of the day. I thank also the Labour Members, and the hon. Member for Colchester (Mr. Russell), who have stayed beyond the call of duty.

I congratulate my hon. Friend the Member for Waveney (Mr. Blizzard) on securing this debate on the enforcement of anti-litter laws. I am pleased to respond on an issue that should concern everyone. It is commonly held that we are a messy nation and that there is far too much unsightly litter blowing around the streets of Britain. While the annual cleanliness index compiled by the Tidy Britain Group has shown a year-on-year reduction in the amount of litter in our streets, my departmental postbag confirms that many people are still concerned about what remains and want something done about it.

The amount of litter in the streets may not be due to a lack of legislation or local authority action through cleansing regimes. All local authorities take these duties seriously, as my hon. Friend said. He has considerable knowledge of the subject, particularly as an ex-leader of Waveney district council.

Only today, Newham council has announced a borough-wide series of new and co-ordinated initiatives aimed at improving the environment and, of course, raising awareness. As part of that initiative, the borough will begin to target particular areas to tackle a variety of local environmental problems, including litter. On a lesser scale, some local authorities may wish to take the opportunity to provide thoughtfully sited bins as part of their anti-litter strategy, and to use imaginative and innovative designs. That is sensible when we consider the many innovative designs that are available.

It is important to educate people, and particularly the young. It often amazes me when I see litter bin designs that have been around for many years, which clearly do not do their job. Litter blows out of them throughout the countryside, and especially around parks and town centres. We have not yet tried to use innovative designs that will attract children to use litter bins, although areas of the United States have gone down that path with much success. In this country there has been basic recycling education, especially with regard to bottles and tin cans. That has captured the imagination, particularly of young people.

I am glad to say that bins for cigarette smokers have been introduced outside the Department of the Environment, Transport and the Regions. In many continental countries, ash stub areas are placed within litter bins so that people are encouraged to extinguish their cigarettes in litter bins rather than stamp them out in the streets. Sometimes the great design techniques that we have in this country do not lead to designs that might be incorporated in standard designs to try to educate people.

On the positive side, I am informed that local authorities in England spent more than £330 million in 1997-98 on their street cleaning and litter responsibilities, and that the budget for 1998-99 was even larger. When they are spending such sums in future they might consider corporate design or even competition among school children to try to encourage young people to be educated in litter awareness.

Mr. Bob Russell (Colchester): May I put to the Minister a suggestion that I have put to the Colchester local authority with regard to hot food takeaway establishments? I know that they are not responsible for what their customers do with the packaging, but does the hon. Gentleman agree that if these establishments formed their own litter patrols, covering about a 100 yd radius outside their premises, that would go a long way to reducing the amount of litter that is left for local authorities to pick up? There is also the curse of chewing gum, which disfigures many of our pavements.

Mr. Meale: The hon. Gentleman is right. I hope to deal with such points later in my remarks.

The simple truth is that much of the litter on the streets should not have been dropped or allowed to remain in the first place, and there is legislation to deal with these matters. That legislation can be split into two distinct parts. There is the enforcement of anti-litter laws as they apply to those who drop litter, and the enforcement of legislation that requires litter authorities to keep their areas reasonably free of litter.

As my hon. Friend knows, it is already an offence to throw down and leave anything so as to cause, or contribute to, the defacement of any public place by litter. The term "litter" has a wide interpretation which can include such things as cigarette butts and, as the hon. Member for Colchester said, chewing gum. The law therefore deals with what is done with the thing rather than what it is.

It is a common belief that no one is ever prosecuted for dropping litter. That is clearly not the case. The police and local authorities may and do bring prosecutions, which are heard in magistrates courts. Members of the public may report offences to the police or their local authority, who will decide whether legal action is appropriate. In 1997–98 there were 505 prosecutions for the dropping of litter, of which 352 were successful, with an average fine of £115. All police cases were dealt with by the Crown Prosecution Service, which decided whether a case was sound, whether it was in the public interest and whether it was a proper use of public funds. However, even a straightforward case costs between £500 and £800 to bring to court, so for each case there is considerable pressure on the public purse.

Local authorities may prosecute their own cases or appoint authorised officers who can issue fixed penalty fines to anyone who they have reason to believe has committed an offence. Those fines were increased to £25 in 1997, and 650 fines were collected in 1998–99.

Because of the scale of the problem in certain areas, and the fact that the police deal with other priorities, many people ask why there are not more litter wardens on our streets. My answer is simple—decisions to appoint litter wardens are left to the discretion of local authorities in the light of local priorities and resources. It is left to them to decide whether litter may be more efficiently tackled in other ways, such as education and increased cleansing.

I disagree with my hon. Friend's assertion that the argument for education has largely been lost. Other countries have a better record in educating their population. One example that I would cite is Cyprus, where young people of all ages at all schools are responsible for a portion of the beach in their area. Every school child participates in collecting the litter on that part of the beach throughout the year. A sum of money is paid by the Government to the school for that activity. It certainly educates the children of Cyprus to a high degree. The areas where mainly resident Cypriots live are very tidy. The tourist resorts bring 2.5 million tourists a year to that wonderful country, including 1.9 million from Britain. It is the tourists who are responsible for most of the litter.

Despite the perceptions of some members of the British public, almost a quarter of local authorities have already appointed wardens, and I would encourage more to do so. One of the reasons given by local authorities for not employing litter wardens is that the fines that they collect, which substitute for fines in the courts, are returned to the Exchequer. I know that my hon. Friend knows something about that, as he has frequently raised concerns about the matter with my Department.

I accept that keeping the fines may prove an incentive to local authorities. I can inform the House that my Department is in discussion with the Treasury on the issue of hypothecation of the litter fines and also those for dog fouling. I know of my hon. Friend's knowledge of the subject, if only because of the numerous questions that he puts to the Office for National Statistics. As with litter, local authorities have a duty to keep public land clear of dog faeces. Furthermore, allowing a dog to foul may be an offence if the local authority has a byelaw against fouling or if the land has been designated under the Dogs (Fouling of Land) Act 1996.

The maximum fines are much heavier in such cases—£500 and £1,000 respectively. The 1996 Act allows local authorities to appoint officers who can issue £25 fixed penalties for fouling offences. Almost 300 fixed penalty fines were issued in 1997–98.

With regard to litter, local authorities may take matters into their own hands if the problem is caused not by individuals, but by larger concerns—a problem to which the hon. Member for Colchester referred. In that respect, they may issue a street litter control notice to the occupiers of premises to prevent the accumulation of litter and refuse in and around any street or open land adjacent to any street. The types of premises, which are described by an order made by the Secretary of State, can be commercial or retail premises such as cinemas, theatres or fast-food outlets.

A street litter control notice specifies an area of open land that adjoins or is in the vicinity of the premises and makes reasonable requirements for the clearing of litter or refuse on it. The definitions for the street litter control notices were broadened in 1997 to include betting shops and lottery outlets—presumably that was an expression of the number of losing punts—and in 1997–98 nearly 70 notices were issued by local authorities.

Failing to comply with a requirement of the notice may result in a court order being made and a subsequent maximum fine of £2,500. Local authorities may also designate certain types of land as litter control areas, such as markets, industrial estates and sports arenas if they are of the opinion that the state of the land is likely to be detrimental to local amenities. My hon. Friend the Member for Sheffield, Attercliffe (Mr. Betts) is sitting on the Front Bench. He is an ex-leader of Sheffield city council and was fully aware of the need to control littering in and around the sporting arenas of which that fine city has so many. I see the smile on the face of the hon. Member for Colchester.

Designating land a litter control area places a duty on the occupier to ensure that it is, so far as is practicable, kept clear of litter and refuse. Failure to comply with a litter control area order can result in substantial fines. I said earlier that there is also a mechanism to ensure that local authorities carry out their responsibilities. The Environmental Protection Act 1990 permits any person to make a complaint to a magistrates court on the ground that he is aggrieved by the defacement of land by litter or refuse.

Proceedings may then be brought against any person under a duty to keep land clear of litter—

The motion having been made after Ten o'clock, and the debate having continued for half an hour, MR. DEPUTY SPEAKER *adjourned the House without Question put, pursuant to the Standing Order.*

Adjourned at twenty-seven minutes past Five o'clock.

House of Commons

Tuesday 18 May 1999

The House met at half-past Two o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

Oral Answers to Questions

FOREIGN AND COMMONWEALTH AFFAIRS

The Secretary of State was asked—

Iraq

1. **Mr. Michael Clapham** (Barnsley, West and Penistone): If he will make a statement on relations with Iraq. [83499]

The Minister of State, Foreign and Commonwealth Office (Mr. Geoffrey Hoon): The British Government's policy on relations with Iraq and on a range of other significant foreign policy issues was enormously strengthened by the remarkable contribution made by Derek Fatchett. He was both a friend of long standing and a good colleague, and I am proud to have the opportunity to carry on the excellent work that he did.

The Government's priority is to maintain international pressure on Iraq to comply with its obligations under UN Security Council resolutions. To this end, we and the Netherlands have tabled a draft UN Security Council resolution which, if adopted, would implement many of the recommendations made by UN expert panels on three key issues.

First, on disarmament, the draft resolution proposes a new body to address outstanding questions under a reinforced monitoring system. Secondly, on the humanitarian side, it draws together a range of measures that should make significant improvements to the humanitarian situation in Iraq. Thirdly, the draft picks up the panel's recommendations on dealing with Iraq's continued failure to meet its obligations on Kuwaiti detainees and stolen property.

We are discussing our draft with members of the Security Council. Our aim is to see the council re-engaged on Iraq, and reach agreement on a new way forward.

Mr. Clapham: I congratulate my hon. Friend on his new position. I hold no brief for Saddam Hussein or his regime, but I am concerned about humanitarian developments in Iraq. As my hon. Friend will be aware, it is clear from the United Nations report last month that the situation is deteriorating. The report pointed out, for example, that Iraq has moved from being a relatively affluent country to one that is afflicted by poverty. Numerous articles, such as the one in the *New Statesman*, reported that 4,000 children were dying each month as a result of disease which could well be prevented.

Does my hon. Friend agree that there should be a new initiative and that it should be underpinned by a determination to assess the situation and to ensure that we direct our efforts at dealing with the long-term effects of illness caused to the people of Iraq by the war and by the sanctions?

Mr. Hoon: I am grateful to my hon. Friend for his kind comments. The Government are equally concerned about the humanitarian situation in Iraq. Our draft resolution, to which I referred earlier, reflects the Government's commitment to help the Iraqi people as much as possible. It picks up most of the recommendations of the humanitarian panel which, if implemented, would bring an additional $470 million over a six-month period into the oil-for-food programme.

Mr. Edward Garnier (Harborough): I join the Minister in his remarks about his predecessor, the late Derek Fatchett, who will be sorely missed. I also congratulate the Minister on his new appointment at the Foreign and Commonwealth Office, and I wish him personally all the best in his new post. Does he agree that our strategic interest as regards Iraq will be far better served by improving relations with Iran?

Mr. Hoon: The Government share that view. Indeed, as the hon. and learned Gentleman may know, today the existing representation of the two countries will be upgraded to ambassadorial level.

Middle East

2. **Dr. Phyllis Starkey** (Milton Keynes, South-West): If he will make a statement on the steps being taken to promote the middle east peace process. [83500]

8. **Ms Christine Russell** (City of Chester): If he will make a statement on the steps being taken to make progress with the middle east peace process. [83507]

12. **Gillian Merron** (Lincoln): If he will make a statement on the outcome of the Israeli general election. [R] [83511]

The Secretary of State for Foreign and Commonwealth Affairs (Mr. Robin Cook): My right hon. Friend the Prime Minister and I have sent messages of congratulation to Mr. Barak, the Labour leader, on his convincing victory. We hope that the search for peace can now be resumed.

I warmly welcome the commitment made by Mr. Barak on the night of his victory that he wants Israeli troops to be withdrawn from southern Lebanon within a year. The people of Israel have demonstrated their desire to break the stalemate on the peace process, and we look forward to working with their new Government for a just and lasting peace.

Dr. Starkey: I draw my right hon. Friend's attention to a recent report by *World Vision*, which documented the effects on the Palestinians of Israeli policy since Oslo.

When he congratulates Mr. Barak on the election results, will he make it clear to the new Israeli Government that there must be an immediate cessation of illegal settlement building, including Har Homa; an immediate end to the confiscation of identity documents from Jerusalem residents; an immediate end to the demolition of Arab homes; and that those actions are necessary to engender the sort of atmosphere in which constructive negotiations can start between the Israeli Government and the Palestinians, leading to final status negotiations?

Mr. Cook: I am pleased to tell my hon. Friend that the message of congratulation from my right hon. Friend the Prime Minister includes a recommendation for a freeze on settlement activity. It has long been this Government's position that both sides should refrain from unilateral acts that complicate the peace process. We view settlements in the occupied territories as illegal in international law and, more immediately, an obstacle to the progress of peace. I hope that we can now resume on the path of peace.

Ms Russell: I, too, join my right hon. Friend in congratulating Mr. Barak and the Israeli Labour party on yesterday's landslide election victory, and in applauding Mr. Barak's pre-election pledge to withdraw Israeli troops from southern Lebanon within 12 months and to renew and reopen negotiations with Syria. In his dialogue and negotiations with the new Israeli Administration, will my right hon. Friend press on them that as great a priority should be given to peace and justice for the Palestinians as to the wider regional context?

Mr. Cook: It is our view that there has to be a comprehensive peace settlement embracing all the tracks of the peace process, including the Syrian and Lebanese tracks. My hon. Friend ends with an important point: we should not regard the peace process as some kind of zero sum game in which somebody wins at somebody else's expense. The Israeli and the Palestinian peoples have everything to gain from a just and lasting peace, and we would urge both to work towards that in good faith.

Gillian Merron: Will my right hon. Friend join me, also, in welcoming the results of the Israeli general election as a victory for democracy in the middle east? Will he comment on the instrumental role played by Yasser Arafat in cracking down on terrorism, which so marked the previous general election, in a way that allowed voters in Israel—Arab and Jew alike—to choose a new Prime Minister who is committed to the road to peace and willing to take the kind of risks that are necessary to get along that road?

Mr. Cook: I am happy to congratulate the new Government of Israel as often as I am invited to do so. The contribution of the Palestinian National Authority to improved security should be recognised—and we have played a part through our advice on dealing with terrorists and improving security. We should firmly keep in mind the same principle that we ourselves have applied in Northern Ireland: we should not let the terrorists, on either side, who wish to impede the peace process to derail us from making sure that the great majority who want peace have their interests served first.

Mr. Menzies Campbell (North-East Fife): May I press the Foreign Secretary on the question of Har Homa, the sensitivity of which he is personally aware of as a result of his visit there 18 months or two years ago? He knows that those settlements are contrary to international law. Will he give the House an assurance that the Government will press that view on the Israeli Government, not least because, elsewhere in the middle east, we take certain actions based on international law? If we are to enjoy any acceptance for those actions elsewhere, we must surely show that we are even-handed.

Mr. Cook: I think that, famously, I have done more than anybody else to press that view on the Israeli Government in connection with Har Homa. In the Israeli mind, the issue of Har Homa concerns not only the question of settlements, on which we are entirely at one, but touches on the future status of Jerusalem. It is very important that the issue of Jerusalem is addressed in the final status talks, and Britain played a leading part in achieving the Berlin declaration of the European Union countries which called for final status talks to be concluded within a year of commencement. I hope that we are now on the verge of those talks commencing.

Mr. John Bercow (Buckingham): Will the right hon. Gentleman join me in simply welcoming the latest in a long string of democratic elections in Israel? Does he agree that it represents a clear example to other middle east states of the basis on which such elections should be conducted? Can he confirm that he will be pressing to ensure that the next elections to the Palestinian National Authority will be conducted with the same due regard for probity and fairness?

Mr. Cook: In fairness, I should say to the hon. Gentleman that the previous elections were observed, and the broad conclusion was that they were free and fair, but I of course agree that we should congratulate Israel on its vibrant democracy. We should also take note of the fact that one of the issues in the election on which the Israeli people have spoken is that they want a Government who are willing to work with their neighbours and promote peace throughout the region.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich): I assume that my right hon. Friend will also be putting pressure on Syria and Iraq and making it clear that support for Hezbollah is not the way to help the peace process forward. Will he also make it clear that, as a nation, we welcome and support the amazing result in Israel because it is possible in a democracy for a whole people to express their desire for peace through the ballot box? That should be the way forward that we, of all people, should support most strongly.

Mr. Cook: I agree absolutely with every word that my hon. Friend has said. I assure her that we have raised the issue of the security of southern Lebanon with Syria. I hope very much that Mr. Barak's proposals to withdraw from southern Lebanon will create an environment in which both sides can respond, and security can be achieved on the track of both Syria and Lebanon.

European Defence Co-operation

3. **Mr. Bill Rammell** (Harlow): What discussions he has had about improving European defence co-operation. [83501]

The Minister of State, Foreign and Commonwealth Office (Mr. Tony Lloyd): We have had full and intensive discussions with NATO allies and European partners since last autumn, most recently at the NATO Washington summit and the WEU Bremen ministerial meeting. We look forward to further discussion at the Cologne European Council.

Mr. Rammell: Does my hon. Friend agree that, while the general principle of defence co-operation is important, what really matters is the building of practical structures to ensure a rapid response in terms of European crisis management? Does not the current conflict in Kosovo underline more strongly than ever the need for European defence co-operation? Does it not also show that Europe needs to pull its weight on defence matters, within the context of NATO?

Mr. Lloyd: My hon. Friend is absolutely right. The lessons of Kosovo are clear. When it comes to collective security, we need a practical mechanism—at the moment, NATO is certainly that practical mechanism—that can both deliver security and engender the stability that Europe needs. Europeans themselves now recognise, however, that the action in Kosovo would have been impossible without the United States. It is a commonly held view that it is time for us to begin to examine, and rectify, the deficits in our own capacity, and move towards a position in which Europe can take responsibility for its own security.

Mr. William Cash (Stone): The Minister will, of course, know that a new European document relating to common strategy in the European Union and Russia is due to be considered in Cologne on 3 and 4 June. Does he agree, in the context of the Petersberg tasks—to which the document refers—that there is no question of the introduction of majority voting, which would result in our going down the slippery path towards majority voting in European defence matters?

Mr. Lloyd: I understand that that is one of the hon. Gentleman's obsessions. Let me assure him that, in this instance, it is an obsession shared by—I think—all the Governments of the European Union.

Mr. Roger Casale (Wimbledon): Does my hon. Friend welcome the recent visit to Rome by members of the British-Italian parliamentary group to discuss British-Italian defence co-operation? Does he agree that Italy has a key role to play in European defence, both at present in respect of the conflict in Kosovo, and in the future with regard to securing peace and stability in the Mediterranean region? Will he renew his efforts to establish a strong British-Italian defence link in the context of the NATO alliance, but also as a cornerstone of European defence co-operation?

Mr. Lloyd: We welcome the link between British and Italian parliamentarians at any level, but there is no doubt that Italy's role as part of the NATO alliance in Kosovo is particularly significant. All partners are pulling their weight in Kosovo, and, in the future, that co-operation within Europe will become closer and tighter. What was begun by our Prime Minister and President Chirac at St. Malo has been extended to include the rest of the European Union, and, potentially, those who are willing players throughout the European continent.

Mr. Michael Howard (Folkestone and Hythe): Does the Minister agree that the process of improving European defence co-operation should not take place in a way that might undermine NATO? If he does, why did the St. Malo agreement provide for such co-operation inside and outside the framework of NATO? Can the Minister tell us what steps, if any, have been taken to implement such co-operation outside the framework of NATO?

Mr. Lloyd: Of course NATO remains the cornerstone of our national security and, indeed, of the security of the whole of Europe. That is not simply an historical perspective; we know that, even as we speak, NATO is actively helping the move towards a more stable Europe in Kosovo. There cannot be any suggestion that a British Government would work in any way that undermined NATO's role, but there is no contradiction between the decisions made in Berlin and Washington—which refer to a European role within NATO—and the integrity of NATO as a whole. Of course Europeans must do more for their own security, but, in the end, we shall always have NATO there as the cornerstone of our collective security.

MOX Shipment (Japan)

4. **Mrs. Helen Brinton** (Peterborough): What discussions he has had with overseas Governments regarding the shipment of MOX fuel to Japan. [83502]

10. **Mr. Tom Brake** (Carshalton and Wallington): What recent representations have been made to him by foreign Governments regarding the proposed shipment of MOX fuel to Japan. [83509]

The Minister of State, Foreign and Commonwealth Office (Mr. Tony Lloyd): Discussions have taken place between officials and their counterparts in France, Japan and the United States to ensure in particular that appropriate measures are in place for the physical protection of MOX fuel, consistent with internationally agreed commitments and recommendations.

Mrs. Brinton: I thank my hon. Friend for his comprehensive reply, but is he aware of concerns that MOX fuel is not only highly dangerous for the environment, but could be a threat in the hands of terrorists? Can he assure me and the House that the Government will take serious note of international opinion on the manufacture and, indeed, safe transportation of MOX fuel?

Mr. Lloyd: The reality is that transportation of MOX fuel is undertaken in a way that is consistent with what the public demand, but I must make the point that, as a fuel, MOX is safer than many other similar nuclear materials. In particular, handling it is inherently far safer.

However, the capacity of the transportation systems themselves to deter both accident and attack is high. That includes, of course, arming those who have responsibility for the safe transport of the fuel. Within those terms, I think that I can say that we are certain that what British Nuclear Fuels plc is engaged in is as safe as it possibly can be. There is a high measure of security.

Mr. Brake: I also thank the Minister for his response, but must press him on the point. Will he impress on other Departments the need for caution and for a plutonium disposal policy that takes into account international concerns, as well as environmental risks, rather than increasing reprocessing and MOX production at Sellafield?

Mr. Lloyd: Of course I will refer the hon. Gentleman's comments to my colleagues in other Departments, but the simple reality is that MOX is a better way to dispose of spent uranium through reprocessing. The advantage of MOX is that, in refuelling, the plutonium is destroyed. Therefore, the proliferation risks from plutonium disappear with that reprocessing cycle. It is a very environmentally and ecologically sound way to get rid of the dangers of proliferation.

Mr. David Chaytor (Bury, North): In view of the imminence of the decision about the Sellafield MOX plant and the increasing public concern about the transport of all forms of radioactive waste—a concern highlighted by yesterday's revelation about secret attempts by British Nuclear Fuels to negotiate the import of spent fuel from the United States—may I ask my hon. Friend whether his Department or other Departments have conducted any independent research into the proliferation risks of the transport of MOX fuel, particularly with regard to the export of MOX fuel to other countries that are also signatories to the non-proliferation treaty?

Mr. Lloyd: The export of MOX fuel is covered by the relevant international conventions under the nuclear suppliers group regime. It means that we would not authorise export to countries and Governments where there was no commitment to use MOX solely for peaceful and energy-related purposes, and no agreement with the International Atomic Energy Agency to ensure that the conditions under which the fuels were held were adequate to guarantee security against any risk, including, obviously, the risk of proliferation.

The transportation system is very safe. I defy any terrorist to breach it. Even in the more lurid and purple descriptions of what terrorists might want to do, trying to seize shipments of MOX would come very low on the agenda of proliferators.

Cyprus

5. **Mr. Nigel Waterson** (Eastbourne): When he plans to visit Cyprus to discuss its accession to the EU. [83503]

The Minister of State, Foreign and Commonwealth Office (Ms Joyce Quin): Last month, I visited Cyprus to discuss with representatives of both communities the prospects for a settlement and the progress on Cyprus's application to join the European Union. Although my right hon. Friend the Foreign Secretary currently has no plans to visit Cyprus, he and I have regular discussions with colleagues from other EU member states on all aspects of the accession process. There is also close and regular contact at official level.

Mr. Waterson: Does the Minister agree that the decision not to deploy missiles in the south of the island is only the latest in a long series of constructive gestures made by the Republic of Cyprus, which consistently have not been met by reciprocal gestures by the regime in the north? Will she confirm that the only criteria that could and should properly be applied in negotiations on Cyprus's accession to the European Union are those that would be applied in the case of any other applicant country?

Ms Quin: On the hon. Gentleman's first point, let me say that we welcomed at the time the decision not to deploy the missiles, and believe that that was a positive step. Indeed, we urged that the authorities in the north should make similar gestures to build confidence and try to relaunch the peace process on the island. I should also like to pay tribute to the work of Dame Ann Hercus, who negotiates regularly with both communities on the island in trying to move the process forward. Perhaps I should also remind the hon. Gentleman that our own Prime Minister has made a strong commitment to undertaking every effort possible to relaunch the peace process this year.

Moves towards reunification of the island and a peaceful settlement would be very helpful in the context of European Union accession. However, as I have made clear on many occasions, no outside, non-EU country has a veto on Cyprus's accession. We believe that Cyprus's application should be treated on its merits, as other applications are being considered and treated.

Mr. Stephen Twigg (Enfield, Southgate): I welcome my right hon. Friend's reaffirmation of the Government's commitment to Cyprus's application to the European Union. Does she agree that further progress on achieving a settlement to the Cyprus question will require action by the Governments of Turkey and of the United States? Will she tell the House what representations to that effect the British Government have made to the Administrations in Ankara and Washington?

Ms Quin: In our contacts with all interested parties, but particularly with Turkey and the United States—with whom we have worked closely on the issue—we have repeatedly urged on all sides efforts to make progress towards a settlement. We shall certainly continue to do so. We feel that it would be quite wrong simply to sit back at a time when EU accession negotiations offer an important opportunity. We believe that European Union membership would be very much in the interests of both communities on the island of Cyprus.

Balkans

6. **Mr. Simon Hughes** (Southwark, North and Bermondsey): What discussions he plans with Governments of NATO countries, Russia and the Balkan states about plans for peace in Kosovo and the rest of Yugoslavia. [83505]

11. **Mr. David Winnick** (Walsall, North): If he will make a statement on the current position regarding Kosovo. [83510]

16. **Mr. Chris Mullin** (Sunderland, South): If he will make a statement on the situation in Kosovo. [83515]

The Secretary of State for Foreign and Commonwealth Affairs (Mr. Robin Cook): Yesterday, I attended a meeting of the Foreign Ministers of the European Union, at which I tabled Britain's proposals for a new contract between the European Union and the countries of the Balkan region. I also met bilaterally with Igor Ivanov, the Russian Foreign Minister, and Milo Djukanovic, the President of Montenegro, and spoke by phone with President Ahtisaari, who has recently been asked to serve as an envoy in partnership with Mr. Chernomyrdin. My right hon. Friend the Prime Minister is currently in the region visiting Bulgaria and Albania. I shall shortly report more fully to the House when I open the forthcoming debate.

Mr. Hughes: I am grateful to the Foreign Secretary for that answer. Since his report last week, what progress has he made on drafting a resolution to be put before the Security Council, but which would, if possible, be agreed by all parties in Europe? Has he been able to discuss the matter with the European Union special representative, the President of Finland, to engage his good offices in dealing with it? Specifically, will the Foreign Secretary assure the House that, as we are proposing a multinational peacekeeping force for Kosovo, the position of the Government and of NATO is that forces will not be deployed in a way that results in a de facto division of Kosovo by ethnic allegiance, and that Kosovo must remain as one entity, protected by an international peacekeeping force?

Mr. Cook: In response to the question about the Security Council resolution, I am pleased to report to the House that we have made good progress in discussion among the western members of the G8, and we have virtual agreement on all the elements of a resolution. We are looking for the appropriate time at which to explore those elements with our Russian partners. There will be a meeting of political directors on Wednesday to discuss the way forward towards a settlement.

Nevertheless, we should not confuse an agreement with Russia with a settlement with Belgrade. We must take good care not to compromise on the key NATO objectives as we enter into dialogue with Belgrade. I assure the House that we have no intention of reaching an agreement that would result in a de facto partition of Kosovo.

Mr. Winnick: I recognise what is already being done to try to protect civilians from the air raids. Does my right hon. Friend agree that even more should be done, even if it means the planes flying lower and extra danger to allied military personnel? On the wider issue, is it not the case that, once Belgrade shows a willingness to accept the basic conditions that have been put forward for a settlement—first and foremost an international military force in Kosovo, the return of all refugees and the protection of all civilians living in Kosovo—the bombing can stop and the talks can begin?

Mr. Cook: My hon. Friend is right. We have been exploring the precise sequencing of a bombing pause and we shall discuss that again with Russia. We are not going to continue bombing when our troops enter Kosovo to escort the refugees back. There is also plainly room for us to agree to a bombing pause while the Serb forces withdraw so that they can do so with confidence. However, there must be a clear agreement, with a serious intent from Belgrade to withdraw and admit the refugees, before we can do that.

I am glad that my hon. Friend raised the issue of low flying, because I have seen some complaints that there is a political restriction to prevent pilots from flying low. I assure the House that there is no such political constraint; it is entirely an operational matter for the military. Politicians would be extremely foolish to override the military on the height at which our pilots fly.

Mr. Mullin: Will my right hon. Friend assure the House that, when we eventually get access to Kosovo, every effort will be made to trace the survivors of the disastrous accident at Korisa the other day, and the survivors of the other accidental bombings of Kosovars, and offer them whatever help they need, including medical assistance, to try to rebuild their lives?

Mr. Cook: I assure my hon. Friend that we are eager to enter Kosovo to bring medical relief to all those who have been victims, including the many internally displaced refugees who we know have been shelled deliberately by Milosevic's forces. We would be most anxious to provide all possible help to the survivors of what happened at Korisa. We would also be anxious to give them a full opportunity to explain to the International War Crimes Tribunal how they came to be refugees, why the Serb forces took them back off the hillsides and into the village, and why the same Serb forces reportedly prevented them from returning to their homes and kept them in two compounds. When the International War Crimes Tribunal investigators go in, I hope that they will have full access to all the sites at which civilians have been killed, particularly those that are the sites not of a tragic accident of war, but of deliberate, brutal butchery by the Serb forces.

Mr. John Randall (Uxbridge): Does the Foreign Secretary recall the words that he used during the Gulf war, when he questioned the efficacy of bombing runs deep into Iraq and asked whether the destruction of every power station, water supply and road bridge hit Iraqi civilians harder than Iraqi troops? Does he share similar doubts over the bombing in Yugoslavia? If not, what has changed his mind?

Mr. Cook: I do not share the same doubts, because we are not hitting all the power stations and all the water supply in Yugoslavia. On the contrary, we have taken great care to ensure that we hit only those targets that are of direct assistance to the military. That is why there have been many fewer bombing runs than there were during the Gulf war. I am pleased that we are succeeding in hitting the tanks, the trucks, the armoured personnel carriers and the artillery batteries in Kosovo. Those are the units that are carrying out the direct killing in Kosovo. I want an end to the bombing, but I can agree to that only when there is an end to the butchery of the civilians in Kosovo.

Mrs. Alice Mahon (Halifax): May we have an assurance that any resolution will not be based on the Rambouillet ultimatum, which was the severance of Kosovo through NATO bombing with immediate effect, or the severance of Kosovo through NATO occupation three years later? Not surprisingly, the Serbs said no to both.

Mr. Cook: I was at Rambouillet on every second day of the discussions—

Mrs. Mahon: Read the document.

Mr. Cook: I am familiar with the text, and with what we put to the Serbs. There was no proposal, as is now claimed by some in Belgrade, to occupy the whole of Yugoslavia. That point was never raised by the Serb side during the talks at Rambouillet. We proposed an arrangement which would have preserved the sovereignty and territorial integrity of the Federal Republic by keeping Kosovo within it; which would have preserved the long-term status of Kosovo, with matters to be resolved in consultation with the Kosovar people; and which would have provided full protection for the Serb minority within Kosovo, with their own elected authority to look after their language, religion and culture. It was the basis for a democratic, self-governing, multi-ethnic Kosovo. I very much regret that Belgrade was not willing to accept what was a fair offer.

Mr. Michael Howard (Folkestone and Hythe): Does the Foreign Secretary agree with the Prime Minister, who told the House last week that he believed that the air campaign, as currently conducted, will achieve in full NATO's five original objectives?

Mr. Cook: I am happy to assure the House that I always agree with my Prime Minister. For the past 48 hours, I have been stressing the success of that campaign, and I have done so again to the House. Only on Friday, I spoke to Hashem Thaqi—the leader of the Kosovo Liberation Army in Kosovo—who told me that the Yugoslav army in Kosovo is even more demoralised than before and has a high rate of desertion. There have been frequently witnessed confrontations involving VJ units leaving the front line and being turned back by the Serb police. We are making a mark, and the VJ army knows it.

Mr. Nicholas Soames (Mid-Sussex): Will the Foreign Secretary take steps to move British forces near enough to Kosovo, so that, when the moment comes—at present, it looks like it will be in the far-distant future—and President Milosevic buckles, there are sufficient troops present to capitalise on that success? Does the Foreign Secretary understand that, unless that happens promptly, not one single refugee will be able to go back to Kosovo this year? What steps are being taken to plan for their maintenance and support in the camps?

Mr. Cook: The hon. Gentleman raises a fair point. If we are to take advantage of the success of our air campaign, we have to be ready to enter Kosovo when the moment arrives. That is why we have already deployed to Macedonia over 4,000 British troops. The hon. Gentleman will be aware that, at the weekend, we put another 2,300 troops on standby to move there. We are making a major commitment, and we are now by far the leading nation within the force that will provide the nucleus for KFOR and enter Kosovo. However, that force must be an alliance force, and that is why we are in dialogue with our allies to make sure that others are deploying forces to the area in the same strength to make sure that we have a balanced contribution.

European Union

7. **Mr. James Plaskitt** (Warwick and Leamington): What proposals he has for the reform of the governance of the European Union. [83506]

The Minister of State, Foreign and Commonwealth Office (Ms Joyce Quin): The Government are pressing for radical and specific reforms in the way in which the Commission works. We believe that the Commission should be governed by the principles of efficiency, transparency and accountability. Achieving this will require changes in financial control systems, personnel management and structures. We have proposed a number of detailed measures and are discussing these with our partners and the new President of the Commission.

The Cologne European Council will examine how to take forward the institutional issues which were not resolved by the conclusion of the Amsterdam treaty.

Mr. Plaskitt: I welcome my right hon. Friend's commitment to radical reform, which is clearly necessary. The European Union has evolved substantially in the past 40 years, but its governance has yet to catch up. Does my hon. Friend agree that the chances of securing that reform, and of Britain leading it, are all the greater now that we are in a position of engagement and leadership in the European Union and no longer carping from the sidelines, as was the case before?

Ms Quin: Absolutely. That was clearly seen in the positive outcome for this country of the negotiations in Berlin in March and the successes that we secured in structural policy and a variety of other policies, as well as in working out ways to make proper progress with a reformed European Commission.

Mr. Michael Trend (Windsor): Why is the disgraced Commissioner Edith Cresson still in post and drawing a salary?

Ms Quin: As the hon. Gentleman knows, although we have agreed the appointment of the new Commission president to take forward the reforms that we want to see, the new Commission is not yet in place. Once it is, we expect it to proceed on the basis of the reforms that we and others have put forward. Those reforms will include terms and conditions for Commissioners and future appointments to the Commission. It is important that the hon. Gentleman and his colleagues should be constructive on the issues. Their manifesto for the European elections would lead to a massive loss of influence for Britain, whereas, at the moment, we are leading the debate—and I welcome that.

Falkland Islands

9. **Mr. David Borrow** (South Ribble): If he will make a statement on discussions with Argentina over the Falkland Islands. [R] [83508]

The Minister of State, Foreign and Commonwealth Office (Mr. Tony Lloyd): British and Argentine delegations will meet in the UK next week to discuss issues of common interest in the south Atlantic. The UK delegation will include members of the Falkland Islands Legislative Council.

Mr. Borrow: When taking part in those discussions next week will my hon. Friend emphasise the importance to the Falkland Islands of the fishing industry and the sale of fishing licences? The islanders are concerned that the Argentine Government on occasion use the sale of their fishing licences in a predatory way to seek to undermine the economy of the Falkland Islands. Is it possible to raise with the Argentine Government the issue of co-operation on the problem of illegal fishing in the south Atlantic?

Mr. Lloyd: Although the agenda is open, I would be surprised if the issue of fish stocks was not a major part of the bilateral discussions. In particular, it is already a matter of record that the Argentine Government and the Falkland Islands Government have agreed on mechanisms whereby the catch, especially of important stocks such as the whiting and the illex squid, will be kept this year to similar levels as last year. That spirit of co-operation is important because it makes sense to adopt conservation measures for migratory stocks only if they are agreed by all parties.

We look for co-operation from the Argentine Government on illegal fishing. Indeed, over the weekend, the Falkland Islands fisheries protection vessels were in action against Taiwanese illegal fishing, and a clear message was sent to those who poach in those waters when one of the vessels used its 20 mm cannon to fire warning shots, in accordance with the rules of engagement, and subsequently fired on the poaching vessel, again in accordance with the rules of engagement. That gave an important signal to that vessel, which immediately left Falklands waters, and to other poachers, that we will take tough action.

Mrs. Cheryl Gillan (Chesham and Amersham): It is difficult to see how the Falkland Islanders can trust this Government when they have not looked after their interests well during their time in office. For example, it took 21 days from the Chilean Government saying that they would order the cessation of flights between Chile and the islands before the Foreign Secretary even bothered to raise the issue with the Chilean Foreign Minister.

Let us be clear: the discussions with the Argentineans are on the initiative of the Falkland Islanders who are coming here next week. I would like the Minister to give assurances to the House, and to the Falkland Islanders, that the position on flights is non-negotiable. What will the Minister tell the Argentineans about flights to the Falkland Islands?

Mr. Lloyd: One of the less endearing features of an Opposition who flounder in their foreign policy is their decision always to attack the innocent bystanders. Why attack the Falkland Islands Government when it is they who asked the British Government to play the suspension of Lan Chile flights in a low-key way in order not to politicise it? We agreed to that, but of course the Opposition did not.

The issue was raised at official level, in accordance with the wishes of the Falkland Islands council, long before my right hon. Friend the Foreign Secretary raised it. That is a legitimate and sensible way forward. My right hon. Friend has now raised the matter with Foreign Minister Insulza and I raised it with Deputy Foreign Minister Mariano Fernandez last week. We will continue to raise it, because the Chilean Government are profoundly mistaken in their decision to suspend the flights, which is bad both for the islanders and for the Chilean economy. It is not, however, a matter of narrow party politics.

Dr. Norman A. Godman (Greenock and Inverclyde): My hon. Friend the Member for South Ribble (Mr. Borrow) is right: illegal fishing is a serious problem for both the Argentinians and the Falkland Islanders. My hon. Friend the Minister spoke about equipping a fisheries protection vessel with a 20 mm cannon, which is useful, but why are his officials so hostile to the idea of using gear-cutting equipment of the kind that was used so effectively by Icelandic coastguard vessels against our fishermen in the so-called cod war? Why cannot the Falklanders be supplied with that very effective equipment?

Mr. Lloyd: We have tried to make progress in devising ways of deterring illegal fishing. We will consider technical means of deterrence as well as diplomatic pressure. Taiwan is one of the principal offenders and we regularly raise the matter with the Taiwanese Government. As well as the effectiveness of the deterrence, we must consider the risks, not only to the fishermen on the poaching vessels but to the sailors on the fisheries protection vessels. We have a duty to ensure that the regime, while being effective, guarantees minimum acceptable safety levels.

Gibraltar

13. **Rev. Martin Smyth** (Belfast, South): What representations he has received from the Spanish Foreign Minister concerning alleged irregularities in the financial sector in Gibraltar. [83512]

The Minister of State, Foreign and Commonwealth Office (Ms Joyce Quin): The Spanish Foreign Minister made a number of allegations that companies registered in Gibraltar are involved in money laundering, and some material in support of the allegations was handed over. The material has been investigated, but the allegations are either too vague for us to be able to act on them or they refer to cases already going through the courts. Gibraltar has money laundering legislation that conforms to United Kingdom and European Union standards. Both the British and the Gibraltar Government are strongly committed to the fight against crime.

Rev. Martin Smyth: Does the Minister agree that the general allegations are not specific enough to merit consideration? What court will deal with them, and are

the Spaniards prepared to recognise the courts in Gibraltar? Is it not time we stopped playing with the Spanish as they seek continually to intimidate the Gibraltarians?

Ms Quin: As the Spaniards are members of the European Union, they have to accept that Gibraltar has introduced legislation to conform to European Union standards, and we have made that point very strongly. The allegations are indeed too vague to act on, and we have made it clear that unhelpful, vague and sweeping allegations do not help and are unfair to Gibraltar.

Mr. Andrew Mackinlay (Thurrock): The allegations are unfair to Gibraltar, but do they not also traduce the Foreign Secretary? Is it not time we were much more robust in complaining to Spain that its widespread and ill-founded allegations are a slur not only against the Gibraltar home Government but against the Foreign Secretary, who has ultimate responsibility for the police, courts and financial regulatory process in Gibraltar? Is it not time for a more robust seeing-off of the Spanish Government over Gibraltar than we have experienced of late?

Ms Quin: My right hon. Friend the Foreign Secretary, like all members of the Government, takes his responsibilities extremely seriously. We have protested strongly about those issues, and we shall continue to do so. There has been no lack of robustness on our part.

Mr. John Wilkinson (Ruislip–Northwood): Is the right hon. Lady not entirely right to fight the unhelpful, vague and sweeping allegations of the Spanish authorities? Does not that vagueness contrast with clearly orchestrated delays on the frontier with Gibraltar perpetrated by the Spanish, which continue, notwithstanding the Anglo-Spanish summit attended by the Prime Minister on 10 April? Is not the Spanish legal jurisdiction one in which no fair-minded person can have confidence?

Ms Quin: I certainly agree with the hon. Gentleman's first few words. The border delays were sometimes as long as six hours in February, but are down to an hour or 45 minutes—

Mr. Mackinlay: That's all right then.

Ms Quin: I not saying that it is all right, but the line that we have taken and our robust protests have made a real difference.

Nuclear Weapons

14. **Dr. Lynne Jones** (Birmingham, Selly Oak): What progress has been made to date in achieving a nuclear weapons–free world. [83513]

The Minister of State, Foreign and Commonwealth Office (Mr. Tony Lloyd): United States and Russian arms control agreements have brought the arsenals of the two major nuclear powers down dramatically from the cold war heights. The Government last year announced substantial reductions in our own nuclear deterrent. In 1997, Britain and France became the first nuclear powers to ratify the comprehensive test ban treaty. The entry into force of that treaty, and the negotiation of a fissile material cut-off treaty, are among the highest priorities.

Dr. Jones: I thank my hon. Friend. At the nuclear proliferation treaty preparatory committee discussions currently under way at the United Nations in New York, the head of the British delegation stated that we have a clear view of our goal of global elimination of nuclear weapons, and that we know how we want to achieve it. Will my hon. Friend tell the House how the Foreign Office intends to achieve the aim of ridding the world of nuclear weapons once the fissile material cut-off treaty negotiations have been successfully concluded?

Mr. Lloyd: Britain has already taken significant steps. Announcements made in last year's strategic defence review mean that we have the lowest number of nuclear deterrents of any of the nuclear weapons states. We have also introduced new transparency into nuclear deterrence, and more is known about our nuclear weapons systems than has been known of any nuclear power in the history of nuclear weapons. Those are important steps.

While the fissile material cut-off treaty is the next step on the way to dismantling nuclear arsenals, we have not yet arrived at that point. One of our ambitions at Geneva is to ensure that an ad hoc commission on the treaty is assembled and gets to work. We want equally to be among the states that have ratified the comprehensive test ban treaty that will come together to put pressure on states which have signed but not ratified, and to persuade states that have not signed to do so. The two treaties could be significant steps on the road to a world free of nuclear weapons.

Mr. Ian Taylor (Esher and Walton): The Minister said that more is known about British nuclear weapons than ever before. That may be so, though perhaps not for the reasons that he meant. Can he comment on the loss of information about Trident to the Chinese in the recent spying incident? Can he reassure the House that the Trident nuclear deterrent is safe in his hands?

Mr. Lloyd: The hon. Gentleman would not seriously expect me to comment on security matters. The deterrent is safe in our hands, and allegations about leaks are not allegations about actions by the British Government.

British Council

15. **Ms Claire Ward** (Watford): If he will make a statement on the funding for the next three financial years of the British Council. [83514]

The Minister of State, Lord Chancellor's Department (Mr. Geoffrey Hoon): As a result of the comprehensive spending review, the Government have been able to secure for the British Council £133.1 million in the first year, 1999-2000, rising to £136.1 million in the second year and £138.9 million in the third year. That means a real increase of about £2 million for each of those years. The British Council now has the resources to continue the excellent work that it does and to develop further programmes in line with the FCO's and its own objectives.

Ms Ward: I thank my hon. Friend for that reply. Does he agree that the British Council and the BBC World

Service play an important part in representing Britain abroad and thus require stable and adequate funding for long-term planning? Is he also aware that, because the BBC World Service needs to be a quality service, it requires additional funding? Will he give an assurance that he will look into those matters?

Mr. Hoon: I do agree with my hon. Friend and, for that reason, I am particularly pleased that the comprehensive spending review settlement has been able to secure for the council a real increase in line with the FCO's own settlement uplift of about 2 per cent. That will give the British Council a period of stability and some real money with which to plan ahead. Clearly, at the end of that CSR period, the Government will consider further funding again.

Mr. Mike Hancock (Portsmouth, South): Would it be possible for the Minister to agree that more resources ought to be given to the BBC World Service at this time to assist it in the work that it is doing in Serbia to bring the true story of the NATO action to the Serbian people, and to assist it in its interlink programme, the aim of which is to link refugee families who have been split up throughout Europe and among the three receiving nations?

Mr. Hoon: I agree; that is precisely why the Government have been concerned to ensure the stability of funding for the British Council so that it can plan ahead in the way that I have described.

Albania

17. **Mr. Tony McNulty** (Harrow, East): If he will make a statement about relations with Albania. [83516]

The Minister of State, Foreign and Commonwealth Office (Mr. Tony Lloyd): Our relations with Albania are good. My right hon. Friend the Prime Minister is visiting Albania today. We are grateful to the Albanian Government for their support for the current NATO air strikes and for their humanitarian relief efforts.

Mr. McNulty: I thank my hon. Friend for that response. Can he assure me that real contingency plans are being put in place to recognise Albania's efforts in dealing with the refugees and the impact on the country's economy of the conflict in Kosovo? Will he assure me that those efforts will be recognised and that Albania will get the just rewards that it fully deserves—the rebuilding of its country and economy—given its support for those actions?

Mr. Lloyd: The Albanian Government have taken the biggest number of refugees—it now stands at 430,000—and their efforts have been prodigious. They have been widely welcomed not merely in the region but throughout the world. There is no doubt that the strain on Albania's fairly weak economy has been enormous. In recognition of that fact, the European Union has already transferred significant sums of money both for the balance of payments and for the direct pressures on budgets.

Of course, in the longer run, one of the realities of the situation in that part of Europe is that we must look for new and quicker ways to lead all the parties—Albania, of course, and Yugoslavia itself—towards greater stability, which will lead them to ever-closer relations with Europe. That is the ambition of the stability pact that the European Union has already begun to discuss.

Mr. Alan Clark (Kensington and Chelsea): Would the Minister draw the attention of the Foreign Secretary to the sayings of the Albanian President, Mr. Berisha, as reported in *The Times* today? Mr. Berisha, as well as saying that the KLA are a bunch of feuding gangs and racketeers, recommended that NATO should negotiate with Mr. Rugova. However, the House will be shattered to learn that, shortly after that, Mr. Rugova's henchman, Mr. Fehmi Agani—of course, all those names will be familiar to the Foreign Secretary—was assassinated. Immediately afterwards, Mr. Berisha attributed the murder to the KLA.

Do not all those facts illustrate that another civil war is building up in Albania? When that war breaks out, to which side does the Foreign Secretary wish to provide an air force?

Mr. Lloyd: It is difficult for me to give the right hon. Gentleman a history lesson, but Mr. Berisha has not been President of Albania for some time. As one who knows about feuding gangs of racketeers in his own party, he may be the right person to give advice on such matters. As my right hon. Friend the Foreign Secretary heard him directly, I need not comment further except to say that we will work closely with the Government of Albania to achieve the stability that Europe needs.

Business of the House

3.30 pm

The President of the Council and Leader of the House of Commons (Mrs. Margaret Beckett): With permission, I would like to make a short business statement. Following the events of yesterday, the business for Thursday 20 May will now be as follows: consideration of an allocation of time motion relating to the Welfare Reform and Pensions Bill, followed by the conclusion of proceedings on the Bill. The business previously announced for that day will be taken at a later date.

Sir George Young (North-West Hampshire): Last night, the Government panicked and ran. Their arguments on bereavement allowances were mauled by hon. Members on both sides of the House. The Government could take no more punishment. Will they use the time between now and Thursday to reflect on their incapacity benefit proposals? Does the right hon. Lady really believe that the time now proposed for debate is sufficient for all the important issues that remain? In particular, will the House have an opportunity to debate amendment No. 10? Are not the Government losing support in the House, their friends outside and now their nerve?

Mrs. Beckett: There was more than a reek of wishful thinking about that question. Far from panicking and running, the Government took a sensible decision to have a proper debate on issues of considerable importance in prime time in the House. The Opposition wanted to debate them in the middle of the night. We prefer to debate them in the clear light of day so that we can make it plain that our balanced package is fair and right. As for the adequacy of the time offered, we had 13 hours yesterday, much of which the Opposition chose to waste. I remind the right hon. Gentleman that I have twice announced to the House that one day would be provided for this business. At no point did anyone, himself included, ask for more time.

Mr. Eric Forth (Bromley and Chislehurst): Can the Leader of the House state for the record how much time she proposes to allow under the guillotine motion for a debate on incapacity benefit? Not only her colleagues, but the whole House will want to reflect between now and Thursday on the time that she proposes to allow for that so that we can gauge the extent to which the Government are prepared to allow free and full debate on such issues, and so that her colleagues can express their views openly.

Mrs. Beckett: It will be a matter for the House how it uses the time available. I am confident that no matter how much time the Government make available, it will not to be enough for the right hon. Gentleman, who has clearly set himself the job of being a filibusterer in this Parliament.

Mr. Paul Tyler (North Cornwall): Do the Government intend to table a motion that will give adequate time to each major issue, including the Third Reading debate? Will they have the final vote at 7 pm or 10 pm? Do they recognise that there is concern throughout the House—I was here for much of the debate through the night—about the issues? There are not clear, partisan views, but genuine differences of opinion on both sides on the House as we represent the real concerns of our constituents. Acting like a bulldozer will do the Government and the House great discredit.

Mrs. Beckett: The Government will provide the time that we believe can be sensibly used to debate those matters. The hon. Gentleman is right to say that time was available yesterday. There is substance for genuine debate on both sides of the House. I shadowed social security for five years, during which I never filibustered a debate. I always sought to structure debates so that adequate time was available, especially for proper consideration of the most important issues. I have not much time for people who are less skilful in opposition than that.

Mr. Douglas Hogg (Sleaford and North Hykeham): As the debate on incapacity benefit is now to be fixed for a convenient hour, will the right hon. Lady tell the Prime Minister that it would be a good idea if he were in his place on Thursday so as to listen to the views of his Back Benchers, rather than ducking the debate by being in Bulgaria, as he was last night?

Mrs. Beckett: That is a pathetic observation; I do not propose to dignify it with a response.

Mr. John Greenway (Ryedale): Will the Leader of the House tell us whether the time allocated will also allow for any statements to be made to the House? Will she tell the House whether the Home Secretary intends to make a statement on freedom of information? If he does, how can the House and the country give any credibility to what he says when the right hon. Lady cannot even tell us how much time the Government propose to allocate under the guillotine motion?

Mrs. Beckett: The Government are keeping all those issues under careful review. As I have just pointed out, we are anxious to ensure that there is good time, in prime time—in daytime—for the House to debate those issues.

Mr. Edward Garnier (Harborough): Will the Leader of the House confirm that, had there been any filibustering, or any attempt to filibuster, last night, the occupants of the Chair would have ruled it out of order? Will she further confirm that much of the time that we spent debating the Bill last night was taken up with Government amendments, introduced late in the Bill's progress? Those matters could not have been discussed in Committee because the amendments had not been tabled at that stage. Will she ensure that, on Thursday, sufficient time is allowed under the guillotine motion for her internal opposition and the official Opposition to debate matters that cannot be encompassed by Government new clauses or Government amendments?

Mrs. Beckett: First, it is my understanding that no issues were tabled that had not been flagged up in some way—including, for example, in the Budget. Secondly, I take no strictures on these matters from the Opposition. I well remember when a Government guillotined a Bill and then introduced entirely new clauses dealing with benefits that had never been mentioned before. That was the Conservative Government whom the hon. and learned Gentleman supported.

Mr. Graham Brady (Altrincham and Sale, West): Having been present throughout last night's debate, I am

astonished at the right hon. Lady's suggestion that filibustering went on. As my hon. and learned Friend the Member for Harborough (Mr. Garnier) pointed out, the Government introduced three amendments at the last minute; that occupied a considerable time. Government Back Benchers spoke for extremely long periods and we heard some good speeches from hon. Members on both sides of the House. The suggestion is an insult to Labour Members as well as to those on the Conservative Benches. I hope that she will withdraw it.

Mrs. Beckett: No, I will not. I understand that a total of about four hours was taken up on relatively minor, technical issues which had been discussed in Committee and were not a matter of great anxiety or contention.

Mr. Desmond Swayne (New Forest, West): Will the Secretary of State for Social Security be present for the debate on Thursday? He certainly did not attend for more than five minutes last night, despite sounding off on the "Today" programme this morning.

Mrs. Beckett: Oh dear! I simply point out to the hon. Gentleman that I can well recall that, when the most enormous package of social security changes ever to come before the House was produced in 1985–86, the then Secretary of State, who is currently the shadow Home Secretary, was not present at all. When that was mentioned in debate, even his own Ministers collapsed in mirth.

Mr. John Bercow (Buckingham): Further to the inquiry from my hon. Friend the Member for New Forest, West (Mr. Swayne), will the right hon. Lady reconsider her view on that subject? Given that, last night, while he was in the precincts of the Palace of Westminster, the Secretary of State for Social Security spent more time outside the Chamber than inside the Chamber, does she not accept that, when the debate resumes, he should spend more time in the Chamber and less time outside it?

Mrs. Beckett: No. The duties of Ministers are many and various; they do not always require Ministers to be present for every item of debate before the House. It is a sensible division of labour to apportion matters between Ministers; that is precisely what is done by every Government.

Mr. Tony Benn (Chesterfield): Has the Leader of the House had an opportunity to give further consideration to the point that I put some time earlier about the need for the House of Commons to have a role in discussing, debating and deciding motions relating to the war? The American Senate has voted several times on the matter yet, although the House of Commons has been allowed to ask questions of Ministers and to debate the matter, as today, we are totally excluded from playing any role whatever. It would appear that all the decisions on the war—relating to the bombing, to the possible use of troops and to the approach to the United Nations—are being taken personally by the Prime Minister, and to do that is to deny not only the House, but the people when we represent any say whatever in the possibility of arriving at different conclusions. The view I express is shared by senior figures on the Conservative and Liberal Benches—

Madam Speaker: Order. The right hon. Gentleman will appreciate that the business statement is very narrow and does not relate to the business of the House today. If the Leader of the House wants to reply, she may do so, but right hon. and hon. Members' comments and questions must relate to the business statement.

Mrs. Beckett: I shall simply say that it is self-evident that hon. Members are not in any way excluded from playing a role in these matters. My right hon. Friend's reference is to his continued desire, which I accept is shared by right hon. and hon. Members in some other parts of the House, for the House to be asked to take a decision on a substantive motion. I say again what I have said repeatedly to him and to others who have raised the matter: it has long—for generations, as I understand it—been the tradition of the House that, once British troops are engaged in conflict, the House, while offering every opportunity for hon. Members to raise their voice and to make whatever points and comments they want, does not take decisions on a substantive motion that might cast doubt on our support for our troops in the field.

Points of Order

3.44 pm

Mr. Eric Forth (Bromley and Chislehurst): On a point of order, Madam Speaker. Can you help the House by confirming that a substantial proportion of yesterday's business was, indeed, Government amendments to their own Bill; and that it is impossible that time was wasted yesterday, as you and other occupants of the Chair would have ensured that no such thing could possibly happen?

Madam Speaker: Anyone—hon. Members or those outside the House—who reads *Hansard* will find that the right hon. Gentleman is quite correct, in that there were Government amendments which were debated.

Mr. Iain Duncan Smith (Chingford and Woodford Green): On a point of order, Madam Speaker. The Leader of the House has made what appears to be a misleading statement, and I am sure that she will want to correct it. She said that there were no new clauses or amendments tabled of which the Government had not given notice and that were not foreshadowed by the Bill, yet there were five new clauses and 30 amendments that were not mentioned in Committee. She needs to make it absolutely clear that that was why serious discussion was needed at the beginning of the debate: the new provisions had been nowhere near the Bill and so represented an abuse of the House.

The President of the Council and Leader of the House of Commons (Mrs. Margaret Beckett): Further to that point of order, Madam Speaker. I am happy to make clear what I said, which is not what the hon. Gentleman says I said. I said that it is my understanding that no issues were raised yesterday of which people had not been previously aware in other ways: for example, they were in the Budget, if not in the Bill. As for misleading the House, the hon. Gentleman himself yesterday gave the House wrong information when he said that none of the matters had been before the House, so there had been no opportunity to comment on them—

Mr. Duncan Smith: Thirty amendments.

Mrs. Beckett: It is no good his shouting at me—what he said yesterday was not true. The new clause on maternity allowances to which he referred yesterday was known to the House and had been tabled prior to the last business statement. The hon. Gentleman is trying to defend himself. This business has been before the House for two weeks—*[Interruption.]*

Madam Speaker: Order. I want no more comments from sedentary positions.

Mrs. Beckett: This business has been before the House for two weeks. At no point has any member of the Opposition asked for extra time or said that fresh matters were being raised, or drawn attention to concerns about time needed for debate. If the hon. Member for Chingford and Woodford Green (Mr. Duncan Smith) is too incompetent to realise when he needs more time, that is his problem, not ours.

Several hon. Members *rose—*

Madam Speaker: Order. We are now into debate and I shall not allow debate on points of order. Hon. Members have pressed me to get a debate on Kosovo today and an enormous number want to speak in the debate, but half of them will be disappointed. I have the business of the House to safeguard. I shall take two more points of order in the hope that that will be the end of them.

Sir Peter Tapsell (Louth and Horncastle): On a point of order, Madam Speaker. This is not the first time that the Leader of the House has said specifically that there are no historical precedents for debating motions of substance when British troops are in action—

Madam Speaker: Order. I appreciate that the hon. Gentleman is raising a point of order with me, but I said earlier that we are considering a very narrow business statement. If the hon. Gentleman seeks to catch my eye during business questions on Thursday, I will certainly call him. If he can cite a precedent now, I will listen to him.

Sir Peter Tapsell: The famous munitions debate in 1916 and the Wardlaw-Milne motion of censure against the Prime Minister, Mr. Churchill, in 1942 are two famous parliamentary examples of substantive motions debated when British troops were in action. Therefore, the right hon. Lady's comments are simply not true.

Madam Speaker: We shall now proceed to the ten-minute rule Bill.

Rural Transport

3.46 pm

Mr. David Prior (North Norfolk): I beg to move,

That leave be given to bring in a Bill to make provision for rural transport partnership schemes, administered and operated by voluntary groups, parish and town councils, to supplement bus services in rural areas.

The lack of adequate public transport in the countryside is one of the main issues facing Members of Parliament with rural constituencies. There are no easy answers, and it is disingenuous to pretend that there are. I do not believe that it has been helpful to produce new broad-brush slogans such as "integrated transport"—which is much vaunted by the Deputy Prime Minister—which have had the effect only of raising expectations. It is better to come up with practical schemes that address real problems and to recognise that people living in the countryside face problems that are different from those faced by people living in towns. There can be no single solution to this complex issue.

My constituency is typical of many rural constituencies. There is only one town, North Walsham, with a population of just over 10,000, and population density is fewer than one person per hectare. Many parishes have no regular bus services and, without motor cars, people living in small villages are literally cut off. Only last weekend, I met in the lively village of Great Snoring a constituent whose bus service had been terminated at two days' notice, thus preventing her from shopping in Norwich.

To make matters worse, the loss of many local community services, post offices and village shops, and the decline of farming jobs has meant that people who live in the countryside can continue to do so only if they own and use private cars. In North Norfolk, as in many other rural areas, a car is a necessity, not a luxury, and money will, if necessary, be diverted from other household expenditure in order to run it.

In spite of that fact, taxes on petrol and car ownership continue to rise. Such taxes hit rural people far harder than their city counterparts, not only because of the lack of public transport and local services, but because of the distances that must be travelled. Those taxes are beginning to make it difficult for retired pensioner couples to afford to run their own car. For many rural pensioners, the private car is the only realistic way of interacting with the outside world. Moreover, it is virtually impossible for anyone living in a small rural parish to hold down a full-time job without access to a car. That makes it particularly hard for young people and school leavers who are looking for work, but who do not have the money to buy or run a car or motorbike and cannot travel to work without one. Isolation is a serious issue in the countryside.

Some 20 per cent. of the population of Norfolk is over retirement age. In some areas, the proportion is much higher than that. Combined with the fact that wages in Norfolk are 15 per cent. below the United Kingdom average and that public transport is poor, it means that people potentially suffer social exclusion, missing opportunities for employment, training, leisure and shopping, and even find it difficult to access medical services. A survey conducted last year for the new deal and undertaken by jobcentres across Norfolk revealed that some 32 per cent. of those seeking work in rural areas experience problems with transport.

The Government need to remember that, by trying to solve urban environmental and congestion problems by continually raising taxes on petrol and car ownership, they are significantly contributing to the social exclusion and deprivation of rural people. Further tax increases on petrol should form no part of the Government's rural transport policy.

The Government have claimed that their tax policy is part of an attempt to increase the use of public transport, but real choice can be achieved only when there is good public transport. People will be persuaded to leave their cars at home only when they have the alternative of cheap, reliable public transport that does not involve significantly longer journey times.

"The Better Deal for Norfolk" report, issued by Norfolk county council in August 1998, stated that Norfolk had received a Government grant of £1.6 million for new and improved rural bus services. That was welcomed at the time with a great fanfare. However, that subsidy is not working satisfactorily; indeed, a number of bus routes have been cut or reduced.

Some services run only in school term time, which is not much help to a pensioner with a weekly shop to do. Buses have been rerouted and many elderly people find that they have to walk a considerable distance to get to the bus stop. There is little cohesion between various providers of public transport. Timetable changes are made without warning or any apparent consultation with users. Fares have gone up by as much as 40 per cent. instead of the expected 5 per cent.

Some 75 per cent. of the parishes in my constituency do not have a daily bus service. Those parishes that are lucky enough to have such a service find that it is often unsatisfactory. Many bus stops are not in a convenient place, and the timetables are incomprehensible, out of date or do not integrate with other forms of transport. In addition, many of the buses run at inconvenient times, making a half-hour shopping trip last three or four hours. On top of all that, the buses are unreliable. Routes are changed without notice, and many of the vehicles are in poor condition and of a size unsuitable for small country lanes.

Moreover, the subsidies have had two unfortunate side effects. First, because the subsidy is not available for existing routes, the new routes are competing with the existing commercial routes on an unfair basis. Many of the new routes overlap considerably with the old routes. Secondly, the new routes are not prime because they cannot support a commercial service, so the buses are often under-utilised, and many of them are of a size that cannot be catered for on small country lanes.

On some routes, a subsidy has seriously undermined existing commercial structures. It would be far preferable to subsidise, if necessary, existing routes by making them more frequent and regular than to direct all available investment to new routes.

The aim of my Bill is similar to that of the rural transport partnership scheme for King's Lynn and West Norfolk district council and Breckland district council, which was announced last week and which aims to promote the social inclusion of rural people by enhancing rural transport services and securing a long-term improvement in people's access to jobs, services and social activities in rural areas.

[Mr. David Prior]

My Bill would support local community-based projects, such as minibus brokerage schemes—which make better use of vehicles—rural dial-a-ride programmes and group hire. Flexible feeder taxi buses, community car schemes, post buses, local bus services and rail feeder services, coupled with vastly improved local publicity and marketing of all types of public and community transport, can make a vital difference to people's lives at relatively little cost. It is therefore crucial that funding is made available to encourage those community schemes and is not concentrated only on new bus services.

Decision making should be left to local voluntary groups and town and parish councils, which should have the resources to facilitate various schemes, such as car links, community car schemes, hospital car services and others that I have mentioned. As Norfolk county council said, when welcoming the rural transport partnership:

"The exciting element of this new approach is that for the first time it gives many grassroot organisations the chance not only to identify their particular problems but to be part of an action plan to provide practical solutions."

To conclude, the car will remain a necessity in the countryside for the foreseeable future, and the Government should review their policy on the taxation of cars and petrol for rural drivers. The subsidies paid to new bus routes are not achieving the desired results, and the allocation of the subsidy should be reviewed to enable it to be used to improve existing routes. Finally, part of the bus subsidy should be reallocated to community transport schemes to provide the cost-effective, flexible local service required in small villages and the countryside.

Question put and agreed to.

Bill ordered to be brought in by Mr. David Prior, Mr. John Bercow, Mr. Christopher Fraser, Mr. John Hayes, Miss Julie Kirkbride, Mr. Andrew Lansley, Mr. Archie Norman, Mr. Owen Paterson, Mr. Keith Simpson, Mr. Richard Spring, Mr. Andrew Tyrie and Mr. Desmond Swayne.

RURAL TRANSPORT

Mr. David Prior accordingly presented a Bill to make provision for rural transport partnership schemes, administered and operated by voluntary groups, parish and town councils, to supplement bus services in rural areas: And the same was read the First time; and ordered to be read a Second time on Friday 23 July, and to be printed [Bill 103].

Kosovo

[Relevant documents: Third Report from the International Development Committee, Session 1998–99, on Kosovo: The Humanitarian Crisis (HC 422) and Minutes of Evidence taken before the Foreign Affairs Committee on 28 April 1999 (HC 188–iii).]

Motion made, and Question proposed, That this House do now adjourn.—*[Jane Kennedy.]*

Madam Speaker: We now come to the Adjournment motion on Kosovo. I have to inform the House that I have imposed a 10-minute limit on all Back-Bench speeches.

3.56 pm

The Secretary of State for Foreign and Commonwealth Affairs (Mr. Robin Cook): I begin with a personal reflection on the evil that we are fighting in Kosovo.

Hon. Members who were present at the close of Question Time will recall the right hon. Member for Kensington and Chelsea (Mr. Clark) referring to the death of Mr. Agani. I knew Mr. Agani well and I had met him on many occasions during the Rambouillet peace talks and before. I had a private dinner with him in Skopje in the spring, when he praised the steps that we were taking to force the Serbs to negotiations.

From the start of the Serb offensive in Kosovo, Fehmi Agani knew that the Serbs were looking for him. He spent the time since then in hiding, moving—always in disguise—from house to house. About two weeks ago he heard that the Serbs were clearing his neighbourhood of Pristina as part of the new wave of expulsions to Macedonia. He thought that that would provide his opportunity to escape from the country. He boarded the train in disguise in the thick of the crowd of deportees.

Unfortunately, perhaps because of a tip-off, the train was halted 20 miles south of Pristina and turned back. It was searched, and Fehmi Agani was found and forcibly removed. When his wife came to the police station in Pristina to ask after her husband, she was beaten by the police. Two days later, she was asked to come back to the police station to collect his corpse. The right hon. Member for Kensington and Chelsea is correct at least in that the Serb police told Fehmi Agani's wife that he had been shot by the KLA, presumably while in police custody. A more plausible explanation is that he was shot 48 hours after his arrest by the Serbs—just long enough to get the instructions from Belgrade and act on them.

Mr. Alan Clark (Kensington and Chelsea): I am grateful to the right hon. Gentleman for giving way. As the record will show, it was Mr. Berisha, a highly respected senior Albanian politician, who attributed the murder of Mr. Agani to the KLA.

Mr. Cook: Yes, and Mr. Berisha was echoing what has been put out by the Serb propaganda machine. Mr. Agani was an entirely different politician and an entirely different quality of man from Mr. Berisha. He was a gentle, elderly man. He was not a threat to anyone. Throughout his political life, he had urged the path of non-violent protest. His death has a much bigger impact on those of us who knew him, but his murder carries a

message to all of us in the Chamber. It demonstrates the brutality of the regime that we are fighting, and the butchery that it practises on those who cannot resist it.

When we enter Kosovo, we will take with us the investigators of the International War Crimes Tribunal as a vital element of the international presence. There cannot be security and peace for those who have survived the terror, unless there is justice for those who have been killed in it. Already, Britain is doing more than any other single nation to help the International War Crimes Tribunal. We are sharing with it all our information on war crimes, including reports from intelligence sources, and our defence personnel in Macedonia are helping to record the evidence from refugees.

We are also ready to help the International War Crimes Tribunal on the ground in Kosovo when the time comes. There will be an immense job to be done in examining the many sites of suspected massacres.

I can announce to the House today that the Foreign Office and the Home Office have agreed that we will provide from the British police force a scene of crime team to work alongside the tribunal. They will be forensic experts with experience and expertise in exhuming bodies, gathering evidence about cause of death and looking for evidence of sexual assault before death. We will put their forensic skills and technology to the service of the war crimes tribunal in preparing the evidence to bring the perpetrators to justice.

Mr. Edward Leigh (Gainsborough): Will the Foreign Secretary give way?

Mr. Cook: I will, on this occasion, but a lot of ground has to be covered and I am conscious of the fact that, as Madam Speaker said, many people hope to speak.

Mr. Leigh: Will all that happen? The Foreign Secretary said, "when we enter Kosovo," but will bombing alone do the trick? Does the right hon. Gentleman agree with what the German Chancellor said in Bari today:

"Germany believes that sending in ground troops is unthinkable. This is our position and it won't change in the future."

Does he agree with that point of view?

Mr. Cook: Just before I came into the Chamber, I heard that such remarks had been attributed to Chancellor Schröder, but I am bound to say that I know by now not to respond to something that has been reported in the press without checking what was said in the original. Many of the remarks that have been attributed to me over the past few days confirm me in that view. Yes, I am confident that our air campaign is making a serious impact on the forces in Kosovo. If the hon. Gentleman will be patient, he will hear exactly what I have to say on that point.

Whatever view hon. Members take of the current conflict, I am confident that they will all, including the hon. Member for Gainsborough (Mr. Leigh), want to see war criminals brought to justice, and we will secure the entry of the tribunal and the return of the refugees under our protection only if we maintain and intensify the military pressure on President Milosevic.

For a year before the present military campaign, we tried every approach short of military force to persuade Milosevic to stop the repression in Kosovo. Indeed, the frequent complaint of the right hon. and learned Member for Folkestone and Hythe (Mr. Howard) until we commenced military action was that we had not done it sooner.

I have read some recent articles complaining that the Rambouillet peace accords were too harsh on Belgrade and that it was unreasonable to expect the Serbs to agree to them. Looking back on Rambouillet in the light of the bloodshed that the Serb forces have visited on Kosovo, I am amazed at the moderation of the Rambouillet proposals, and that we were ever able to persuade the Kosovo Albanians to sign up to a package that required them to give up their demand for immediate independence and accept the continuing presence of a large Serb force.

Mr. Frank Cook (Stockton, North): Can my right hon. Friend confirm that the situation at Rambouillet immediately before the 10-day adjournment was such that the Serbs were all but signed up to the proposals—apart from the nature of the military force for monitoring the agreement—and that their whole attitude had changed when they returned? Is that correct or not?

Mr. Cook: My hon. Friend is absolutely correct to say that the Serb side indicated broad consent to the political accords at Rambouillet. The Serbs returned to Paris with a long list of changes that they wanted made to those very same peace accords. I also have to report to the House that the leader of Serb delegation said to me that it wanted a break in the negotiations in order to sell the agreement to its people. It used the interval not to do that, but to denounce the agreement and take a more hardline position than it had at Rambouillet. There is no doubt that the Serb side refused to make peace through negotiation, and even the Russian negotiator was blunt in putting the blame on the Serb side.

Mr. Crispin Blunt (Reigate): Will the Foreign Secretary give way?

Mr. Cook: I will, but I must make progress.

Mr. Blunt: There was a story—emanating from Germany, I believe—that the military annexe to the Rambouillet agreement contained clauses that would have allowed NATO forces to go all over Serbia and to do virtually anything that they desired to do. Can the Foreign Secretary tell the House whether those reports are correct?

Mr. Cook: I am happy to assure the hon. Gentleman that the reports are wrong. All that was included in that text was the standard status of forces agreement, which used identical language to the status of forces agreement that the previous Government, with his advice, agreed for the forces in Bosnia. I tell the House that not a single complaint was raised by the Serb side at Rambouillet about that annexe. Complaints have been raised only since then.

Mrs. Alice Mahon (Halifax): Will my right hon. Friend give way?

Mr. Cook: I must progress with my speech, if I may.

We still make every effort to find a diplomatic solution, and explore every possible opening. We have made good progress in building an international consensus on the

[Mr. Cook]

diplomatic track. Since the start of the crisis, we have maintained regular dialogue with Russia and kept open the door to Russia. Two weeks ago, we achieved a breakthrough when we secured Russia's agreement to a G8 text that is consistent with the objectives that we and our allies have set.

Yesterday, I met the Russian Foreign Minister, Igor Ivanov, who confirmed that the new Government of Russia remain equally committed to the principles that we approved in the G8. The great advantage of the breakthrough with Russia is that it can unblock the road to a resolution in the Security Council, the great majority of whose members support our approach.

Mr. Tony Benn (Chesterfield): Will my right hon. Friend confirm that the British Government are making a solemn pledge to the refugees that they will return to Kosovo? Given that pledge—which is a serious thing—can my right hon. Friend explain what, if the bombing fails and the American, German, Greek and Italian Governments refuse to send ground troops, will be the strategy for securing the objective that he has announced?

Mr. Cook: I am not entirely sure whether my right hon. Friend is now arguing in favour of ground troops as well as an air campaign. That would be a substantial shift in his position.

My right hon. Friend reeled off a list of other nations. Every one of those nations shares the pledge to which he referred. Germany, Greece, and Italy unanimously supported the Washington summit communiqué, which commits us to our key objective—that the refugees will return under our protection—and adds for good measure that there will be no compromise. I assure the House that one of those who spoke most forcefully in support of the pledge to the refugees was the Prime Minister of Italy.

We are also active in our diplomatic efforts with the neighbours of Serbia. Today and yesterday, my right hon. Friend the Prime Minister is visiting Bulgaria and Albania; two weeks ago, he visited Macedonia and Romania.

Mr. Douglas Hogg (Sleaford and North Hykeham): He should be here.

Mr. Cook: I do not honestly think that the House can ask for a report on diplomatic initiatives, and then complain when the Prime Minister goes abroad on such a diplomatic initiative. My right hon. Friend is there to demonstrate Britain's commitment to a new start for the region.

Yesterday, I presented to the Foreign Ministers of the European Union our plans to put real substance into the proposed stability pact with the region. We want a Balkan regeneration plan that will enable the countries of the region to share fully in our standards of democracy and freedom, and an open trading area that will guarantee those countries access to the wealthy markets of the European Union, and an opportunity to share in our prosperity.

We are determined that the Kosovo crisis must be a turning point for the region, but there will be no stability and no fresh start for the Balkans if we do not first defeat the ethnic cleansing of Milosevic, which belongs to the fascism of yesterday and not to the Europe of today.

We want a political settlement; we are working for a diplomatic solution; but we do not want a settlement at any price. We have repeatedly stressed that there can be no compromise on our objectives. Those objectives have not changed, and are clear. There must be an immediate and verifiable end to violence and repression in Kosovo. Serb military, police and paramilitary forces must withdraw from Kosovo. All refugees must be guaranteed a safe return under the protection of an international military presence with NATO at its core. There must be progress towards a political framework for Kosovo, based on the Rambouillet peace accords.

Last week, the right hon. and learned Member for Folkestone and Hythe demanded clarity on NATO's objectives. I have restated those objectives for the umpteenth time. They are clear, precise and unchanging. I ask the right hon. and learned Gentleman, when he addresses the House, to confirm that he understands those objectives, and supports the agreed objectives of the whole alliance.

Sir Peter Emery (East Devon): Members of the Select Committee on Foreign Affairs are not always popular with the right hon. Gentleman's Department, but, last week, two of them were in two ex-communist countries: Armenia and Georgia. It was interesting that the presidents of both those countries were absolutely definite that we were correct to continue with air strikes until we could bring about a solution to the problem, which they thought was immense and had to be solved. We would not normally have expected those countries to take that view. The President of Georgia, Mr. Shevardnadze, an ex-Minister of Foreign Affairs in Russia, supported our action.

Mr. Cook: I am grateful to the right hon. Gentleman for his intervention. When we met the partners of NATO and the Euro-Atlantic Partnership Council in Washington, it was striking that the countries of the former Soviet Union were often the most forthright in their criticism both of Belgrade and of Russia, for its tacit support of Belgrade. One of the reasons why we are now making progress in diplomacy with Russia is that it has recognised its isolation even within its own region.

Our objectives are, of course, in flat conflict with the objective of Belgrade to clear Kosovo of its population and to seize it for Serb occupation. Some have argued that Yugoslavia is a sovereign state and that it can do what it likes with its citizens. I totally reject that view. I would not care to explain to the Kosovo Albanians the theory that aggression against them by a neighbouring country would be unacceptable, but that the aggression that they are experiencing is acceptable because it is being carried out by their own Government. I share the view that was forcefully expressed by Kofi Annan that the international revulsion

"against the violent repression of minorities will and must take precedence over concerns of State sovereignty."

Several hon. Members *rose—*

Mr. Cook: I give way to my hon. Friend the Member for Liverpool, West Derby (Mr. Wareing).

Mr. Robert N. Wareing (Liverpool, West Derby): All that my right hon. Friend has said—I agree with him—

on the question of the refugees from Kosovo is exactly paralleled by the position of Serb refugees from Krajina, of whom there were 280,000, according to an answer to me from the Minister of State, Foreign and Commonwealth Office, my hon. Friend the Member for Manchester, Central (Mr. Lloyd), and who were purged from Krajina in the sovereign state of Croatia, which is recognised by this country. What is the difference between them and the refugees from Kosovo? If there is to be a Balkan conference, should it not cover the Krajina refugees, or are we going to turn around and bomb Zagreb?

Mr. Cook: As my hon. Friend will recall, that was condemned by me and by others in the House at the time. It is totally false for anyone in Belgrade to claim that the expulsion of the Krajina Serbs in some way justifies what the Serbs are doing to the Albanians in Kosovo, but I agree that the future for the Balkans must lie in accepting the principles of the modern Europe: not only respect for national boundaries, but ensuring that national borders do not become barriers between people in terms of trade and mobility. We will not establish those values in the Balkans unless we first end the ethnic cleansing that Milosevic has practised—my hon. Friend is right to remind us—not just in Kosovo, but, for 10 years, throughout former Yugoslavia.

Mr. Gordon Prentice (Pendle): Will my right hon. Friend give way?

Mr. Cook: I will give way this time, but then I must conclude my speech.

Mr. Prentice: Are there any circumstances in which the removal of President Milosevic from power would become a policy objective alongside the five that the Foreign Secretary has already enunciated?

Mr. Cook: My hon. Friend asks a question that has been put to us on a number of occasions. I have stated the objectives of our campaign. As I have said, they are unchanging. They do not include the withdrawal of President Milosevic from office; nor do we intend to make that a campaign objective. Our objective is to ensure that the Kosovo Albanians are returned under our protection, that Milosevic's policy is reversed and seen by his people to have been reversed. That will carry with it a firm message to those in Belgrade.

Mr. Andrew Robathan (Blaby): Will the right hon. Gentleman give way?

Mr. Cook: No.

Mr. Robathan: I will be brief.

Mr. Cook: The hon. Gentleman may well be brief, but I will be in danger of making a long speech if I continue to give way on every occasion.

We are not going to halt President Milosevic or secure the objective of reversing ethnic cleansing if we simply, by dialogue, point out to him the error of his ways. He will abandon his plans to pocket Kosovo for the Serbs only if he knows that we are determined to maintain the military campaign until we prevail.

I say to all my colleagues who want a diplomatic solution that we will get one that they would accept only if we keep up the military pressure. Ending the bombing now would not give an opportunity for diplomacy, but would knock away the best lever of diplomacy. It would enable Milosevic to regroup, rebuild and re-equip his forces—and that would prolong, not end conflict on the ground.

Meanwhile, while we continue with the air campaign, we also develop our preparations for the military force that will be necessary to maintain security and to enforce a ceasefire when the Serb forces withdraw from Kosovo. At the weekend, my right hon. Friend the Secretary of State for Defence announced that another 2,300 troops from the Parachute and Gurkha regiments are being placed on standby to move to Kosovo. At Rambouillet, we envisaged a NATO presence of 28,000 troops. After two months of conflict, it will require a larger force to undertake the task of reconstruction. That is why Javier Solana has been tasked with reviewing how many more troops will be required, and we expect his report to NATO this week.

Meanwhile, our air campaign is making its mark. We have now destroyed in Kosovo more than the equivalent of the weapons and equipment of an entire brigade. In the past week, we have had our highest tally yet of strikes against the military assets that are doing the killing in Kosovo. We are certain that we have now destroyed 160 tanks and armoured personnel carriers, more than 60 artillery units and more than 130 trucks and other military vehicles. We believe that the real running total could be even higher.

Mr. Robathan *rose—*

Mr. Tam Dalyell (Linlithgow): Would the Foreign Secretary allow me?

Mr. Cook: I shall give way to my hon. Friend.

Mr. Dalyell: Presumably, the tanks are being destroyed by depleted uranium shells. The depleted uranium health hazards in Iraq are well known. What is the assessment, in the Ministry of Defence and the Foreign Office, of the long-term health effects on the population of using depleted uranium weapons?

Mr. Cook: No depleted uranium is in use with British forces—[HON. MEMBERS: "NATO".] With respect, I am speaking in the British House of Commons of the British Parliament, and I am assuring the House that there is no depleted uranium in use with our forces. As for studies of health in Iraq, the Ministry of Defence has had a considerable look at what may have happened there, and we are confident that depleted uranium poses a very small risk to health. Regardless, however, none are being dropped by RAF airplanes.

Several hon. Members *rose—*

Mr. Robathan: Will the Foreign Secretary give way?

Mr. Cook: No. If I may, I shall continue with my speech.

[Mr. Cook]

As I said, our air campaign has had a real impact in Kosovo. That impact is known throughout Serbia, not only in Kosovo. Yesterday, in Krusevac, 3,000 protesters stoned the town hall and booed local officials, demanding the return of reservists from Kosovo. They did so under the slogan, "We want sons, not coffins."

On Friday, I spoke by satellite telephone to Hashem Thaqi, the political spokesman for the KLA. He confirmed that the effect of our air campaign had been to keep the Serb forces divided, to prevent them from regrouping or concentrating their forces. They have to spend more and more of their time digging in and hiding, rather than carrying out offensive action.

Hashem Thaqi was unequivocal in his conclusion. He said:

"without the NATO bombing the situation in Kosovo would be even worse. If the bombing stops, we would simply be back at Square One."

That is the voice of someone who knows the realities of war at first hand.

Mr. Nicholas Soames (Mid–Sussex): Does the Foreign Secretary accept that, while no one disputes that the air campaign is beginning to take a toll—and so it should after more than 50 days of bombing—troops on the ground will be required to secure Kosovo for the refugees to return? What would happen in the unlikely event of Mr. Milosevic buckling in the next few days? There are not enough troops on the ground to secure Kosovo because of the disastrous decision taken before the mission started that no troops would be used on the ground. What is the Foreign Secretary doing to secure the number of troops required for the operation?

Mr. Cook: The decision was taken before the conflict began that we would require troops for the circumstances that the hon. Gentleman outlines. We need to put a NATO presence into Kosovo to secure the peace. That is why Britain has already deployed 4,000 troops in Macedonia as part of the 20,000 who are now in Macedonia and Albania. As I said at Question Time, we have provided another 2,300. We are by far in the lead in the NATO forces for Kosovo. I assume that the hon. Gentleman is not suggesting that we should do it all and that only British troops should go in. We shall require a contribution from other alliance members. We shall discuss that this week in Brussels when Javier Solana reports on his proposals for the enhanced KFOR.

I was referring to my conversation with Hashem Thaqi. I had that conversation with the leader of the Kosovo Albanians on the ground the day after the NATO attack on the command post at Korisa, in which Kosovo Albanians were killed. I deeply regret any loss of life among the Kosovo Albanians as a result of our campaign. The UK takes great care to minimise the risk of any attack resulting in civilian casualties, but, as I have told the House before, we cannot guarantee that there will not be any civilian casualties if NATO is to wage a campaign of the intensity and strength necessary to win.

I reject with contempt the crocodile tears with which Milosevic has sought to manipulate the death of the refugees at Korisa, particularly given the track record of his army in using civilians as human shields. International monitors have documented separate reports from refugees of 80 occasions on which they or their neighbours have been used as human shields. At Klina, 500 men were forced to lie in front of Serb artillery as it attacked the Kosovo Liberation Army. At Orahovac, 700 men were forced to stand with their hands tied for two days in front of Serb tanks.

In village after village across Kosovo, Serb forces have massacred civilians at point-blank range. They may now have killed 20,000 to 30,000 men, women and children. None of those was killed by tragic accident. All of them were killed deliberately and callously.

The bald statistics cannot convey the terror of those who have been evicted at the point of a gun; or the anguish of those who have been separated from their husbands and children and are left with the fear, but not the certainty, that they are now dead; or the pain of the refugees hiding without food on the hillsides throughout Kosovo and then injured without surgery by the shelling of Milosevic's guns. The tales of individual victims speak more eloquently than the statistics.

Some of those individuals are now in Britain as a result of the air bridge that we have built between Britain and the camps in Macedonia. Leeds was one of the first towns to embrace refugees from the camps. I visited them on Friday, after the funeral of Derek Fatchett. When I left, one of the workers there reminded me that it was easy to be misled by the smiling faces and happy children I had seen—to understand their suffering I should also hear the sobs that continued through the night.

The endurance that many of them showed in escaping from Kosovo is a measure of the depths of the terror from which they fled. One woman now in Leeds fled from her home towards the end of a pregnancy. She walked for days through the mountains carrying one of her other children. She gave birth to her son on the road, then got up and moved on again until she reached safety.

Another young woman told me how she had left her husband fighting with the KLA and had fled on foot with her two young children. In one village in which they stopped on the way, all the young men were rounded up and taken by the police to an ammunition factory. Throughout the following night, the woman heard gunfire from the factory. She removed herself the next day, but she heard later that, on the next night, the Serbs came back and raped the young women there. It is difficult for us to grasp what must have been endured by those women who, on the first night, lost the men of their village, and, on the second night, were humiliated by their murderers.

I want every hon. Member to understand the evil that we are fighting, and the brutality to which we would abandon Kosovo if we were now to give up. Today, I am placing in the Library a chronology of over 100 atrocities of which we have reports from refugees and other sources within Kosovo. All those atrocities are crimes born of ethnic hatred and fostered by the daily propaganda of the regime in Belgrade.

In the middle of this century, we believed that we had finished with fascism. At the end of the century, we cannot tolerate the revival in Europe of the doctrine of ethnic superiority, or the practice of mass deportation of a whole people.

That is one reason that strengthens our resolve to press home our military campaign, but there are other reasons too. First, we must succeed because NATO guaranteed

the ceasefire of last October, and because NATO has committed itself to enforcing a ceasefire in Kosovo. The security of our country depends on the credibility of NATO, and that credibility depends on securing our objectives in Kosovo.

Secondly, we must succeed because our promises to the countries of the region can be fulfilled only if Milosevic is forced to reverse his policy of ethnic cleansing. There will be no turning point for the region, and no stability in the Balkans, if Milosevic gets away with his aggression in Kosovo.

Most of all, we must succeed because we cannot abandon the bombing without abandoning the refugees themselves. On Friday, I stood before the refugees in Leeds, and I assured them that Britain would not abandon them and that we would not slacken the pace of our diplomatic effort. I told them that we would not weaken the resolve of our military campaign until they could go home under our protection. This Government will stand by that commitment.

4.27 pm

Mr. Michael Howard (Folkestone and Hythe): It is now two months since the Prime Minister first came to the House to tell us that military action was being taken by NATO in response to the atrocities committed by the Milosevic regime. For the whole of the period since then, the Opposition have supported the Government on the fundamental issues at stake. We have supported the original NATO objectives, and we have supported the decision to take military action to achieve those objectives. We continue to support the Government in those crucial respects, and we shall continue to support them. Those inside and outside the House who have suggested that we intend to withdraw that support are mistaken.

We support also, as we always have done, our dedicated service men and women, some of whom I was privileged to meet when, in the company of the Secretary of State for Defence, I visited Gioia del Colle, HMS Invincible and Albania. The work that they are carrying out on the ground, in the air and at sea is second to none, and we are entitled to be proud of them.

I condemn, of course—and without reservation—as we always have done, the Milosevic regime in Yugoslavia and the atrocities for which it is responsible. For my part, I am perfectly prepared to accept that those atrocities include the tragic killing of Mr. Agani. With each day that passes, those atrocities worsen. I welcome what the Foreign Secretary said about the decision to use British police officers to help assemble evidence of war crimes. I share the Foreign Secretary's disgust at the events that he has described.

All those things are important, and they need to be said. However, accounts of atrocities are no substitute for an explanation of the strategy. When all those important things have been said, the essential task of an Opposition in a parliamentary democracy remains: it remains our duty to scrutinise, to question and, where justified, to criticise. That responsibility is more, rather than less, important at a time of armed conflict. It is to the Prime Minister's credit that he recognised that when, last Wednesday in answer to my right hon. Friend the Member for Bridgwater (Mr. King), he expressly dissociated himself from the criticisms that had been made earlier in the week by his official spokesman. I trust that others, including those sitting beside and behind the Prime Minister on the Government Benches, will follow his example.

It is against that background that I wish to put questions to the Government today. Some of them are questions that I put to the Foreign Secretary last Monday. He did not answer them then, but I hope that he will answer them today. First, I have questions about NATO's objectives. I listened carefully to what the Foreign Secretary said about NATO's objectives today; I hope that he will do me the honour of listening carefully to what I have to say about them this afternoon.

My basic question is whether the Foreign Secretary is still of the view that the peacekeeping force in Kosovo should be led and commanded by NATO and that NATO-led troops remain a fundamental condition for a settlement. Will he acknowledge that the language has changed since Rambouillet and that Ministers now prefer to speak, as indeed he did this afternoon, not of NATO-led forces but of forces with NATO involvement or with NATO at their core?

We have to press those questions because the statement agreed by the G8 Foreign Ministers on 6 May did not mention NATO. It is reported that the draft text of the proposed United Nations Security Council resolution will make no mention of NATO either. Those are not minor points of terminology. Communiqués and United Nations resolutions are the product of careful and prolonged negotiation and their wording is significant. They are expressed in a particular way for a reason, and mention of NATO is a fundamental question. It was, after all, one of the key obstacles to an agreement being reached at Rambouillet. Is the Foreign Secretary now prepared to accept an agreement under which the forces that eventually go into Kosovo are not NATO led? If he is not, why do not the resolutions and the communiqués make that clear?

Mr. Frank Cook: Will the right hon. and learned Gentleman confirm that, 10 weeks ago, his strongest criticism was that threats had been made back in September but not carried out?

Mr. Howard: No. I made the criticism for the whole year that preceded the decision to take action. I said repeatedly that there might be a case for not making threats and doing nothing, or for making threats and following them through, but there was no case for doing what the Foreign Secretary did for a year—making threat after threat and giving Milosevic final warning after final warning, but then doing absolutely nothing about it. That gave the wrong signals to Milosevic and his evil regime. If action had been taken much earlier, it might have saved many lives.

Mr. David Heath (Somerton and Frome): I am listening carefully to the right hon. and learned Gentleman. Does he agree that there are two real risks of de facto partition—either by a zonal deployment of the international force or by a partial withdrawal by Serbia?

[Mr. David Heath]

Does he agree that either of those actions would be disastrous for the future of Kosovo, and will he reject them?

Mr. Howard: I entirely agree that that would not be an acceptable outcome, and the Prime Minister has said so unequivocally. He has made it clear that no partition of Kosovo would be acceptable.

Mr. David Winnick (Walsall, North): The right hon. and learned Gentleman said that Milosevic was given too much time. He attacks the Government from one side while others, including some Conservative Members, attack them from the other, saying that no military action should have been taken in the first place. Whatever the Government did at whatever time—I believe that they acted for the most excellent reasons—they would be attacked for one reason or another.

Mr. Howard: Of course it is true that different views have been expressed by hon. Members of all parties, and I have repeatedly said that all those views need to be listened to with respect. I was openly giving my opinion in response to the hon. Member for Stockton, North (Mr. Cook).

There are some vital questions about the means of achieving NATO's objectives. That is the crux of the matter, because, with the best will in the world, it is no use repeating the objectives and accounts of the atrocities time after time if we are not making sufficient progress in achieving those objectives. It gives me no pleasure to say that. I dearly wish that the objectives had been achieved long ago, but it is no use pretending, in the eighth week of the action, that they have been achieved or that we are close to achieving them when, alas and alack—I hope that the impression is a false one—all the indications are that that is not the case.

I repeat to the Foreign Secretary a question that is entirely relevant to the conduct of the conflict: what is the current position, eight weeks after bombing started, on the oil embargo? Has such an embargo been implemented, and if not, when will it be? Why was it not until five weeks into the conflict—five weeks during which there was repeated bombing of oil depots in Yugoslavia—that NATO's political leaders asked for advice on whether such an embargo would be legal?

Is it the case, as the newspapers say, that any such embargo would consist of a visit and search regime and would depend on the consent of the countries in which the ships were registered, and that a NATO source was reported to have said that, if that did not work, we would have to think again? I hope that we can have clear answers to those questions today.

Somewhat similar questions arise concerning the announcement by the French Government on Friday night—amid a flurry of mutual self-congratulation between the French and British Governments—that 12 British Tornados were to be moved to Corsica, enabling them to reach Yugoslavia without refuelling in flight. I am delighted that it will be possible for the Tornados to operate more effectively but, if that is the purpose of the move, why on earth has it been decided on only now and why are the Tornados not to arrive in Corsica until 1 June, nearly two weeks from now?

There has been a steady change in the Government's position on ground troops, and it does them no credit to pretend, as the Foreign Secretary did yesterday, that there has not been any change. At the beginning, the Government's position was clear: bombing would do the job; there was no need for ground troops to fight their way in; and any ground troops that went in would be there to keep the peace after an agreement had been reached, and not to fight the Serbs.

Bit by bit, there was a change in that position. First, ground troops would go in if there was a permissive environment—a term that was never defined. Then the formula was changed to a semi-permissive environment, which was equally undefined. On Tuesday 20 April, the Foreign Secretary told the House that troops would go in on the ground only when they would no longer face organised resistance. The very next day, 21 April, the Prime Minister changed the language again and said that troops would not go in until the Serb forces had been sufficiently degraded, and he refused three times to explain or expand on that formula. Those phrases are not plucked at random out of the air. They clearly signify changes in the Government's position. There is nothing necessarily wrong with those changes—they may well be justified—but, if confidence is to be inspired in them, it is essential that they should be explained, not denied.

Mr. Benn: I am listening carefully to the right hon. and learned Gentleman as it is right that the Opposition should put questions to the Government. Will he clarify his own position and that of the Opposition on ground troops? Is it their view that, if it is not possible to find a permissive environment for entry, and if the Americans refuse to supply ground troops, Britain—alone or with other NATO countries—should be prepared to enter Kosovo by force to realise our objective?

Mr. Howard: The right hon. Gentleman asks me to consider a hypothesis that has not been advanced by the Government, who have not said that that is the basis of their military assessment. They have not—in private or in public—told us the nature of their military intelligence or that they believe that they can achieve their objective in the way postulated by the right hon. Gentleman. We have no access to intelligence or assessments. We have no basis on which to suppose that an action of the kind mentioned by the right hon. Gentleman would succeed, and it would be the height of folly to take any action that did not succeed.

Our position is perfectly justified, is the only position that a responsible Opposition can take and has been repeatedly raised with the Government. It is that the Government should tell us why they have changed their position and tell us the justification for that change. If we find the explanations convincing and compelling, the likelihood is that we will support the Government. We have supported their objectives and their decision to take action, but we are not in a position to support their various changes of position because they have never been properly or convincingly explained. I hope that the Secretary of State for Defence will make a convincing case when he winds up this debate.

Mr. Hogg: My right hon. and learned Friend has sketched the Government's change in position over deployment of land forces, which seems more probable

than once it was. Does he share my concern that there is no ample provision of ground forces in the area? If we are told that we are winning the conflict and that Mr. Milosevic may buckle in the nearish future, I can foresee that we shall have an opportunity to go in without the resources to do so. Is not that the situation in which the maximum disaster is likely to occur?

Mr. Howard: My right hon. and learned Friend may well be right, but I can give him no categorical answer because I have not seen the intelligence that would tell us the latest state of the Serb forces in Kosovo. I am in no position to judge how many men would be needed to go in. From what I have read and heard, my right hon. and learned Friend may well be right, but, alas, further than that I cannot go.

Mr. Bill Rammell (Harlow): All of us have a responsibility to explain our views clearly and to explain any change in them. At the beginning of this conflict, the Leader of the Opposition made it absolutely clear that the Conservative party was opposed to the introduction of ground troops; yet, at Prime Minister's Question Time last Wednesday, the right hon. Member for Richmond, Yorks (Mr. Hague) implicitly supported the use of ground troops. Can the right hon. and learned Member for Folkestone and Hythe (Mr. Howard) explain what has changed to alter the stance of the Conservative party?

Mr. Howard: The hon. Gentleman frequently intervenes on these subjects. I suggest that he does some homework. If he does, he will find—I have the quotation here, if he is interested—that, when the action started, the Chief of the Defence Staff said in public, in a signed article in a newspaper, that the course on which the Government were embarked offered the best prospect of achieving the Government's objectives. If he says that, who on earth is the Leader of the Opposition to gainsay the Government in those circumstances?

I will show how the Chief of the Defence Staff has changed his position. Unfortunately, the position now is that there is confusion at the heart of Government policy. Let me explain. Last Wednesday, the Prime Minister told my right hon. Friend the Leader of the Opposition that he thought that the current bombing campaign would achieve NATO's objections in full—

The Secretary of State for Defence (Mr. George Robertson): Objectives.

Mr. Howard: I am sorry, objectives. The day before, General Sir Charles Guthrie, the Chief of the Defence Staff, said that it would be very difficult even to stop the current killing in Kosovo—far less achieve the other objectives—with the current campaign. Both those statements cannot be right.

I hope that the Secretary of State for Defence will give us an unequivocal answer when he replies to the debate. I hope that he will also be able to give the House an assurance that the Prime Minister did not give last Wednesday, when my right hon. Friend the Leader of the Opposition asked him to assure the House that General Guthrie and his fellow officers in NATO have the men, equipment and freedom of action to pursue a strategy that they believe will succeed.

That was a critical question. It is a question that any British Prime Minister at a time of armed conflict should be able to answer unequivocally and in the affirmative. It is a question to which the only acceptable answer is yes. However, the Prime Minister did not answer it. All that he would say was that the Government have throughout

"worked extremely closely with our armed forces."—[*Official Report*, 12 May 1999; Vol. 331, c. 311.]

I would rather hope that that went without saying. The prospect of a conflict in which the British Government do not work extremely closely with our armed forces does not bear contemplation, nor does the prospect of a conflict in which our forces do not have the men, equipment and freedom of action to pursue a strategy that they believe will succeed. That is the assurance that we seek. It is the assurance that my right hon. Friend the Leader of the Opposition sought last week. It is the assurance that we must have.

One further point must be made about the Government's conduct of this conflict. We appear to be seeing the application to this conflict, in which lives are at stake and are being lost and in which the most dreadful suffering is taking place, of the worst of the Government's addiction to spin-doctoring. It is entirely unacceptable that we should read reports in our newspapers that are said to come from senior figures in the Ministry of Defence, which state that the Government's media campaign is being allowed to take precedence over military considerations.

We read of moves that are seen by media strategists as "symbolically important", but that the services feel are militarily unnecessary and impose too much strain on the personnel concerned. We are told of a perception that

"commanders are not being allowed to make decisions. It is all being run by the press people. They are the real War Cabinet."

We have all grown familiar with the situation in which the Government are run by the press people—we have been told about it often enough—but we do not want a war to be run by the press people. If that is happening—there is a shrewd suspicion that it is—it must stop immediately.

Nowhere is the influence of those shadowy spokesmen more evident than in the current confusion over ground troops. While the Prime Minister tells us that he believes that the bombing campaign will achieve NATO's objectives in full, we read account after account denying that in our newspapers. The accounts are attributed to "unnamed Ministers", "Government sources", "a source in Downing Street", and "senior Government sources". That is no way to wage a war and that, too, must stop.

We are reaching a critical time in the conduct of the conflict. My right hon. Friend the Leader of the Opposition asked last Wednesday whether, if we wished to assemble and deploy troops to allow the refugees to return home before the winter, NATO needed to take any decisions on ground troops in the very near future. The Prime Minister agreed. The Foreign Secretary was, to put it politely, not very forthcoming, on the point this afternoon. I hope that the Secretary of State for Defence will tell us more.

There are also questions about the care of refugees. The Foreign Secretary talked about a regeneration plan. That is welcome, but can the Secretary of State for Defence confirm that it was not until last week that the European Union finally approved the release of £168 million of aid

[Mr. Howard]

for refugees and the Governments of Albania and Macedonia that had been agreed as long as ago as the beginning of April? Can Ministers confirm that that money has still not been released? Can they tell us when it will be?

Yesterday, my right hon. Friend the Leader of the Opposition tabled a written question asking for the appointment of an inquiry by Privy Counsellors into the circumstances that led up to the conflict. It is precisely the kind of inquiry that was requested and granted at the time of the Falklands conflict. Of course, we do not expect the inquiry to commence its work until after the conflict is over, but the establishment of an inquiry was agreed before the Falklands conflict was over. The inquiry into the Kosovo conflict should also be agreed now. I hope that we will hear a response on that from the Secretary of State for Defence.

Mr. Dalyell: I gave evidence to the Franks committee for 85 minutes, so will the right hon. and learned Gentleman take it from me that there are certain deficiencies in that form of inquiry, such as having to consider matters retrospectively? If there is to be a serious inquiry, should not a High Court judge be appointed now to avoid all the difficulties that Lord Franks and his colleagues faced in examining things that were blurred in the past?

Mr. Howard: There may be much merit in the hon. Gentleman's suggestion.

There are many serious questions to be answered, a large proportion of which can be answered now. I hope that we get answers when the Secretary of State for Defence replies.

4.53 pm

Mr. Bruce George (Walsall, South): I am delighted that the consensus has been maintained across the Floor, although anyone who had left to have a cup of tea three minutes after the right hon. and learned Member for Folkestone and Hythe (Mr. Howard) began would, on returning, not have shared my view. If one criticises almost every element of the Government's policies, it is difficult to maintain the fiction that what is upheld by those policies is worth supporting.

I know that some hon. Members on both sides of the House totally oppose what the Government are doing. I understand the frustration of the right hon. and learned Member for Folkestone and Hythe at mistakes and the slowness with which the Government and NATO have done things. It is the same frustration that I felt at the prevarication of the previous Government in getting our forces to Bosnia. When they got there, they were put in blue helmets and were almost innocent bystanders as Bosnians were slaughtered by hundreds and thousands. I understand the frustration that was expressed about our perhaps not having the forces that we would like to go in with. It is the same frustration that the Defence Committee felt while the previous Government were cutting defence expenditure from more than 5 per cent. of gross domestic product to 2.5 per cent. If the Government in exile had fought this campaign as brilliantly as they fought their election campaign, we would now be having our Franks-type inquiry, following a catastrophic defeat. Yes, of course there have been mistakes, but have wars ever been fought in which endless mistakes have not been made—even by the victorious?

I welcome this further debate. The House of Commons does not decide policy, but we can influence it. We are reflecting enormous public support for what the Government and NATO are doing. I believe that I was right when I supported this campaign on day 1; I was prepared to support it on day 55 and, if it goes on until day 100 or day 155, I shall support the policy. Wars do not proceed according to paths laid down by analysts, progressing swiftly towards the ultimate objective. There have been mistakes—political, strategic, tactical and intelligence mistakes—and hon. Members on both sides of the House will elaborate on them.

Perhaps we were wrong to misjudge Milosevic's ability to hang on to, and to exploit, weaknesses, but he misjudged our resolve. He has been most successful in exploiting an adversary consisting of 19 nation states that were clearly not exactly calibrated. However, when the leader of the Greens in Germany, Herr Fisher, made his courageous speech and stood there splattered with paint and blood, I realised that I had misjudged him. I wish that more people in the alliance were prepared—publicly, enthusiastically and at some personal risk—to stand up for what the alliance is doing.

Clausewitz offered the advice that, if one fights a war, one should fight it seriously and fight to win. Perhaps few alliances ever fought a war keeping in mind what is almost a paranoia about putting their own forces at risk. Even fewer wars have been fought in which adversaries have been so careful to avoid killing non-combatants and even the other adversaries. We have retained alliance cohesion, but perhaps that cohesion has been achieved by fighting the war less enthusiastically, robustly and efficiently than is desirable to achieve our military objective. Even though the air war is being stepped up, the rate of bombings and the number of sorties are less than such deployments during the Gulf war.

I very much hope that the present strategy of using air power alone will succeed. However, it is possible that it will not do so. If it does not succeed, let us think the unthinkable: Milosevic will survive and be emboldened; and he will start to unpick other agreements and interfere in developments made after he lost other wars—not least in Bosnia. The Kosovans will be dispersed for decades—if they can even return then. Milosevic will certainly begin to cause even more problems in the Balkans. What will happen to the credibility of NATO, of the European Union and of the Labour Government? What will happen in future conflicts? Will others be emboldened by NATO's failure to defeat a tinpot dictator? Merely pondering those possibilities will surely encourage people to the view that we must be successful.

Will the insertion of ground forces be required, as some have argued—many of us inconsistently? It may well be that they are. If we are prepared to use ground forces, and if they are dispatched, that might have an influence that would make deployment superfluous; however, it is not possible to beam over to the region and instantaneously deploy 50,000 troops. I remember how long it took to deploy adequate forces in the Gulf, and Opposition Members will also remember that protracted period.

We have to maintain diplomatic initiatives and try to get some agreement with the Russians and the Chinese. We have apologised to the Chinese, so perhaps they should now apologise for pinching all of NATO's secrets. If they are as contrite as we have been, some success will have been achieved. It is important that we try to sustain, as far as is possible, a consensus in this country, even though there are those who want to remain outside that consensus.

With the right hon. and learned Member for Folkestone and Hythe, I visited Kukes and saw the refugee camps. I read the report of the Select Committee on International Development and saw its criticisms of the UN High Commissioner for Refugees. Kukes might not have been a Butlin's holiday camp, but it was an example of what could be achieved fairly swiftly and I compliment those involved, including the Italian Government, who have done what they can to house fleeing refugees.

I was also gratified to see what NATO is doing, for NATO is not only a military force, but a co-ordinating force for voluntary activities. I was impressed by what is being done at Tirana airport and the work to develop infrastructure and port facilities to enable humanitarian equipment to be brought in. I agree profoundly with Médecins sans Frontières—an organisation which I admire deeply—that combatants should keep a distance between fighting and humanitarian assistance.

There is a sense of frustration and a belief that things have not gone well. It is right that the Opposition point out the failures that have occurred, but I should like them to give more enthusiastic support for the action so far. On both sides of the House, some hon. Members have been given wholehearted support, others have prevaricated, some have remained silent and yet others have expressed clear opposition. We know that the stakes are high: the price of failure for the Kosovans, for the region and for the alliance would be incalculable, so it is of primary importance that NATO gets its act together. Once NATO has decided on what the end game is to be—it may be the military defeat of the Serbs—we have to act with such commitment that that end is achieved.

5.3 pm

Mr. Menzies Campbell (North-East Fife): We have had a few sombre moments in the past 12 months and I suspect that we shall have a few more, but today is certainly one of the most sombre, for we now stand at the crossroads between success and failure. If we had a moral obligation to intervene in Kosovo, we now have an even more compelling responsibility to bring that intervention to a satisfactory military and political conclusion. Anything short of autonomy for Kosovo, the unfettered return of the dispossessed and the unequivocal recognition of their right to live in peace will be a failure.

If that failure arises out of an unwillingness to subject ourselves and, more particularly, our forces to some of the risks that we have imposed on the Kosovar Albanians, we shall have no right to claim any moral credit. NATO's air campaign is being conducted at heights which are safe for air crew and aircraft, but which put the people whom we want to help into the front line. Whether they are there by accident or by the sinister fiat of a regime that is using them as human shields, the risks are equivalent and the results as horrifying. NATO's intervention was soundly based on the acceptance of moral responsibility. However, that soundness of principle may be readily undermined if it is not matched by equal moral integrity in implementing a burden that we took up freely.

Mr. Bowen Wells (Hertford and Stortford): Will the right hon. and learned Gentleman clarify for the benefit of the House whether he is advancing the war aims to a greater degree than are the Government? He referred in his opening remarks to "securing the autonomy" of Kosovo. Is that the Liberal Democrats' objective?

Mr. Campbell: The autonomy of Kosovo was the principal political proposal of Rambouillet and of Paris, and I have always understood it to lie at the very heart of the international community's efforts to seek a political settlement. I also understand that it lies at the heart of the G8 settlement, to which reference has already been made during the debate. In that respect—although I differ from the Government in other areas to which I shall come later—my position and that of my party is exactly the same as the position of those on the Treasury Bench.

When you embark on a course of action based on ethical values, Mr. Deputy Speaker, you have a duty to reflect those values in the diligence with which you pursue that course of action. If one wills a moral end, one must show moral commitment in providing the means of achieving it. I believe that NATO is on the cusp. I disagree with the Treasury Bench in this respect: it is clear beyond doubt that an air campaign of the kind being prosecuted will not on its own achieve NATO's five principles for settlement. Those who always opposed the air campaign will argue that it should now cease. However, let us consider for a moment some of their alternative solutions.

Economic sanctions, Security Council resolutions and Russian diplomatic initiatives have been tried against the Milosevic regime without the compulsion of military action and with a consistent and depressing lack of success. What evidence is there to suggest that, if military operations were to cease unilaterally, those measures, either singly or in combination, would achieve now what they have so signally failed to achieve in the past? Why do we think that the displaced citizens of Kosovo set no store by those solutions and are willing instead to suffer the loss of life and limb, the cynical brutality of paramilitary thugs and the violation of their wives and daughters—sometimes before their very eyes?

Why do the Kosovar refugees say, even after devastating civilian casualties among their number, that NATO should not cease its military operation? They say that not out of some sense of masochistic guilt, but because they know their enemy. They know of what he is capable and what price he will exact if he is not checked. Those of us with any recollection of the Bosnian conflict should know our enemy as well. Srebrenica should not have faded from our memories. We should be haunted every day by the ruthless extermination of 7,000 men while United Nations forces with an ambiguous mandate and inadequate resources stood by, appalled but powerless. When, as it will, the searchlight of scrutiny falls upon Kosovo, I suspect that we shall see the results of a brutality that is far beyond anything that the disjointed accounts of traumatised refugees have been able to describe.

In our last Kosovo debate, the hon. Member for Crewe and Nantwich (Mrs. Dunwoody)—I gave her advance notice that I might refer to the comments that she

[Mr. Campbell]

made then—expressed entirely justified reticence about urging the sending of other people's sons, and increasingly their daughters, to war. She was correct: it is too easy for us, at risk of only political embarrassment, to ask others to risk their lives for our political judgment. However, while paying due regard to the hon. Lady's reservations, we must acknowledge that ours are professional forces: there are now no pressed men or women. That does not entitle us to be profligate with their lives, but it means that, when considering whether to send them into action, we are dealing with those who have accepted voluntarily the risks of service.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich): I am grateful to the right hon. and learned Gentleman for his courtesy in telling me that he intended to refer to my speech. He has set out what he says are alternatives, but I find some of them frightening. If he is saying that we should now commit a professional army—a British Army—to Kosovo, I will ask him several questions. Is he convinced that this is what the British people want? Are they prepared to accept the considerable casualties and the damage that the action would do to them? Above all, is he convinced that it would produce any result? To send a British Army into hostile territory without proper preparation, certainly without proper back-up and with extremely muddled control by a number of nations at the top, would be to murder many British men and women. I would find it wholly unacceptable if the House of Commons supported that.

Mr. Campbell: The hon. Lady raises three points. My response to the first is yes. On the third point, I think that it would be right to send in British troops, subject to proper preparation. I shall deal with the second point during my speech because it is right that those who, like me, urge this course of action, accept the consequences. It is right also that those who write editorials in newspapers urging that course of action should understand what would be its consequences.

Dr. Norman A. Godman (Greenock and Inverclyde): Will the right hon. and learned Gentleman give way?

Mr. Campbell: No, I want to make progress.

It is imperative that military pressure on Milosevic be maintained. Without such a continuing sanction, diplomatic efforts are likely to flounder in deception and ambiguity. We had a ceasefire less than 12 months ago, but no sooner had Richard Holbrooke got back to Washington than the Milosevic regime began breaching the spirit and every letter of that ceasefire.

If our continuing military effort is to be effective, it must include the mobilisation of sufficient ground troops, properly configured and able to impose NATO's will, to effect a forced entry into Kosovo and to operate in a hostile environment. The very act of assembling a force of such credibility which could make a forced entry would be disconcerting for the Milosevic regime.

Dr. Julian Lewis (New Forest, East): Will the right hon. and learned Gentleman give way?

Mr. Campbell: No, I shall make progress.

If NATO does not have the will to assemble such a force and, if necessary, to use it, I fear for the future of NATO itself. What do we make—more importantly, what does the Milosevic regime make—of a NATO that sends Apache helicopters, which are the most sophisticated attack helicopters in the world, to the region, but then is unwilling to use them for fear of the impact on domestic public opinion in the United States if they or their crews are lost other than in training?

There is too much of a belief that modern warfare can be sanitised and that we can fight war rapidly and win without casualties. Our experience in the Gulf misled us about what modern warfare consists of, and what its consequences may be. Those who argue so blithely in the editorial columns of national newspapers for ground forces able to make forcible entry into Kosovo should understand that there would be a price to pay, which would test the Government's resolve much more than even the substantial embarrassment and political damage occasioned by the bombing of refugees or foreign embassies. Every life should be worth the same, but when the bodies are those of our countrymen and women, there is no doubt that they make even greater demands on our resolve.

Mr. Julian Brazier (Canterbury): Yes, there would be a price to pay for forced entry. If I understood the hon. Member for Crewe and Nantwich (Mrs. Dunwoody), she was asking what would be the continuing price year after year, for how many years those forces would remain and what would be the ultimate outcome. It was, after all, a great Labour Prime Minister who decided in 1948 to withdraw from Palestine because, after three years of our troops being shot at from both sides, we realised that we could no longer sustain 100,000 men there.

Mr. Campbell: If the hon. Gentleman is asking me to say that we are in for a long haul and that the commitment will be lengthy, I gladly say that, because I have said it several times before, including in the House. We have a continuing commitment to Bosnia, which the Government whom the hon. Gentleman supported were, in my judgment, entirely right to bring about. We have a continuing commitment to Cyprus, which has lasted for nearly 30 years. We are talking about long-term commitment to Kosovo, and we should understand that. When we quote public opinion as being supportive, we should always enter the qualification that the public are rarely asked how long they think that commitment should be.

Even the threat of ground forces would aid the air operations, for the forces on the ground in Kosovo would have to come out of hiding and be so concentrated as to meet a potential attack by land. In that form, they would be much more susceptible to attack from the air.

Such air attack is said to be pressed home at levels determined by military considerations only. I wonder whether that is the case. Surely the military advisers have given a range of options. Surely it is time to consider whether, in the light of some of the events of the past fortnight, and in the interests of seeking to prevent civilian casualties, air attack should be pressed home at lower levels. There would be an increase in risk. Let us be in no doubt about that. It would increase in direct proportion,

but there ought to be a diminishing risk to civilians. Should that not be the correct formula for such operations?

Dr. Julian Lewis: Will the right hon. and learned Gentleman give way on that point?

Mr. Campbell: No. I shall make progress.

There is now a rash of diplomatic initiatives. They require to be pursued with the same intensity as the military operations. The involvement of Russia is essential. Because of the inexcusable error that led to the bombing of the Chinese embassy in Belgrade, it will be possible to buy the engagement of China only at a diplomatic and economic price. We shall have to pay for that error. We shall have to use up some of our political and financial credit.

Let me say a word about the role of the official Opposition and of the United States. I do not subscribe to the view that Opposition parties must preserve an unquestioning acquiescence. Twice in this century, parliamentary opposition has brought a change of Prime Minister because of energetic challenging in the House of the way in which war was being waged. Asquith and Chamberlain were both removed from office for their failures.

However, in asserting the right to question and challenge, there is an obligation incumbent on me and others on this side of the House. We have a responsibility to do so with judgment and without partisanship. I regret to say, and I do not say this lightly, that I do not believe that the Conservative party has always done so, since we began the exchange of statements and debates with which we have been concerned this year

Mr. Keith Simpson (Mid-Norfolk): Give us an example.

Dr. Lewis: Will the right hon. and learned Gentleman give way on that point?

Mr. Simpson: Give us an example.

Mr. Campbell: I shall give way in a moment.

There is a deep division of view among those on the Conservative Benches. It is a long—

Mr. Alan Clark: On a point of order, Mr. Deputy Speaker. Like most hon. Members, I understood that there was a 10-minute limit on speeches. Under what circumstances are you extending that limit? The right hon. and learned Gentleman has been speaking for 14 minutes, but he is using the extra time to attack the Conservative party.

Mr. Deputy Speaker (Sir Alan Haselhurst): I can clarify the situation immediately for the right hon. Gentleman. The Standing Orders are quite clear. One spokesman from the minority Opposition party is exempt from the 10-minute rule or any other limit.

Mr. Campbell: There is a deep division of view among those on the Conservative Benches. It is a long way from Bridgwater to Kensington and Chelsea but, occasionally, there seems to be a temptation to provide a rallying point for all shades of opinion round vociferous challenge of the Government. It is not so much what is said as the form and style in which it is expressed. Being supportive, but differing from the Government where that is necessary or appropriate, seems to me to be entirely possible. That serves both national and party interest, and the Leader of the Opposition himself appeared to recognise those matters last week at Prime Minister's questions when the tone that he used was in sharp distinction from that which we have previously heard from the Conservatives on occasions. He was wise to do so. *[Interruption.]* Let me make some progress. He would be wise to continue to do so.

The Leader of the Opposition appears, of course, to have changed his view about the role of ground troops. There is considerable difference in emphasis between what he said on 23 March in the House and what he said last week, on 12 May. That is to be welcomed, but some indication of whether the Opposition have an alternative strategy would also be welcomed. As I understand it, the only proposal that they have made so far—apart from questioning the proposals made by the Government, which I have supported in the past—is that there should be a committee of inquiry.

As I understand it, the right hon. and learned Member for Folkestone and Hythe (Mr. Howard) relied on something said by the Chief of the Defence Staff in a written article. That sits slightly uneasily with the fact that a Conservative member of the Defence Committee called for the resignation of the Chief of the Defence Staff. Had such a call been made by any other Member of any other party during the Falklands war or the Gulf war, I wonder whether people would have regarded it as being something other than unusual.

Mr. Keith Simpson: The right hon. and learned Gentleman rightly said that, for all Members of Parliament, it is not easy to criticise Government policy when British troops are deployed in action. I asked him, from a sedentary position, to give examples, but he was unable to do so, apart from talking about tone. Does he not agree, in retrospect, that he is making a highly partisan point? I ask him to bear in mind the fact that, on a number of occasions, he was unable to make his mind up, as the spokesman for the Liberal party, whether he should be sitting on the Treasury Bench, vis-a-vis a Cabinet Sub-Committee, or whether he was speaking as a member of the Opposition.

Mr. Campbell: In this—

Mr. Blunt: Will the right hon. and learned Gentleman give way?

Mr. Campbell: One at a time, if I may make so bold, although I suppose that I could take two at once.

I am speaking on behalf of my party. I believe that I have said nothing today that I have not said on the two previous occasions on which we debated this matter. Nothing I have said today is inconsistent with my response to the eight statements that have been made from the Treasury Bench. If the hon. Member for Mid-Norfolk (Mr. Simpson), for whom I have great personal regard, examines *Hansard*, he will find that my speech contains many points of difference between myself and those on the Treasury Bench.

[Mr. Campbell]

If the hon. Gentleman reflects further, he will consider that my right hon. Friend the Member for Yeovil (Mr. Ashdown), who has been particularly prominent in the debate in general, has been extremely critical of the Government on occasions. I believe that it is my obligation and responsibility to do that, and that is what I am trying to do at the moment.

Mr. Howard *rose—*

Mr. Campbell: I agreed to give way to the hon. Member for Reigate (Mr. Blunt). I shall then give way to the shadow Foreign Secretary.

Mr. Blunt: When the right hon. and learned Gentleman reflects on the tone of his speech, he will wish to withdraw his ascription of my remarks—which were made as a Back-Bench Conservative Member of Parliament who has the right to express his views freely and fearlessly—as the official Conservative position and the official Opposition's attitude to the Government. I hope that he will now do so.

Mr. Campbell: If the hon. Gentleman thinks that I have mistreated him in the way that he describes, I withdraw any suggestion that, in writing in the way that he did to *The Times*, he was writing on behalf of his party's Front Benchers, but he is a member of the Defence Committee of the House of Commons. I know of no occasion on which any member of that Committee who disagreed with Government policy suggested that the Chief of the Defence Staff should resign.

Mr. Blunt: I know of no occasion on which the Chief of the Defence Staff has written newspaper articles supporting a military strategy that is patently failing.

Mr. Campbell: I think that my earlier response covers that.

Mr. Howard: I take it that the right hon. and learned Gentleman now accepts that the views expressed by my hon. Friend the Member for Reigate (Mr. Blunt) were not my views, and have never been expressed by me.

Would the right hon. and learned Gentleman be good enough to say which of the questions that I put to the Government earlier he regards as improper?

Mr. Campbell: It is not simply a question of substance; it is a question of form, and of style.

Mr. Keith Simpson: Creep!

Mr. Campbell: If the hon. Gentleman continues to call me a creep, I may have cause to revise the view that I expressed earlier.

Mr. Deputy Speaker: Order. The right hon. and learned Gentleman has provided an unfortunate amplification of something that I did not hear. Let me say to the House that I think that a grave subject of this kind is best discussed in terms of issues rather than personalities.

Mr. Campbell: I apologise if I gave an unfortunate amplification, Mr. Deputy Speaker, and I apologise for responding to provocation.

The Foreign Secretary is to visit Washington this week. I hope that he will say frankly to those whom he meets, both in the Administration and in Congress, that, among friends of the United States, there is some concern, bordering on dismay, about apparently contradictory views being expressed.

The United States is the leading member of NATO. Its political leadership of NATO is unchallenged and, until Europe has achieved a much higher degree of defence cohesion and a more effective use of its resources, its military leadership will be essential in operations of any substance, and certainly in operations such as those being carried out, or proposed, in Kosovo.

Colin Powell, who is not notorious for risking American troops, recently challenged the assumptions behind the White House's insistence that an air campaign will be sufficient. For the reasons that I have given, that is part of the area of disagreement between Ministers and myself. Patently, an air campaign is not sufficient. For the Administration to continue to ignore the military realities not only imperils the mission, but puts intolerable strain on NATO itself.

During the Bosnia conflict, NATO's very survival became an issue, to the extent that the United States Defence Secretary William Perry, addressing the Defence Committee of the House of Commons in Washington, said, "NATO is more important than Bosnia." The fact that it was necessary to say something of that kind showed the extent to which NATO was at risk.

NATO needs clear political objectives, adequate military resources and courageous leadership. The people of Kosovo need NATO to have those qualities; otherwise, their fate will be not political embarrassment, but participation in a diaspora that no one would have expected to find in Europe at the end of the 20th century. The Foreign Secretary should employ the frankness to which a close ally is entitled, and tell the President, Congress and the American people what we and the people of Kosovo expect.

5.29 pm

Mr. Chris Mullin (Sunderland, South): It is a pleasure to follow the right hon. and learned Member for North-East Fife (Mr. Campbell), who was doing very well until he was distracted by that little spat a moment ago. I am happy to be associated with just about everything he said, including some of what he said during the spat.

I welcome the robust terms in which my right hon. Friend the Foreign Secretary restated our objectives. I accept that he and my right hon. Friends the Secretary of State for Defence and the Prime Minister are doing all in their power to inject some backbone into our allies, and I entirely understand why they are not able to be as frank as we might like about that in public.

For the avoidance of doubt, may I say that I have supported intervention from the outset? We cannot allow ethnic cleansing in Europe when we have the means to prevent it, as we do. The only point at issue is whether we have the will, but we certainly have the means. As my right hon. Friend the Secretary of State for Defence said the other day, this is a defining moment for our generation—are we able to stand up to what is happening in Kosovo?

I supported the intervention in Bosnia; I thought that it should have come a lot earlier than it did. The main lesson of Bosnia was that, had it come a lot earlier, the lives of many innocent people would have been saved.

I have not supported many interventions by the United States, but I did support the one in Somalia, which is perceived in the United States as a failure because some American lives were lost. However, it is often forgotten that, when the United States went in, the people of Somalia were dying of starvation at the rate of 1,000 a day. When it came out, whatever else had gone wrong, it had ended that situation. In the balance of history, that intervention should be regarded as a success, not a failure. It should not be quoted as a reason for doing nothing in relation to ground troops in the case of Kosovo.

There should have been—to our great shame, there was not—effective United Nations intervention in Rwanda. That is one of the most shameful episodes in recent years—perhaps in my short political life. It was clearly a case where a modest outside intervention by countries with the relevant—

Mr. Dalyell: Under the UN.

Mr. Mullin: Yes, under the UN. In that case, it might have been possible to get agreement in the UN. That was clearly a case where UN intervention might have been possible but, personally, I did not care where the intervention came from, providing the job that needed to be done was done. It could and should have been done in Rwanda. That is another lesson from the past that comes back to haunt us.

It has never been my view—indeed, it has never even occurred to me—that bombing alone will do the job. I am firmly of the view that bombing alone will not work. The Americans have always been big on bombing because they have never been bombed themselves. They do not always appreciate the effect that it has on civilians and, indeed, on the resolve of the people who are bombed. They have always been surprised.

The Americans flattened North Vietnam, without having any noticeable effect on the will of its people to resist. I was there some of the time and I saw what happened. The Americans are always surprised that bombing does not produce the results that they hope for. I hope that we will not get ourselves in the same position as the Americans; indeed, I know that we have not.

The Americans have always had a rather casual attitude to any casualties but their own. It is perhaps forgotten that the Chinese embassy in Belgrade is not the first foreign embassy that they have bombed. They killed the French consul general in Hanoi in 1972 and bombed the Swedish embassy. I was in Cambodia in August 1973 when a B52 carpet bombed the town of Neak Luong, which was on their side, killing more than 150 people. It was the biggest accident of the war.

I remember that, first, the Americans lied about it. Then they were rumbled by an American journalist, Sydney Schanberg. Those who have seen the film "The Killing Fields" may remember that it starts with that incident. They lied again about what had happened. Then, eventually, they put it down to a computer error in Honolulu. After many months, they docked the pilot's pay by $240, and they gave $50 dollars in compensation to each of the families who had lost a relative. At that time, $50 dollars was a new high for a Cambodian life.

Although I do not want to make too much of it, occasionally, when accidents have occurred in Kosovo or in Yugoslavia and I have heard spokesmen twisting and turning to avoid having to face up to what has happened—we all accept that accidents of this nature happen in war—I have been reminded of the attitude that I heard American spokesmen expressing at the time of Neak Luong, in Cambodia. When we make mistakes—we have made some very bad ones—they should be faced up to squarely. If we do not do so, we risk rapidly losing the moral high ground.

We have to have grounds troops in Kosovo. If we cannot persuade the Americans or the rest of our allies to come in with us, we must prepare either for an unpalatable compromise or for prolonged stalemate.

Mr. Wells: Will the hon. Gentleman give way?

Mr. Mullin: Forgive me; I have only 10 minutes, and I have already had most of it.

We cannot continue bombing indefinitely. The right hon. and learned Member for North-East Fife said that we were at a crossroads. We are at a crossroads. We have to persuade our allies to come with us on ground troops. We now have absolute air supremacy, and we have cut off supplies of food and fuel. Now, we must start assembling a ground force and be prepared to use it.

I should like to hear from Ministers some clear estimate of what the Government consider to be the appropriate number of ground troops effectively to take Kosovo. Currently, a figure of 50,000 is quoted but, only a few weeks ago, I heard some of our spokesmen talking about 150,000 or even 200,000. I should like to hear a clear assessment of the situation.

The only point that I want to make is that, if we cannot bring ourselves to raise a credible ground force and, if necessary, to use it—it might not be necessary to use it; perhaps the pressure we shall apply merely by assembling it will be sufficient to lead to some type of diplomatic solution—we have to face the fact that we shall be locked into either an unpalatable compromise or a long stalemate. What we cannot and should not continue to do—as we have done in Iraq—is to bomb indefinitely, drawing up ever more irresponsible lists of targets, creating ever more civilian casualties.

This is the crunch point. I hope that we shall rise to the occasion. If we fail, the consequences are very terrible, most of all for those who are the victims of this great catastrophe. Whatever happens, we must not walk away from them. We have a debt of honour to those people, and to the Governments of the surrounding countries, who risk being destabilised by events.

In the long term, if we fail here—the right hon. and learned Member for North-East Fife touched on the issue—we shall have to reconsider completely our defence relationship with the United States—

Mr. Deputy Speaker: Order. The hon. Gentleman must resume his seat.

5.39 pm

Sir Geoffrey Johnson Smith (Wealden): If I agree with some of the points made in the debate and—particularly after the speech of the hon. Member for Sunderland, South (Mr. Mullin)—sound repetitive, my intention is simply to try to establish greater consensus on

[Sir Geoffrey Johnson Smith]

the issue. Nevertheless, I respect the views of those who disagree with Government policy and some of the views expressed by my hon. Friends.

I should like to make some specific criticisms, and to consider NATO's future if we get out of this mess. First, I want to make it clear that I fully support the action taken by the Government. I understand the problems and I do not intend to snipe at them about some of the difficulties that they face. I recognise that the United States is part of the equation that leads to the problems that we face.

The public—those who can remember that far back—well understand that the Rambouillet talks unquestionably went on long enough, with three adjournments, in a vain attempt to achieve a temporary settlement that could pave the way to a more peaceful arrangement in the Balkans, particularly over Kosovo. There is plenty of evidence to support the view that the behaviour of the Serbs towards the refugees and the use that was made of them started long before our bombing attacks.

The resumption of talks would lead to no more than a shabby deal. People of my generation remember digging trenches when we were at school and then, only a few years later, digging them in a more serious mission. The calls for a resumption of talks revive memories of Mr. Neville Chamberlain's Munich agreement, when he referred to the situation in Czechoslovakia as a quarrel in a far away country between people of whom we know nothing.

Those who say that we have got in a bit of a mess—and we have—should say how we can get out of it, and should define the end game. I do not think that it is possible to answer that. The same question could be put to those who opposed military action and insisted that dialogue should be continued. We have tried that. It has failed and I have seen nothing since that would lead me to believe one word from Mr. Milosevic or any of his henchmen. Following that course of action would be a failure to stand up for human rights and our democratic traditions. So much for that.

There are lessons to be learned. The NATO Parliamentary Assembly discussed the issue at a special meeting in Brussels only a week or so ago. The Czech Republic, Poland and Hungary—all recent members of NATO attending their first meeting—played a vigorous part in drafting the resolution. They had no doubt that we had to stick with the resolution that we have bound ourselves to and see the matter through to the end. They have learned the lesson of history—that appeasement to dictators never gets us anywhere, even though the situation may be dreadful and we may be unsure of our moral position.

Mr. Hogg *rose—*

Sir Geoffrey Johnson Smith: I am sorry, but I cannot give way. I did not even note the time when I started, so I am not sure when I have to finish.

I have some military criticisms. I think that we all agree that ruling out the use of ground troops as a matter of principle was a bad decision. It was also wrong not to call up some troops and give the impression that they were there to do some business. Advance parties could have been sent on special exercises to show Milosevic that we are ready to back up the rhetoric and that we are serious about destroying his army.

Unfortunately, bombing infrastructure from such great height, with all the collateral damage, has lessened the difference between our military activities against the Serbs and their activities against the Kosovars. That has led to some loss of the moral high ground. We should press on with all the speed that we can muster to threaten the Serbs not just with bombing, but with ground attacks.

The terrain offers great difficulties, although the troops are not likely to face the difficulties that the German Nazi battalions found in the second world war. In our campaign of bombing from 15,000 ft, we have been slow to pick up some of the new technology. We should have shown a greater sense of urgency and placed orders for new all-weather precision munition. The Secretary of State for Defence knows that Boeing has some kit that could be fixed to our laser-guided munitions so that they do not miss their targets and so that the planes do not have to return to base because they cannot bomb through cloud without damaging the effectiveness of the attack.

Incidentally, what is the point of having Apaches if we do not use them? That is where we must put pressure on the United States. We know perfectly well that they could be used with the help of specially positioned troops or fighter control teams, which could go into so-called "enemy territory" and help steer the Apaches on to the target. I have been in Apaches, and I know what they can do. They pop up, lock on to a target and disappear in a few seconds, before coming back up again, but they need help from those on the ground. However, the risk of loss of life there would be frequent.

Those matters lead me to conclude that NATO as a whole has not lived up to its reputation. It has not shown urgency in the measures that I have described, which would not cost much but would increase the efficiency of our forces.

It is all very well blaming the United States. However, we must recognise—I say this as delicately as I possibly can—that it is not led by a man with the highest of reputations. He may think that, by saving American lives, he will increase his own reputation and leave his office in better repute. That may be one reason. However, there is more to it than that.

At the NATO Parliamentary Assembly, one of the Americans whom I have got to know well—a distinguished Congressman—made it clear that many in the United States are not keen on getting involved. There are those, keen or not, who think that the Europeans do damn all—that is how they put it.

We can argue until the cows come home, but the fact is that we do not pull our weight. We are not efficient at getting together as allies in NATO. There are two countries alone that could deploy efficient troops—France and ourselves. Germany spends next to nothing on its defence and, in any case, has a conscript army. I could go through a whole list. If I were an American, I would say, "This is a European problem. Of course, we can help, but if you want NATO to remain as an efficient alliance, you must do more yourselves." I accept that.

We must face the challenge, and the new NATO faces a great opportunity—that of creating a new, democratic security and political structure from the Atlantic to the Urals. If we fail in the Balkans, I fear not that we shall

write the RIP for NATO, but that it will destroy our ability to create the new structures that are necessary if we are to prevent, for the third time in a matter of two generations, a severe threat to the security of European civilisation.

That point means establishing also on a sustainable basis a better relationship with Russia. I have been to NATO headquarters and, as a result of the NATO-Russia Founding Act, there are Russian generals, service men and civilians working with NATO people. That is where we can begin to solve the problems that affect the structures of security and the democratic institutions of Europe.

I believe that we can do that if we recognise, first, that we must overcome the problem in the Balkans, and then range further in the peace to establish stability. If we can do that, I feel that we can hold our heads high about the future of NATO and of European civilisation.

5.49 pm

Mr. Robert Marshall-Andrews (Medway): I begin with what has become, unhappily, a necessary incantation. My opposition to the war—which is profound, and has been as consistent as the support of my hon. Friend the Member for Sunderland, South (Mr. Mullin) throughout its 60 or so days of duration—is not based on any sense of pacifism. I am a pacifist neither by conviction nor by inclination. Nor is my opposition based on any approval or approbation for the ghastly tyranny in Belgrade, as I know my right hon. Friend the Foreign Secretary would accept. If my right hon. Friend were here, he would know that we—certainly I—require no lectures or lessons on the scale of this humanitarian catastrophe, or on the tidal wave of human misery, pain and death that it has unleashed.

I know also that my right hon. Friend will accept that I defer to no one when it comes to a loathing of authoritarian government in any of its manifestations, be it foul tyranny on the one hand or the manipulation of the democratic process on the other. I have few hopes so fervent as to see Slobodan Milosevic and Ratko Mladic brought before the book of judgment in this world, as Senator Pinochet will be, rather than waiting for the vagaries of the next.

I also agree with my right hon. Friend the Foreign Secretary when he says that we have reached—or should have reached, because such a state is long overdue at the end of this millennium—a time when we require to live in a new legal international framework, which means that we will no longer have to stand idly by wringing our hands and listening to the screams in our neighbour's house, unable to intervene because of the rules of sovereignty. My opposition to the war is based on the fact that the unilateral action taken by NATO is more likely than anything else to defer the growth of such a world order and will, in all probability, put back its inception for decades.

The first thing to understand is that this is an illegal conflict. Whether that matters is another issue, and I shall come to that in a moment. However, there is no point in continuing to pretend that this conflict has some form of legality. United Nations Security Council resolution 1199, which was once prayed in aid, gives no power to the United States or NATO to intervene militarily in Yugoslavia. There is no fiat from the Security Council, and article 7 of NATO's own treaty precludes it from acting outside the aegis of the Security Council.

More to the point is the question whether it matters that the conflict, based as it undoubtedly is on humanitarian motives and principles, is illegal. My hon. Friend the Member for Sunderland, South, for whom I have boundless respect and admiration, said that he did not care where the intervention came from. I cannot think of any statement more calculated to cause international chaos.

How far does NATO's writ run? I hope that that question will be answered in the response to the debate. Does it run only to Europe? Does it run to the Urals? Does it run into Russia or into north Africa? Does NATO's writ run into the centre of Africa? I remember a comment recently made by my hon. Friend the Member for Cynon Valley (Ann Clwyd), for whom I also have boundless admiration and respect, when she said that the time had come when we would see no more Rwandas. Is NATO's writ to run to Rwanda? If so, who is to decide in the counsels of NATO which conflict we will pick in which to intervene?

What about south-east Asia? Who polices south-east Asia if NATO polices Europe and north Africa? There is only one candidate. What happens if China, in the not-so-distant future, moves into Cambodia, Vietnam or Ladakh to stop—or so it claims—civil war or ethnic cleansing in those areas? When we protest against it, what will we say when China points out that we took the unilateral step of intervening in Kosovo without the international mandate of the Security Council? The road on which we have embarked is one of desperate danger.

Who is Jamie Shea? Who elected him? To whom is he accountable? When Jamie Shea tells less than the truth—and he has, on one or two occasions, told much less than the truth—who is responsible? On the question of the bombing of convoys—I accept that convoys will be bombed in a war, because catastrophes happen—Jamie Shea said that the Serbs did it. It was the same with the Chinese embassy. The first thing we were told was that a Serb double agent had deliberately misled the Americans. It was only later that we discovered the truth about the seven-year-old map. To whom does Jamie Shea answer? With our spin doctors we can get at their puppet-masters, but we cannot get at anybody who controls Jamie Shea.

The way in which we are waging this war is part of its illegality. I am no militarist. There are plenty of Biggleses on the Back Benches, but I am not one of them. I am no expert on the efficacy of weapons, but I do know that common sense says that, if bombing is carried out from long range or high in the air, it will transfer the risk from combatants to innocents on the ground. That is a deliberate policy.

Why are we embarked on an air war rather than on an invasion? I suggest that nation states are naturally inhibited from invading other nation states because they know that it is an act of wanton illegality. That is the box in which we are caught. Does legality matter? Of course it does, because acting legally gives one's actions coherence. Legality is not merely a question of the right to intervene: it is also the duty to intervene. If there is a legal duty to intervene, there is no debate about whether to commit ground troops because one's duty is to intervene to the maximum extent.

[Mr. Robert Marshall-Andrews]

The radicalisation of support for Slobodan Milosevic in Belgrade has occurred because, although he tells his people many lies, he can tell them with complete candour and truth that the action taken against them by NATO is illegal. They will believe him.

Mr. Peter Bradley (The Wrekin): My hon. and learned Friend has spent a long time convincing us that he is a highly paid lawyer, and I am sure that he is good at his game, but will he spend the rest of his time telling us what he would do to protect the Kosovars from genocide?

Mr. Marshall-Andrews: In debates such as this, I dislike personal invective. I have not indulged in it and I hope that other hon. Members will not do so. What would I do? I would take not 1,000 refugees a week but 10,000 refugees a week. I would welcome them to this country as the victims of a civil war, with all the inherent generosity for which this country is justly famed.

I suggest two precepts for a new international order. First, we have a duty to take refugees. The second duty attendant upon intervention is that it should be carried out only by nation states ruled by a democratic process—

Mr. Deputy Speaker: Order.

5.59 pm

Sir John Stanley (Tonbridge and Malling): I shall address the bulk of my remarks, as most right hon. and hon. Members have so far done, to where we go from the situation in which we find ourselves. However, it is right to cast our minds back and ask whether we should have got into this situation. That question can be answered only when the conflict is over, and it will require a full and lengthy examination of the entire foreign policy and diplomatic process for at least a year before the start of the conflict in March this year.

Admittedly, with the benefit of hindsight, it can now be seen with stark clarity that the foreign policy that was pursued over the 12 months to this March rested on one enormous gamble: that it was possible to replay the Dayton formula that had produced peace in Bosnia to resolve the situation in Kosovo. The idea was that it would be possible for the western powers, from outside, to devise their own solution to the problems of the Balkans and force the Serbs to accept it under the threat of bombing.

That idea took little account of the profound difference between Bosnia and Kosovo in the minds of Milosevic and of the nationalist Serbs. There was always a hugely greater likelihood of failure in applying the formula to Kosovo and there was never any doubt that those most exposed by that failure would be the 2 million Kosovo Albanians. They have been the real victims of the failure so far. Deeply serious questions need to be asked about why more account was not taken of their vulnerability and the risks that they faced.

Why was not more done to try to deter Milosevic from applying a Hitlerian final solution to the Kosovo problem? Why was he given a partial green light by declaring in advance that there would be no use of ground forces? Those are serious questions that require an answer.

The central issue is what we should do from here. I find this moment extremely sobering and distressing, and I am sure that that feeling is shared by hon. Members of all parties. At the start of the conflict, three objectives—humanitarian, diplomatic and military—were set. The verdict today must be that we are miles and miles from achieving success in any of them.

The Prime Minister clearly stated the humanitarian objective at the very outset. He said that the action was

"to avert . . . a humanitarian disaster".—[*Official Report*, 23 March 1999; Vol. 328, c. 161.]

There has been no averting, and the humanitarian disaster has been catastrophic—way beyond anything that anyone expected would happen two months ago. On the humanitarian question, we have produced a total failure.

The diplomatic objective was that the start of bombing would make Milosevic climb down and accept the terms from which he had run away at Rambouillet. There again, two months on, we have total failure. We are nowhere near achieving the diplomatic objective with which we started. We hope that that will change, but that is the position today.

On the military objective, the Foreign Secretary has once again reeled off the list of destruction of Serbian armour in Kosovo, but the real test is what is coming out of the mouths of the refugees crossing the Macedonian and Albanian borders day after day. They report daily that the ethnic cleansing is continuing, with murder and rape and any number of people being taken away, perhaps to be sent to slave labour or rape camps, suffering every type of defilement and possibly mass murder: we shall find out only when we eventually get into Kosovo. Unhappily, the military action has not stopped the ethnic cleansing.

The House has widely divergent views on where we should go from here. My view is that, militarily, there is now an absolutely overwhelming case for the deployment—I stress deployment—of ground forces. Deployment is different from commitment. A commitment to use ground forces could be taken only at the time and on the basis of the military advice.

We are in a time-critical position, not only because of the weather factor, which is certainly important, but because of what is going on inside Kosovo. Apparently, there are still 600,000 ethnic Albanians inside Kosovo. What is their fate? Almost certainly, many more people are being murdered or driven out of their homes. The longer we delay, the more people are likely to end up as corpses in Kosovo.

The case for deployment now is not merely to try to give ourselves a military option as soon as a suitable force can be assembled, if we decide that that is the ultimate need, but to reinforce our diplomatic efforts. If Milosevic knows that troops are gathering on the borders of Kosovo, he will know that we are serious and that he risks a ground force invasion by the NATO countries. Surely that will add to the diplomatic pressure on him.

We must ask ourselves what more we can do to maximise the pressure on Milosevic to persuade him that he will be better off settling now than waiting for an uncertain future. What is the future of Kosovo itself? The right hon. and learned Member for North-East Fife (Mr. Campbell) referred to the Rambouillet process leaving Kosovo autonomous. I think that he blurred the issue somewhat: under the Rambouillet process Kosovo was to enjoy a degree of autonomy, but within the Federal Republic of Yugoslavia.

Surely we should now make it clear to Milosevic that, if NATO is forced ultimately to use ground troops, there can be no question of Kosovo remaining within the Federal Republic of Yugoslavia. He will lose it and it will become independent. Surely we would all agree that if we went to the financial and human cost of a ground forces invasion of Kosovo, it would be unthinkable for Kosovo to remain part of the Federal Republic of Yugoslavia.

I urge the Government to take steps now to increase the pressure on Milosevic. Stalemate is a victory for him. We cannot stop. We will be in serious danger of falling apart as an alliance if we do not maintain the momentum. There is a strong case for taking a decision to deploy military forces—that is separate from a subsequent decision to commit those forces—and making it clear to Milosevic that, if he wants Kosovo to remain part of the Federal Republic of Yugoslavia, he must settle now. If we are forced to—

Mr. Deputy Speaker: Order.

6.9 pm

Mr. Tony Worthington (Clydebank and Milngavie): I do not want to follow the line taken the right hon. Member for Tonbridge and Malling (Sir J. Stanley), although I agree with virtually every word that he said. The great value of these debates is that we can point out where we fear that errors may be made and hope that, by so doing, we can prevent those errors from occurring and causing the loss of lives.

Having visited Macedonia and Albania, I am extremely concerned that neither the United Nations High Commissioner for Refugees nor NATO is doing the planning or taking the action necessary to house refugees over the winter, which, in the Balkans, starts in mid-October. I understand why the Government and NATO should not want to appear to plan for refugees still to be there in the medium term. It may be argued that that would encourage Milosevic, but I think that it would show our determination to see this through. It would be extremely foolish not to plan for there to be substantial numbers in Macedonia and Albania over the coming years. That would bring us in line with the realism that we should have learned from the history of refugee camps throughout the world.

The primary reason for urgency is that it would be intolerable to have hundreds of thousands of people housed in tents in a Balkan winter. There would be deaths, and appalling cruelty. The blame would fall on the international community—on us, not on Milosevic. The deaths, the carnage and the suffering would have occurred under our care, and people would have forgotten why the refugees had arrived at the camps.

If the refugees are to return, whether in winter or earlier, there must be diplomatic agreement, but there is little sign of that. Agreement must include an international force to escort people into the wasteland. I do not believe that we could make life tolerable for people in Kosovo in the full knowledge that Milosevic has sought to make their villages uninhabitable. I welcome discussions between the development ministries of the United Kingdom, the United States, France, Germany and Italy to plan a return to Kosovo, but the idea that it will happen by October requires a huge leap of faith.

According to the Department for International Development, nearly 750,000 Kosovar Albanians have been expelled to neighbouring states, but another 700,000 have been displaced internally. Surely a successful outcome is likely to leave us fully stretched in meeting the medical and housing needs of people whose conditions are likely to be appalling after their treatment by Milosevic. Considerable humanitarian activity will be needed and considerable preliminary work will have to be done to prepare for returning refugees.

An enormous amount has been done by ordinary families in Albania and Macedonia who will need more rather than less support in the coming months—putting up 20 people in a small flat can be tolerated for only so long. Extra support is needed. Albanian families in both Albania and Macedonia have been unbelievably receptive.

The main challenge will come in the camps, which house hundreds of thousands of people. They were built in a huge hurry. We often failed to stay ahead of Milosevic's purges. Survival came about only through miraculous work by NATO to erect canvas townships. The Cegrami camp, for example, was built by German NATO, and its population went from 2,000 to 30,000 in a week. The camps are for the short term. They are often in the wrong places, being placed where people crossed the border rather than where they can be adequately catered for. They were a remarkable effort by NATO and by non-governmental organisations, but will NATO be able to construct winter dwellings, or will troops be needed for the central task of freeing Kosovo of Milosevic?

Unfortunately, winter means beginning all over again on housing the biggest refugee movement in Europe since the second world war. It may be possible in a few limited cases to harden the tents sufficiently to provide more protection. However, the camps are often three to five times more crowded than they should be. They are totally inadequate. They were erected in a great hurry, often in the wrong place, and some are running out of space for latrines.

The extra population is putting a huge strain on the existing infrastructure—roads, water and sanitation—of the host population. Oxfam has had to supply enough water purification chemicals to safeguard all of Macedonia's water supply for the next three months. Oxfam has had to purify the water for a whole country. The short-term camps have inadequate provision for health, education or anything else. People are herded together in large numbers, and all the normal problems—disease, prostitution, violence and public order problems—will break out. In addition, the Kosovo Liberation Army is likely to use camps as recruiting grounds.

We cannot take a laissez-faire approach, hoping that the problem will be tackled by success in the war. I have seen no sign that nation states or UN organisations adequately realise the scale of the rebuilding that must be done now if we are to get the refugees through the winter. I hope that the Government can reassure me that serious planning is taking place to avoid what will be another humanitarian disaster unless we act now.

6.16 pm

Mr. Michael Colvin (Romsey): I do not wish to repeat what has already been said but, as we are returning to a matter of the utmost seriousness so that we may update ourselves on current events and look towards the future, I should recap on recent events.

[Mr. Michael Colvin]

The western powers, particularly the United States of America, seriously believed that they could undertake this war without anyone but the enemy getting hurt. That idea has shown through press reports of United States policy, and we cannot agree with it.

It is all very well standing up in the House of Commons to sound off about a war; it is another matter to go to see what is happening. I thank the Minister for the Armed Forces for taking me to Macedonia last week to see what was happening on the ground. It changed my attitude to the war.

We visited our air, sea and land forces, and refugees. For the air forces, we began at Vicenza—COMAIR South—and heard from the American air force general in charge about the air strikes. The general has overall control of implementation of NATO decisions. I was surprised and shocked to hear that it takes 72 hours to achieve agreement within NATO on what strikes are to take place. The main problem lies in the White House. Suggestions from the military go there for approval, and it takes a long time to persuade the American President to agree to what is to be struck. Once decisions are made by the White House, matters move more swiftly; but 72 hours is too long a wait in this sort of war.

The American general made a further point that all of us would support with the benefit of hindsight. Having decided to launch air strikes against Serbia, we should have hit Belgrade far harder earlier in the campaign. The piecemeal air strikes that have taken place, dotted around the country, have not been effective. Had we been far more aggressive and concentrated more on Belgrade at an earlier stage of the war, it would have had a more profound effect, not only on Milosevic but on the civil population.

Another matter that has remained clear is that, although we have air supremacy in this war, the danger of surface-to-air missiles means that many of our aircraft have to fly at high altitudes—flying at 15,000 ft is not what Harrier pilots are trained for or would want to do. The Harrier is a ground-strike bomber and it is preferable to operate it at lower altitudes.

Even though we may have air supremacy, the point is that we have lost the initiative in the war. I say that we have lost it, but I do not think that we ever had it. From day 1 until now, the initiative has been in the hands of Mr. Milosevic. Only by re-establishing the initiative will we have any chance of success.

We then moved to Ancona and talked to our Harrier pilots. Morale is good, notwithstanding some of the difficulties with the airborne warning and communication system at the moment. We ended up at Isole del Colle in the south, where we talked to some of the American pilots and the people responsible for reporting on the weather. In general, morale within our air forces is very good indeed. They believe that they are doing a good and effective job.

As for sea forces, we visited HMS Invincible and HMS Newcastle. I was surprised to find that 10 per cent. of the crew of Invincible is now female. As the then Minister of State for the Armed Forces, my right hon. Friend the Member for Epsom and Ewell (Sir A. Hamilton), said when announcing that women would serve at sea, the senior service really has risen to the occasion. The crews were performing magnificently and there is no doubt that women make a very effective contribution to crews in the Royal Navy at sea.

Both HMS Invincible and HMS Newcastle were happy ships, although the crews are getting slightly bored with steaming in circles. They know precisely what they are there to do and they are doing it effectively.

Mr. Blunt: Will my hon. Friend explain exactly what the Invincible is doing in the Adriatic? Surely, more effective air bases are to be found in Italy. Why have a small aircraft carrier that is carrying aircraft that are not as capable as those based in Italy?

Mr. Colvin: It is true to say that Italy is an unsinkable aircraft carrier, while Invincible is most definitely sinkable. None the less, Invincible is mobile and it is there to provide support. The Harrier aircraft on board are in a position to give ground support to our troops when ground troops are deployed in this operation.

We then visited our land forces in Skopje, the capital of Macedonia, where about 4,000 British troops are deployed. We spoke to the commander of the Allied Rapid Reaction Corps, General Sir Michael Jackson. We heard today that 2,300 more troops are on standby to join them. That is still nothing like enough to fulfil the role that they will be required to perform if they have to enforce or implement a peace agreement.

Interestingly, the briefing that we received frequently used the words "enforcement" and "implementation". We did not hear them used much earlier. Let us suppose that Milosevic ran up the white flag and said, "Yes. Fine. I'll agree to everything that has been suggested. The Rambouillet proposal is OK. In you come." About 45,000 troops would be required on the ground, which is almost double what is there. Therefore, we must be in a position to deploy troops rapidly to make up the number of forces that would be required for that purposes.

That raises a serious question, which no one has answered, although we have heard a number of suggestions. My right hon. Friend the Member for Tonbridge and Malling (Sir J. Stanley) said that the end game will be the partition of Serbia and an independent Kosovo because that is what people have been fighting for. My visit to Macedonia confirmed to me that that is not the end game. That would be an absolute disaster. The point is that 90 per cent. of Kosovo is Albanian. If we partitioned Serbia and gave Kosovo its independence, it would merely lead to moves by Albania to create a greater Albania. The Albanians would immediately look towards Montenegro and say that part of that country is Albanian so they should have that too. In turn, they would say that 25 per cent. of Macedonia is Albanian and that that should come into a greater Albania.

I do not think that we quite realise what hostile people the Albanians can be. They have nothing to lose by going on the offensive if we partition Serbia. That would also leave the problem of the Serbian holy places in Kosovo. I am afraid that this wretched Battlefield of the Blackbirds, or whatever it is called, is a problem with which we must be prepared to live.

As far as I can see, a partition of Serbia is out, which means that it will have to be a protectorate. Therein lies a serious difficulty. If our troops go in to implement a

peace agreement, the protection force will have to be strong. The force will not be fighting Serb soldiers, although they are dug in across the only route in from Macedonia at present. We will be fighting the KLA. Instead of shooting at the Serbs as the KLA is at present, it will be shooting at British and NATO soldiers who are there to deny it the independence for which it has been fighting for so long. I am afraid that the western powers must sort that problem out. The Government's view of the final solution for Kosovo is not yet clear to me.

In our discussions with the Macedonian Defence Minister, he simply said, "This is not Macedonia's war." Macedonia is terrified that it will be drawn into the war. At the moment, its economy is in turmoil and it has lost all its markets, which are to the north in Serbia. That has a knock-on effect on the Greeks, who cannot sell their goods and produce into Europe—

Mr. Deputy Speaker: Order. I am afraid that the hon. Gentleman's time is up. I call the hon. Member for Brent, East (Mr. Livingstone).

6.27 pm

Mr. Ken Livingstone (Brent, East): My apologies for missing the opening speeches, Mr. Deputy Speaker, but I was on a train that was delayed for more than an hour outside Brighton.

In the past few weeks, the emphasis has been on accidents. I have listened to the accounts and shared the horror that we all feel when a bomb hits the wrong target. However, I think that the British people have a more realistic assessment of the nature of war than many of the critics of those actions in the United States of America, who sometimes seem to think that one can have a war in which there are no casualties, in particular no American casualties.

I was born in 1945 and I grew up listening to the stories of my parents and my friends' parents. They had all been through the war and experienced accidents. The accidents that are happening now are not new or unique. Everyone who went through world war two had horror stories to tell of mistakes and so forth, which often, tragically, cost lives. Nothing is new.

One hears the constant refrain that the bombing will not work. I remind the House that many hon. Members, including me, took the view that bombing would not be decisive in Iraq. We were wildly wrong. The bombing broke the will of the Iraqi republican guard. All the talk of the mother of all battles and of hundreds of thousands of allied forces dead turned out to be completely untrue.

Therefore, while I have no way of knowing whether the bombing will or will not work, I caution those who automatically dismiss it as impossible that they may turn out to be as wrong this time as many of us were when we were discussing Iraq.

Mr. Hogg *rose—*

Mr. Livingstone: I am afraid that I have only 10 minutes and I wish to make several points, so I will not give way.

Undoubtedly, there is a wide consensus in Britain that we should push America to ensure that planes fly lower and that we should prepare for ground troops. I have not the slightest doubt that we should listen first and foremost to the refugees who have been driven out. Workers who are meeting, receiving and trying to treat the problems that the Kosovans have brought with them are unanimous—no Kosovan refugee from among the tens of thousands who have arrived in the west is saying, "Stop the bombing." In fact for many, their disagreement with us is that they say that we should be preparing for ground troops.

I wish that people would listen more to the refugees who have suffered rather than to many of the columnists who dominate so much of the British media. I have read some wonderfully witty, sarcastic, scathing pieces about depleted uranium shells and everything else. Did those columnists condemn Milosevic year after year? They demand peace in the Balkans now but it was not present through the past decade in Kosovo, when the ethnic Albanian community could not work or educate its children because it lived under a fascistic regime. That was not peace. Did they condemn Milosevic in their columns when he suspended the Kosovan regional Parliament? Why is it that they leap into action only when other nations say enough is enough and start to talk about stopping Milosevic? While they all carry the ritual disclaimer that they deplore Mr. Milosevic, their columns only support his position and undermine the resolve of others to stop what he is doing. I would like a better balance.

I do not condemn all columnists; some have taken strong positions in support. In reading those often witty columns, the one thing that is always absent is an answer to the question, "What would you do to stop what Milosevic is doing to the Kosovans?" In all the debates, very few answers come up. Some say that we should have a United Nations peace conference. I do not disagree with what my hon. and learned Friend the Member for Medway (Mr. Marshall-Andrews) said about the action lacking the force of international law. It does not have United Nations sanction, but I never believed that we could have an international legal structure in which five states had a veto. Either laws are applied across the board or they are not. We cannot operate an international legal framework that works only when the five permanent members of the Security Council agree with it.

What chance do we have of getting China to agree to stop what Milosevic is doing in the province of Kosovo when we see what it is doing to the people of Tibet? Regimes such as China's do not want us to establish an international system of pressures, constraints and action to stop tyrannical regimes doing abominable things to the people captive under their control.

We are told that it is facile to compare Milosevic with Hitler. It is true that Milosevic has not murdered millions in death camps like Hitler, but he has made a good start. It was the broadcasting of the news of his concentration camps when he organised his appalling regime in Bosnia that finally made America begin to move.

My comparison is not with Hitler's endgame but with how he rose to power. He divided his people. He did not unite disparate groups but sought scapegoats. Milosevic has used Muslims and Catholics to unite the Serb community behind him just as Hitler used the Jews. Just as Hitler demanded all Germans within a greater Germany, so Milosevic demands all Serbs within a greater Serbia. He is driving out every minority that does not conform to his view of an ethnically pure Serbia.

[Mr. Livingstone]

He might not yet be fully comparable with Hitler but he is well down the road. Milosevic has started four wars in a decade. He invaded Slovenia. He invaded Croatia and Bosnia using surrogates, and now he uses troops in Kosovo. Will he really stop at four if we give up now or will he see it as a sign of weakness and develop a wider agenda for his domination in the Balkans?

We are not in an easy position. We are slowly putting into place a new world order in the aftermath of the cold war. It may take a generation to give it real form, but the deportation of Pinochet for his crimes and the action against Milosevic are both sides of one coin. We are beginning to say that, with the cold war gone, we will no longer support some ghastly little despot simply because he is on our side. Increasingly, we will try to put in place a series of checks, balances and interventions to prevent things like this from happening. The fact that we cannot intervene in Tibet is no reason for not intervening where we can. We must build and extend, and perhaps eventually the people of China will find a way of creating a Chinese regime that is not so abhorrent to those under its control.

We must consider seriously how better to co-ordinate Europe's foreign policy and defence structure so that we are not always so dependent on the United States of America. We will clearly not always be able to rely on the Americans to step in.

I have heard complaints that Britain stands alone, but it would not be the first time. We stood alone in 1940. I am saying that it is a simple comparison, but we stood because we believed that it was right to stand against fascism. It divided all parties in the House but the overwhelming majority stood firm. Even if we were the only nation arguing for the use of ground troops—I do not believe for one minute that we are—I would be proud that we were doing what was right rather than joining the chorus of the more weak spirited.

I have no doubt that the Government's stand is right. The fact that they are denounced as hawks does not mean that they are wrong but that, bit by bit, we are trying to work to a different sort of world, where lunatic mass murderers like Milosevic cannot continue generation after generation.

6.36 pm

Mr. Alan Clark (Kensington and Chelsea): The Chamber is pretty full this afternoon, which I find reassuring and creditable. It is plain from all the contributions that there is widespread anxiety in the House touching many aspects of the war. I believe that it also attaches to what is being done in our name and in the name of this country. Probably it is seated in the paradox of Government policy.

The first paradox is the notion that the deaths of hundreds of thousands of innocent people can in some way be redeemed or offset by the putting to death of an equivalent number of non-combatants in the same country.

Mr. Frank Cook: That is absolute nonsense

Mr. Clark: I advise hon. Members who dissent from that to consider how often this frightful equation of casualty lists, this bogus equilibrium of people who have been killed, is put to the House and in the media.

The second paradox is more bizarre. Yugoslavia has been bombed to pieces and had its infrastructure almost destroyed. The River Danube has been polluted and hundreds of acres of pasture have been covered with depleted uranium. In spite of all that, much damage has been self-inflicted by NATO, both to its credibility and to its reputation for operational effectiveness. That was highlighted by some of the asides in the speech of my right hon. Friend the Member for Tonbridge and Malling (Sir J. Stanley). He invited the House to consider what humanitarian progress has been made since the operation started. He left unsaid the conclusion that it is virtually nil. Where does the reputation of NATO stand now? Many people are due to be killed to save it.

I invite my right hon. and hon. Friends to consider, when we think of NATO, one aspect of what is happening. The Prime Minister has said that the war is being fought for "a new internationalism". There were echoes of that in the speech of the hon. Member for Brent, East (Mr. Livingstone). Javier Solana, the NATO Secretary-General, has said that its purpose is to establish a precedent for the "new strategic concept" of NATO—that it should be able to intervene in the internal affairs of a sovereign state for humanitarian reasons. By definition, NATO never had that role when it was set up as a defensive alliance, protecting the sovereign territory of its members.

I repeat my caution to my hon. Friends on this matter. What is so insidious about that argument and that doctrine is that, in place of the old system of national legal systems, creating free markets and national liberties, it is envisaged that there should be a new world order of universal human rights with the inherent problem that a bogus notion of human rights can never provide a basis for the rule of either law or morality. Universal human rights are detached from any rootedness in time or place; their application inevitably flails around capriciously, according to the latest whim of outrage or the latest fad for victimhood.

Human rights are, by definition, antithetical to the concept of national sovereignty. The concept that there can be universal human rights implies that there can be a single, global system of civil law with NATO playing the role of world government, or of world government policeman. That brings one to a point made most effectively by the right hon. and learned Member for North-East Fife (Mr. Campbell): if NATO is to be the world policeman and if it is to deserve the respect of the majority of law-abiding people in or out of international politics—the hon. and learned Member for Medway (Mr. Marshall-Andrews) referred to the necessity of intervening if one heard screams in the next-door house—we expect from the police accountable, orderly and responsible conduct of their responsibilities.

Mr. Hogg: It must be proportionate.

Mr. Clark: It must also be proportionate, as my right hon. and learned Friend says. If NATO continues to behave in its present reckless, indiscriminate and brutal manner—devoid, it seems, of any comprehensible, tactical plan—which is greatly separated from the original concepts under which the organisation was set up and from the deference that it originally owed, and should owe, to the Security Council of the United Nations and

the resolutions thereof, the alliance will have been gravely damaged. The outcome of its activities will be uncertain and will probably give rise to disappointment, disillusion and much human suffering.

The House should be aware of those matters and of their undercurrents. I know from my own mailbag that the anxiety that is felt in the Chamber is an echo of the anxiety that is felt throughout the country as to what is being done in our name and in the name of our country.

I wholly reject any suggestion that to say those things is unpatriotic in some way. Is it unpatriotic to remind the House of Commons that members of our armed services enlist to defend British people and British interests—not to kill non-combatants? Is it unpatriotic to point out—as I have been reproached for doing in this Chamber—that, where non-combatants have been killed, it is not, and never has been, the fault or the responsibility of our armed forces? It is the responsibility of those with whom they are currently associated.

Those distinctions—that relating to global conduct and the concept of NATO and that relating to the proper, function and role of our armed forces and the debt that we all owe them, and which I gladly pay—are matters that, at all times during this hideous and hateful experience, the House of Commons must have at the forefront of its mind.

6.44 pm

Mr. Jeremy Corbyn (Islington, North): The debate says much about democracy in this country in that, 60 days into the bombardment, there has been no substantive vote in the British Parliament on the authority of the Government to proceed with the bombardment of Yugoslavia. There has been no vote on whether there is to be a declaration of war, nor on the appropriation of vast amounts of money for this programme and there will not be a substantive vote either today, or, I suspect, on any other day. It ill behoves us to lecture the rest of the world on the rule of law and democracy when we have the archaic system of the royal prerogative handled by the Prime Minister and the Foreign Secretary to decide whether this country is at war.

Under the cloak of the 50th anniversary of the establishment of the North Atlantic Treaty Organisation, there has been a vast expansion of the work of that organisation. NATO knows no democratic control whatever; at any one time, 90 per cent. of British troops are under the control of NATO generals, answerable only to the President of the United States. Legislation under the Visiting Forces Acts removed many powers that we held; the expansion of NATO has done so entirely. Those people who hoped that the end of the cold war would bring about a more rational system of peacekeeping and security in Europe and, indeed, a more rational world order, and who now support the bombing of Yugoslavia, should think very carefully.

At the end of the cold war, the Warsaw pact collapsed; NATO should have been collapsed too. Instead of promoting NATO and the massive armaments that that involves and instead of joining up other countries, we should have been promoting the Organisation for Security and Co-operation in Europe as a way of maintaining peace and a sense of security in Europe. Now, we are undergoing a massive armaments campaign.

Likewise, there has been a systematic denigration of the peacekeeping powers of the United Nations and of its ability to promote peace throughout the world. It is ludicrous that a system has pertained since the end of the second world war in which the five victor powers of that war hold the power of veto over the United Nations. It is time that the veto system was ended and the United Nations was treated with the respect that it deserves, so that it becomes the centre point of world government and world peacekeeping. The actions of NATO, the expansion of NATO and the way in which the British and American Governments, in particular, have systematically undermined the work of the UN Secretary-General during this conflict bode ill for a good future for the United Nations.

I am fed up with Prime Ministers and Presidents of extremely powerful countries who go to the UN, praising UNICEF—the United Nations Children's Fund—UNESCO, the environment summit and all other things to do with the UN, but who completely ignore the UN on the crucial issues of war and peace and send in NATO instead. It is time to do something different in that respect.

The idea that the agreement on offer in Rambouillet would ever bring about peace is laughable. No country would ever have signed up to anything under the Rambouillet agreement. Despite the Foreign Secretary's earlier remarks, it is clear, from information that was published after Rambouillet, that there was never any intention of achieving an agreement; it was always to be an ultimatum to Yugoslavia and the start of the process by which the bombardment would take place.

My hon. Friend the Member for Brent, East (Mr. Livingstone) referred to the rule of law in the future. He conceded the point made by my hon. and learned Friend the Member for Medway (Mr. Marshall-Andrews) that there is no legal basis whatever for the bombardment of Yugoslavia that is taking place. If there was a legal basis, presumably Britain and the United States would have returned to the Security Council to try to obtain it. They knew that they could not do that, so they bypassed the matter. That is not the way to show respect for the rule of law. What is going on is illegal. Indeed, the International Court of Justice in The Hague—I visited that city last week to attend a peace conference—is currently hearing an application from the Yugoslav Government in respect of the bombardment. If that court finds against Britain, America and NATO, what will happen to the whole fiction and to the fig leaf of legality that surrounds the arguments that have been made?

As a parallel, some hon. Members have referred to the question of General Pinochet. I spent 25 years campaigning for peace, democracy and freedom in Chile. A great deal of progress has been made, but at no stage did the Chilean opposition ask people to bomb Santiago or to invade. No; at great personal risk and danger, they campaigned to get rid of Pinochet. They have campaigned ever since to have him brought to trial. To me, that, rather than the NATO bombardment, is the way forward.

We have to recognise the way in which Yugoslavia, which stood out as part of the non-aligned movement and stood out against the cold war in the 1950s and 1960s, was not supported. It was allowed to get into enormous debt and to develop huge economic problems, on the back of which petty nationalists such as Tudjman and Milosevic rose to power. The ghastly process of ethnic cleansing commenced and has continued ever since. We hold some responsibility for the way in which those people rose to power, just as we are responsible for the

[Mr. Jeremy Corbyn]

way in which the treaty of Versailles resulted in fascists rising to power in Europe. We should think carefully about how we treat other countries' economies.

After 60 days of bombardment, we have to ask: what has been achieved? A ghastly situation in Kosovo has been made worse: hundreds of thousands of people have been forced out of Kosovo and into refugee camps in Albania and Macedonia, with regrettably few being offered places of safety in other parts of western Europe. We were told that the bombardment of Yugoslavia would be over in a short time and that only military targets would be bombed. Since when was a television station a military target? Since when was an oil refinery a military target? Since when was a bridge a military target? Since when were all those civilian casualties who have suffered as a result of the bombardment of Yugoslavia military targets?

Our actions have resulted in a brutalisation of the people of Yugoslavia that will unite them behind Milosevic—a people who, two years ago and less, demonstrated in their hundreds of thousands to remove the Milosevic regime. We have created a polarised society in that state, with which we shall have to deal. Then, we have the problems created by the bombardment itself. I mentioned the bombing of oil refineries and other targets, but the depleted uranium used in the bombs being dropped by NATO will pollute the whole region and kill people in every country in the region. The fall-out from depleted uranium does not respect national boundaries, any more than it respects the colour of a soldier's uniform.

I spent last week at an international peace conference in The Hague—the centenary of the 1899 attempt at peace. The British media reported not one word about it, despite the fact that 5,000 people attended and Kofi Annan, Archbishop Desmond Tutu and others spoke, overwhelmingly in condemnation of NATO's action. They did not in any sense support the actions of Milosevic and his regime, but demanded a search for a peaceful solution. Everyone must recognise that we cannot go on bombing for ever: at some point, there has to be a ceasefire; at some point, there have to be talks; at some point, there has to be agreement; at some point, there has to be respect for human rights and the right to live in the region.

I hope that a message can go out that many people in this country are horrified when they see the refugees, but equally horrified when they see the NATO bombardment of Yugoslavia. Instead of continuing the bombing and threatening to use ground troops, why do we not bring in Kofi Annan, who is the one person who might be able to negotiate a satisfactory ceasefire and a settlement? We must support the principles of the United Nations, rather than NATO's military intentions, behind which lie economic interests, as demonstrated by the demands made of Yugoslavia at Rambouillet.

We in this House have the opportunity to declare ourselves for peace, not war. Although my colleagues and I are a minority in this place, I do not believe that we are a small minority in the population as a whole.

6.54 pm

Dr. Julian Lewis (New Forest, East): It is customary to refer to earlier speeches, and I shall do so in a couple of cases.

The hon. Member for Brent, East (Mr. Livingstone) summarised some of the confusion to be found among those on the Government Benches. I agreed with much of the thrust of his argument, but I believe that I heard him say towards the end of his speech that, even if we were the only nation that was proposing to use ground forces, we should nevertheless do so. The problem with that is that we are not proposing to use ground forces. We are hearing a dual message from the Government: on the one hand, we are given literal statements that it is not intended that ground forces should be used, but, on the other hand, we hear inspired leaks that suggest that the Prime Minister is out there in Washington, bravely campaigning to get a reluctant Bill Clinton to put his money where his mouth his and send his troops into battle. Those messages cannot both be true: if one is true, the other is not, but both cannot be true simultaneously.

The hon. and learned Member for Medway (Mr. Marshall-Andrews) rightly deplored one Member's use of personal invective against another, but, sadly, that did not prevent him from employing a great deal of personal invective against Jamie Shea. He asked to whom Jamie Shea is responsible—

Mr. Alan Clark: He is not a Member of Parliament.

Dr. Lewis: My right hon. Friend is quite right—Jamie Shea is not a Member of Parliament. My point is that the hon. and learned Member for Medway is applying a double standard, in that those who are Members of Parliament may not be criticised, whereas those who are not may be.

I can tell the hon. and learned Gentleman that Jamie Shea is responsible to someone who is easily identifiable—the Secretary-General of NATO. Since taking his doctorate in relevant studies, he has spent his entire adult career working for the safety of the west. I remember him working as NATO's youth officer 15 or more years ago, when many right hon. and hon. Members on the Labour Benches were trying to dismantle NATO's nuclear defences in the face of the Soviet threat. A man such as Dr. James Shea need not fear criticism from some hon. Members present in the Chamber today.

It has been said that we should leave everything to the United Nations, but the UN was deliberately designed not to be able to resolve conflicts in which major powers were involved. It exists as a structure to enable major powers to get together if they want to resolve crises between themselves, and to enable major powers to resolve crises between minor powers, but the veto was established for a good reason—in recognition that conflicts cannot be wished away by a simple vote if the powers involved are large enough to impose their will no matter how many hands are raised in the air. Democracies cannot, and should not, depend on the UN for all initiatives to go to war.

Hitler attacked Poland in 1939—he did not attack Britain in 1939, because he did not want to be at war with Britain in 1939. Nevertheless, we went to war with Hitler on behalf of Poland, even though we knew that we could not do anything practical to prevent the Poles being overrun. We went to war, albeit belatedly, for a principle. I believe that the Government are right in their action and in their motives, because they are going to war—they do not call it a war, but they should be more open about such

matters—for the same principle. If a structure such as the United Nations had existed in 1939, it would not have been technically permissible for us to declare war on Hitler in the way that we did.

For a democracy to go to war, three things are necessary: the motives must be justifiable, the aims must be realistic and, above all, the methods must be effective. I was one of only three Conservative Members who, from an early stage and throughout 1998, consistently called for military action to be taken against Milosevic if necessary. I draw some comfort from the fact that my hon. Friend the Member for Romsey (Mr. Colvin), the last Conservative Chairman of the Select Committee on Defence, was one of the other two.

I was also one of a somewhat larger group who consistently said that to rule out the use of ground forces at the outset was a naive and counter-productive act—an act that was aimed, not at our potential enemy, on whom such acts should be targeted, but at our own democratic electorate. Taking that step did our domestic electorate an injustice. It enabled Milosevic to disperse and hide many of his forces, which he would otherwise have kept concentrated and thus vulnerable to air strikes. That is the view not just of an armchair ex-academic strategist like me but of Air Chief Marshal Sir Michael Graydon—the most recent ex-Chief of the Air Staff. His view was published on 9 May in *The Sunday Telegraph*, and it is absolutely correct.

We have four basic options. In dealing with Milosevic, we could aim, first, to remove him and to put him on trial. Secondly, we could try to contain him in Serbia but drive him completely out of Kosovo. Thirdly, we could try to compromise with Milosevic, either by returning Kosovo entirely to his rule with agreed conditions or by returning part of Kosovo to him. That would mean partition of the province. Finally, we could close down the NATO operation completely after a decent interval. Interestingly, on 31 March, the Russian newspaper *Rossiyskaya Gazeta* gave an assessment of the strategy suggested by Primakov when he and his team visited Milosevic. That rather influential Russian newspaper suggested that the Russians had called for the partitioning of Kosovo into a Serb region and an independent region.

Depending on which option we choose, we will have to use one of the following methods. If we decide to remove to try Milosevic, air power and a full-scale invasion of Serbia will be required. If we are not prepared to do that, we should stop talking about putting Milosevic on trial and bringing his regime to justice because it ain't going to happen. If we opt for containment within Serbia, it will require air power and a full-scale invasion not of Serbia but of Kosovo. If we opt for compromise, it will require air power and the genuine threat of at least a limited invasion of Kosovo—if not by NATO forces, then by other local forces, as occurred in Bosnia. Finally, if we opt for an exit and decide to close down the NATO operation after a decent interval, that is a form of gesture politics involving limited risk and effort—which may indeed be achieved by air power alone.

The Government must decide whether they are engaged in a limited or a total war. They keep using the rhetoric of a total war while employing the methods of a limited war. Professor Sir Michael Howard, the eminent strategic historian, has defined the two approaches in the following way. He said:

> "A limited war is one fought for a limited objective and ends with a freely negotiated peace with an adversary with whom one can then renew normal relations."

That is what occurred with Argentina over the Falklands. Sir Michael continued:

> "A total war is one fought to overthrow the adversary, render him powerless, and dictate peace to him on one's own terms."

That is the approach that characterised world war two. This conflict started as the first type of war, but it seems set to end as the second if the Serb forces refuse to withdraw. As a member of NATO, Britain is advancing aims that sound limited but, in reality, is demanding concessions that can be achieved only through a total war.

The Prime Minister must make up his mind: he must recognise either that Milosevic will stay in power—in which case he must do a deal—or that this is not a limited but a total conflict and that he will have to go all out for the overthrow of Milosevic.

7.4 pm

Ms Rachel Squire (Dunfermline, West): I begin by paying tribute to the United Kingdom armed forces, which have once again demonstrated their excellence both in military operations and in their humanitarian efforts. I pay tribute also to their families who, more than anyone, would have hoped for a peaceful solution by now. Their support and their courage is a lesson to us all.

I shall try not to cover the same old ground in highlighting some issues and responding to some of the points raised by other hon. Members. My first point concerns collateral damage and civilian casualties. Like other hon. Members, I deeply regret the loss of innocent life. However, we must recognise that no war or military engagement has not incurred civilian casualties. Mistakes have occurred and they always will. Those who argue for the immediate dispatch of ground troops to the region must recognise that civilians are still likely to be killed in that conflict. If troops who are under attack see an unexpected movement, they will not wait to inquire politely who it is. I also have no doubt that Milosevic and the Serbian forces will use civilians as human shields.

That brings me to my second point. While not urging NATO to dodge its responsibility for civilian casualties—it is not blameless in that regard—I believe that some of the responsibility lies with Milosevic and the Serb forces. For example, the most recent tragedy could have been caused by Serb forces deliberately grouping together large numbers of civilians in an area that they knew was likely to be bombed. I am certain that, if and when ground troops are sent in, the Serb forces will place civilians in the direct line of fire. The Serbian military apparatus became adept at utilising deception and concealment to great effect during the long years of Tito's reign. When troops are finally sent to Kosovo and begin to find the bodies, I have no doubt that Milosevic will claim that those people either died fighting or were killed by NATO bombs because it is in his interests to do so.

My third point is addressed to those who say that the civilian casualties are a good reason to stop the bombing. I do not think so. We all supported the dispatch of OSCE troops to Kosovo in an attempt to monitor a peaceful settlement. However, that mission did not prove effective

[Ms Rachel Squire]

as the slaughter continued even as the peace talks proceeded. I do not think that the present slaughter will stop until we defeat the Serb forces and secure their withdrawal.

The 200 or so civilians killed so far by NATO action are 200 unwanted deaths. That contrasts starkly with the cold, calculating and deliberate murder of 250,000 people in Bosnia. According to reports, more than 100,000 men of fighting age may have disappeared in Kosovo in the past few weeks, and almost 5,000 of them are almost certainly dead. We have also heard reports of serial rapes and other savagery perpetrated by the Serb forces.

To those who urge NATO to stop the bombing and start talking now, I would reply that we tried and failed to reach a satisfactory end to ethnic cleansing through dialogue. No one can accuse us of not having travelled that route. I believe that Milosevic has no interest in humanitarian causes or a humanitarian settlement. Anyone who watched the recent repeat of the BBC television programme "The Death of Yugoslavia" will have seen clearly and forcefully Milosevic's determination to pursue his power through a deliberate policy of territorial acquisition and ethnic cleansing. His involvement in peace talks was a pretence, just as his offer of partial withdrawal is a pretence. If NATO had done nothing but talk, even when talking was achieving nothing, it would certainly have looked cynical and irrelevant to Europe's security and stability. There is no possibility of security and stability in Kosovo and the Balkans until we make sure that we have defeated Milosevic's policies of ethnic cleansing.

My hon. Friend the Member for Islington, North (Mr. Corbyn) talked about respect for human rights, including the right to live. What respect for those rights has Milosevic ever demonstrated, and how can we reach a peace agreement by talking to somebody who has no regard for, and in no way shares, those values?

The hon. Member for New Forest, East (Dr. Lewis) said that there were mixed messages involved in using ground troops, and I would not pretend that that is not the case. Like other hon. Members, I certainly support openness and accountability, but I am also aware that, in dealing with situations such as that in Kosovo, full openness is not always in the best interests of our armed forces or those of NATO.

I make the same point to those who constantly push for a full debate in the House and a vote on a substantive motion before we agree to any military action by our troops. I wonder how our troops would feel if they had to sit on the front line for 24 hours while we engaged in a full debate about whether they should move into Kosovo.

Mr. Blunt: Will the hon. Lady give way?

Ms Squire: No, if the hon. Gentleman will forgive me, I will not, because time is very short and I want to make a number of other points.

There are those who argue that sending in ground troops would be a quick solution. I do not have a military background, but I do not think that we should assume that such a solution would be quick, easy or bloodless. What I have heard about the terrain in Kosovo suggests that it has been given much consideration by our military personnel. I suspect that Serbian military forces are already dispersing in small units in forested and mountainous areas to engage in the kind of guerrilla campaign that they would be so well placed to conduct. I strongly feel that the ultimate decision on the use of ground troops has to be referred to the military.

Russia has a key role to play—I hope that, in spite of all its instability, it will accept it—not only in solving the problems in Kosovo, but in helping us to build a stable, secure Europe for the future. I welcome the involvement of the President of Finland. The fact that Finland will shortly take over the presidency of EU is useful and welcome because that country is uniquely placed to deal with Russia.

I hope that one of the results of the situation in Kosovo will be a reformed, stronger United Nations with an effective peacekeeping force that can deal with the likes of Milosevic and enforce agreements. I hope also that, in celebrating NATO's 50 years, we shall all recognise its contribution to our entering the new century with a peaceful, stable and secure Balkans.

7.14 pm

Mr. Bowen Wells (Hertford and Stortford): I oppose the bombing, first, because sadly it has not achieved, and will not achieve, the objective of safeguarding the Albanians resident in Kosovo. I predicted that it would not do so. Indeed, I calculate that Milosevic has succeeded in his ethnic cleansing of the 1.6 million Albanians who were in Kosovo at the beginning of the action.

There are 900,000 Kosovan refugees in Macedonia, Albania and Montenegro, as well as those who have been flown out to friendly countries including our own, Germany, France and Australia. Before the war began, there were 200,000 displaced persons—we cannot call them refugees if they are inside Kosovo—and probably double that number of people are now wandering around in the mountains and forests, fearing for their lives because of Serbian soldiers. That adds up to many more than 1 million refugees whom we shall have to look after. We must look after them because that was one of the original objectives of the war.

On 23 March, the Prime Minister said:

> "We must act to save thousands of innocent men, women and children from humanitarian catastrophe—from death, barbarism and ethnic cleansing by a brutal dictatorship—and to save the stability of the Balkan region, where we know chaos can engulf the whole of the European Union."—[*Official Report*, 23 March 1999; Vol. 328, c. 162.]

Sadly, at least one of those objectives—the humanitarian objective—has not been achieved; in fact, we have spectacularly failed to achieve it. That places a heavy responsibility on this House and all those engaged in the intervention in Kosovo.

The NATO bombing led to another humanitarian disaster because it meant that all the humanitarian agencies, such as the United Nations High Commissioner for Refugees and the International Committee of the Red Cross, which are usually present in wartime to look after the civilian population who have been displaced by bombing or the movement of military forces in their country, had to withdraw because they were in fear of their lives. The Kosovans who were still in Kosovo were left bereft of any assistance as a direct result of our decision to bomb.

I want to describe the humanitarian situation endured by the refugees for whom we went to war, for whom we began bombing and for whom we shall, we say, introduce ground troops. Incidentally, the Prime Minister said that we would never do that. That statement was not believable, and I pointed that out to the House. If we are gung-ho and send in ground troops, which I believe we must do to secure Kosovo, where will they enter Kosovo? They cannot enter from Albania or Macedonia, which are the obvious ways to go in, because the Greeks and Macedonians will not permit it. The only alternative, therefore, will be to enter through Serbia, which would mean taking on a huge responsibility and creating an extra dimension to the war.

Mr. Gerald Howarth (Aldershot): Will my hon. Friend give way?

Mr. Wells: No, I am sorry, I will not.

Confronting and fighting the Serbians would, if we were to be successful, involve not only the NATO forces that are presently envisaged, but a vastly increased army.

The present camps are a disgrace. In Macedonia and Albania, they are four to five times overcrowded. Those camps should have been properly placed by negotiation through the UNHCR, who had been warned of the problems that would result. The World Food Programme took action, but the UNHCR did not, as we learned when the Select Committee on International Development went to Macedonia and Albania only two weeks ago. We have issued a report that is tagged to the debate.

The present camps are very unsatisfactorily overcrowded. They are muddy. In Macedonia, they are surrounded by barbed wire, with Macedonian soldiers pointing their guns towards the refugees to make certain that they do not come out and mingle with the Macedonians in the towns and villages—to prevent a political crisis overtaking Macedonia, which the Serb element in Macedonia would probably take as a coup. Those are the conditions under which the people whom we went to war to look after are living.

In Albania, we visited a camp that was totally wrongly placed between a garbage dump and a chemical factory, on flat land that is impervious. That means that when it rains, it floods. It also means that sanitation—drainage from septic tanks or other means of disposal of sewage—cannot seep away into the ground. The camp is along a very rough 12-mile track, which means that, as there is no drinkable water supply, all water, as well as fuel, has to be trucked in over that difficult track. The camp is entirely unsatisfactorily and will have to be closed, otherwise it will undoubtedly be overtaken in the summer months by water-borne diseases such as cholera. It is also unsatisfactory because it cannot see the people through the winter.

Let us consider the winter. The refugees were driven from their homes before they could plant their crops and their homes have been destroyed. They will not get back to Kosovo in time to rebuild their homes before winter and connect them up to the infrastructure that we are busily destroying by bombing—the roads, the bridges, the water supply, the fuel supply and so on. Therefore we must accommodate them through the winter in Macedonia, Albania or a neighbouring country—or in Kosovo itself.

How is that to be done? No planning is taking place. We learned from the *Evening Standard* tonight that consideration is being given to a proposal to put the refugees into disused buildings in Albania, most of which were destroyed in the civil war of 1997 and are in a decrepit state. The NATO general in Albania has suggested that the refugees should be put in prefabricated buildings which, when the time comes, can be moved from Albania to Kosovo and re-erected in the villages and towns, providing accommodation that can overwinter them safely.

The House must realise that winter in Kosovo is extreme. Temperatures fall to minus 20 deg, and babies, children and old people die in those circumstances unless they have adequate protection, which they do not have at present. Even reinforced "winterised" tents will not provide adequate accommodation.

Some kind of planning must be done, and the UNHCR is the only agency that can do it. I beg the Government, if they are serious about their humanitarian objectives, to send the Secretary of State for International Development to the UNHCR with a team to boost the management and to do the work that is necessary to provide co-ordination, security, management and forward planning in the camps, so that we can fulfil at least one of the objectives that we set out to achieve, and save the lives and the future of the people of Kosovo.

7.23 pm

Mr. Tam Dalyell (Linlithgow): The question raised by the hon. Member for Hertford and Stortford (Mr. Wells) must be addressed. There is a proposal to put ground troops into Kosovo. How? Through Greece? The mayor of Athens has said that not a finger will be lifted by dock workers in the port of Piraeus. The Greek railway workers say that they will make it impossible to go through Thessaloniki.

Through Macedonia? Those of us who have talked to the Macedonians know that they say that they have to live with the Serbs, and in no way will their country be used as a springboard for an attack on Kosovo or on Serbia.

Through Hungary? There are 350,000 ethnic Hungarians in the northern Yugoslav plain.

Through Albania? The hon. Member for Hertford and Stortford has been there. Do not the roads peter out, and are there not mountains 6,000 ft high? Sending in ground troops will entail either an assault on Serbia, presumably through Montenegro, which would mean massive forces and ferocious opposition—

Mr. Gerald Howarth: Will the hon. Gentleman give way?

Mr. Dalyell: No; sorry; time limit.

The other possibility that has been suggested is an airborne landing. That would be Arnhem mark II, so it is totally unrealistic.

Let me ask some specific questions. One concerns the use of cluster bombs. I am glad that the Minister of State for Defence happens to be on the Front Bench. I quote from William Rees-Mogg—not exactly one of the awkward squad—who wrote:

"Mr Mandela has long been the hero of British progressives. They should listen to his judgment now. The Nato defence of the steadily increasing number of civilian casualties caused by the bombing is

that Milosevic intends to kill his victims but Nato only kills people by accident. However, as these accidents are now occurring regularly, Nato can scarcely claim that they are anything but the foreseeable consequences of the bombing. Anyone who drops cluster bombs on imperfectly identified objects from 15,000 feet must reasonably expect innocent civilians to be killed. In the last stage of their drop, the cluster bombs are in free fall by parachute, liable to be carried by the wind to unintended targets."

What is the position regarding the use of cluster bombs? It is impossible to use such a land-mine type weapon in a war that is said to be fought on humanitarian grounds. The two do not go together. What is the policy?

What is the policy in relation to depleted uranium—a matter on which I interrupted the Foreign Secretary? I understand from Alex Kirby, the environment correspondent, that as the debate intensifies over the use of depleted uranium weapons in the Balkan conflict, a former Pentagon adviser has come out against them. He is Dr. Doug Rokke, who says that he now has symptoms of radiation cancer. He is a US health physicist who led the depleted uranium clean-up in Saudi Arabia, Kuwait and Iraq immediately after the Gulf war.

In 1994, Dr. Rokke, an army reserve captain, was appointed director of the Pentagon's depleted uranium project, a job that he left in 1997. He helped to develop an education and training programme and conducted tests on DU explosives in the Nevada desert.

The Pentagon has confirmed that A-10 aircraft are using DU rounds in the war with Serbia. They are extremely heavy, and are used for their armour-piercing capability. Veterans from the 1991 conflict believe that depleted uranium, which is both radioactive and toxic, may help to explain the existence of Gulf war syndrome.

With regard to levels of radioactivity, reports from southern Iraq point to much higher levels of stillbirths, birth defects, leukaemia and other child cancers. God Almighty, having seen with my own eyes the results of such child cancers in Baghdad and Um Kasr, I cannot begin to convey the horror.

I do not know—nor does anyone else—what is likely to be happening in the attack on the tanks in Kosovo. It is all very well for those on the Front Bench to say that the British are not doing it. If it is claimed that NATO has knocked out a large number of tanks, it is a legitimate guess that that could have been done only with depleted uranium armament. I can imagine a headline in the tabloid press saying, "British squaddies face cancer risk". The question is, who cleans up afterwards? Are they at risk?

Mr. Blunt: Will the hon. Gentleman give way?

Mr. Dalyell: No, I am sorry—time limit.

Dr. Rokke makes it clear that 18 of his team of 100 have already died and many are ill. NATO says that depleted uranium is no more dangerous than any other heavy metal. Its spokesman, Major Dan Baggio, says that a DU round contains about as much uranium as would go into

"a glow-in-the-dark type of watch"

and the Rand Corporation says that its study of depleted uranium

"found little documented evidence of adverse effects"

from either radiation or toxicity, but Dr. Rokke told BBC News that it had been misled by Major Baggio and that Pentagon officials have made a political decision and are totally unwilling to recognise that there are health consequences of the use of depleted uranium. He says that force of impact converts much of a depleted uranium round into a spray of burning uranium dust:

"Consequently, we have DU dust which is a radioactive, heavy metal poison on or within the equipment",

and it is scattered up to 25 m or 50 m away. Anyone who inhaled or ingested that dust, or let it enter a wound, would need immediate medical attention. Either that is without foundation or, as I suspect, it has considerable foundation.

I broaden my question: what assessment have the Government made of the environmental effects, if the bombing is to be intensified or if it is to go on for the 155 days mentioned by my hon. Friend the Member for Walsall, South (Mr. George), the Chairman of the Select Committee on Defence? What will be the results in terms of ammonia, benzine, chlorine, mercury, phosgene and all the other chemicals that will inevitably get into the atmosphere? Chemicals of that kind know no frontiers. The question has to be addressed: what environmental assessment has been made of going on and on with the bombing?

Finally, I am very concerned about Rambouillet and the assertion, which has been made throughout the debate, that everything possible was done to bring Milosevic to his so-called senses. The accord contains provisions that would have subjected the whole of Yugoslavia to NATO occupation. The official presentation, repeatedly stated, is that it was a matter of autonomy for Kosovo, which would be secured by the stationing of a peace force in Kosovo. However, appendix B of the Rambouillet accord, which is entitled "Status of Multi-National Military Implementation Force", grants NATO freedom of movement "throughout all Yugoslavia"—Serbia, Montenegro and Kosovo.

The text of article 8 of the appendix reads:

"NATO personnel shall enjoy, together with their vehicles, vessels, aircraft, and equipment, free and unrestricted passage and unimpeded access throughout the Federal Republic of Yugoslavia including associated airspace and territorial waters. This shall include, but not be limited to, the right of bivouac, manoeuvre, billet and utilisation of any areas or facilities as required for support, training and operations."

Article 6 guarantees the occupying forces absolute immunity, stating:

"NATO personnel, under all circumstances and at all times, shall be immune from the Parties' jurisdiction in respect of any civil, administrative, criminal, or disciplinary offences which may be committed by them in the Federal Yugoslav Republic."

How could any Government, Yugoslav or otherwise, accept that?

7.34 pm

Mr. Douglas Hogg (Sleaford and North Hykeham): I begin by endorsing the comments made by the hon. Member for Islington, North (Mr. Corbyn) at the start of the debate. The hon. Gentleman remarked that, although it is welcome that we are debating this matter, it is regrettable that we are not doing so on a substantive motion. I entirely agree. That point has been made by the right hon. Member for Chesterfield (Mr. Benn) as well. If a Government decide to go to war in pursuit of stated objectives, surely it must be right that they come to this place for express authority. That, they have not done, and that, they have not received.

I also endorse the comments made by my right hon. Friend the Member for Kensington and Chelsea (Mr. Clark) about the duty of Members of Parliament to speak their mind. I entirely reject the notion that it is unpatriotic or otherwise improper for hon. Members to speak their mind. We have a duty to the House and to the country to give our views honestly and clearly and to give this country the best counsel that we can. In parenthesis, that is what happened at the time of the Norway debate—Chamberlain was forced subsequently to resign and was replaced by Churchill—and when Asquith left office in 1916. It is regrettable that the Prime Minister has not been in his place, for at least part of the debate, to hear what the House feels.

I am one of those who believes that there are substantial criticisms to be made, about the fact of war and about the conduct of this war. I recognise at once that Milosevic has pursued brutal and evil policies, and they lie at the heart of the problem, but that is not of itself sufficient reason for war. During the past 10 years or so, brutal and evil policies have been pursued in many parts of the world. One need only cite Sudan, Sierra Leone, Nagorno Karabakh, Lebanon—

Mr. Wells: Rwanda.

Mr. Hogg: Rwanda, as my hon. Friend says. A number of examples can be identified. No vital western interests are engaged in this matter—or at least they were not, although they now are, because the credit of NATO has been so heavily pledged. I do not believe that there was good or sufficient cause for launching a war.

My hon. Friend the Member for Hertford and Stortford (Mr. Wells) is not alone in making the point that the objectives on which we embarked have not been fulfilled, nor could they be. The Prime Minister declared, from time to time and in various ways, that our objective was to prevent a humanitarian catastrophe, but that catastrophe has occurred and was always going to be a fact unless we were prepared to use much more force than in reality we were.

I regret to say that it is my belief that Mr. Milosevic used the air campaign as cover and an excuse for policies that he might not otherwise have pursued.

Mr. Frank Cook: Nonsense.

Mr. Hogg: No, it is not nonsense. Withdrawing the monitors and embarking on an air campaign gave Mr. Milosevic cover to commit crimes that I am by no means persuaded he would otherwise have committed.

I share the view of many hon. Members that this war has been badly managed. I am no military man, but I was in the Foreign Office for five years and I have a certain experience of what happened in Bosnia. We did not have enough air assets in place when the war started. We renounced the ground option so that Mr. Milosevic knew full well that he had only to weather the air campaign to survive. By faulty targeting, we have killed many hundreds, and perhaps thousands, of non-combatants—civilians in Serbia and in Kosovo.

It is also wholly plain that we failed either to predict, or fully to provide for, the mass emigration of refugees that has been the appalling consequence of the action in Kosovo. We should have foreseen and guarded against that. Moreover, our strategic interests are now being gravely impaired and we face serious challenges to our long-term interests. In respect of our strategic interests, we have greatly damaged our relations with the Russians and the Chinese. For the Chinese, the bombing of the embassy was a deplorable act of incompetence; for the Russians, once again, as we have done far too often, we have been unduly insensitive to their views and their requirements.

I say this, too; we are placing a very great strain on Anglo-American relations. The posturing of the Prime Minister is damaging to those relations. He goes to Washington, and elsewhere; he gives briefings through No. 10. The broad message is this: the British want to deploy ground forces, but the faint-hearts in Washington will not permit it. We must not be surprised if people in Washington deplore that message, and remark on the mismatch between the extravagant rhetoric of the Prime Minister and the much more substantial contribution that, in reality, the Americans are making.

I am bound to say that I think the prognosis is bleak. We are told that we can win if we intensify the campaign—so we will intensify the campaign, and as a result many civilians will be killed and the infrastructure of Kosovo and Serbia will be laid waste. I am bound to say that I agree with the hon. and learned Member for Medway (Mr. Marshall-Andrews): this raises serious questions of morality and proportionality on which I do not think that we have focused sufficiently so far.

If the air campaign does succeed, and if Milosevic yields, we shall face pretty onerous consequences. No one really disputes the fact that we will have to deploy tens of thousands of troops in the region for many years, and to spend billions of dollars putting right what we have done. If the air campaign does not succeed—if it does not cause Mr. Milosevic to yield—we will face the unpalatable choice outlined by my hon. Friend the Member for New Forest, East (Dr. Lewis): either we enter into an undesirable compromise and agreement, or we deploy ground forces. Those are the only two realistic options, and they are urgent.

Let us be clear about one thing: the consequences were always predictable. They stem from two fatal mistakes—the decision to go to war in the first place, which I believe to have been wrong, and the failure of the strategy. If force is to be used, that force must be overwhelming in impact and nature. We should have done what we did in the Gulf: we should have mustered tens of thousands of ground troops before we embarked on an air campaign. That would have enabled us, had we so determined, to take and hold territory. We failed to do that; we embarked on a war unthinking, and now we are where we are.

We must now make an urgent decision. We have only one choice. We can make a deal that will achieve less than our stated objectives, or we can seek to achieve the entirety of those stated objectives, in which case we shall need tens of thousands of ground troops, and we shall need them now. Personally I favour an agreement, knowing that it will fall short of our full and declared intentions, but I would understand the reasons for the alternative decision. One thing is certain: the choice must be made very soon.

7.44 pm

Mr. Frank Cook (Stockton, North): I am delegated by the House to serve on the NATO Parliamentary Assembly. I am Vice-President of the Assembly, and Vice-Chairman of its Defence and Security Committee.

[Mr. Frank Cook]

I could take issue with two thirds of what has been said by two thirds of speakers today but, given that I have only 10 minutes, I want to make some more sensible points.

We are in a mess, and one that will not be solved by the shadow Foreign Secretary's getting his lines mixed up as he has over the past few months. He confirmed today that he had criticised the Government for not carrying out the threats that were made last year; in fact, he took great glee in confirming it. He did not, of course, remind the House that those threats were not exactly withdrawn, but were left in abeyance because of United Nations Security Council resolution 1199, which required Milosevic to desist immediately and withdraw his troops—a resolution to which Milosevic agreed. Had we not withdrawn the threat, and gone to war in any event, we would have been damned anyway. That is typical of the opposition that is being launched here by some Conservative elements; yet, in his opening speech, the same shadow Foreign Secretary protested that he fully supported the policy. If that is the kind of support that he gives, I do not want to find myself in a lifeboat with him.

A mess like this is hardly helped by the remarks of armchair soldiers, a phrase that has been used in earlier debates on this subject. I remind the House that we all sit here as armchair soldiers—that is why we are paid, why we must consider these matters and why we must express our opinions candidly and forthrightly, as I hope that I am doing now. Nor is the mess helped by the fact that we have rapid reaction forces. Today's display certainly demonstrates that we do not have rapid reaction politicians: so many rationales have been advanced in favour of no action that I feel ashamed of the standard of some of the debate.

Questions of legality have been raised by, for instance, my hon. and learned Friend the Member for Medway (Mr. Marshall-Andrews). In terms of morality, I am convinced that we are doing the right thing; as for legality, I merely ask my hon. and learned Friend to consider the genocide convention. The United Nations charter was endorsed in 1948, and the genocide convention was adopted unanimously by the UN General Assembly in 1951. Does the fact that the convention is not part of the charter mean that the UN can ignore it? Does the convention not become part of its remit? Anyone who tries to convince me that what Mr. Milosevic is trying to achieve in Kosovo bears no relation to genocide will have a serious argument on his hands.

The right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg) referred to proportionality.

Mr. Hogg: And morality.

Mr. Cook: I have already referred to morality myself.

The Yugoslavian Government claim that 1,200 lives have been lost through NATO air strikes. I think we can safely assume that they would not underestimate the figure. That is 1,200 lives lost in 12,000 sorties. Some of my colleagues have accused NATO of bombing civilians deliberately. I must say that if NATO can kill only 1,200 people in 12,000 sorties, that does not say much for its strike capability if it is acting deliberately. The suggestion is farcical.

The House should also compare the loss of 1,200 lives—assuming that 1,200 people were killed—with the many tens of thousands who have been displaced, the many tens of thousands who have been raped and the many tens of thousands who have been assassinated, not by accident but, as it were, by deliberate accident. People have been sought out, hounded, pursued, persecuted and eventually killed; so do not give me any arguments about proportionality—those arguments are absolutely false.

Let me briefly tell the House about a Greek diplomat whom I met at the NATO summit. We met at a function. He followed me around like a gun dog, nagging me about the wrongness of NATO's action. He pursued me for 20 minutes, finally commenting that what was wrong was that Albright and Holbrooke—it sounded like a firm of solicitors—had run out of ideas. Because they had no ideas left, they had embarked on the bombing. I said, "Oh, is that what you think?" He said, "Yes." I said, "Excellency, you may be right; but if ideas are so plentiful, give me one." You would have thought that I had kicked him in the most tender part of his anatomy. He said, "What?" I said, "Give me one. If they are so plentiful, give me an alternative." He could not, but I said, "There was an alternative, Excellency." "What was that?" he asked. I said, "The alternative was to allow Milosevic to go on doing what he had been doing for the previous 18 months, and indeed for the previous 10 years." I have visited Bosnia six times, and I have seen the results of Milosevic's action—along with the hon. Member for Salisbury (Mr. Key), who is nodding now.

My son received a commendation for his conduct in Gorazde, from where, using a satellite telephone, he called me on my car telephone as I was driving into the House. Of course, I was overjoyed and surprised. I said, "What is it like son?" He said, "Pop, it's a real shit hole. We are here as a peace force, but everyone is shooting at us and we are not permitted to return fire." Is that the sort of role that we are going to give our ground forces if we send them in? Not in my book.

We have talked about putting troops in. I should like to put forward an alternative. We have an agreement in Bosnia: it is called the Dayton agreement. It has several elements: a military element, a civilian element and a restitution element. The military element was concluded on time—which was very good—thanks to the fact that the Americans finally came in. Before that, it was a hotch-potch of nations, principally ourselves, the French and the Spanish, with a lot of others, including Maoris. The Americans came in, we had Dayton, and we got the military element. We are finally near to achieving the civilian element. The thing that we have not done is reinstate the refugees in their places of origin.

At a conference in Washington that I addressed and that was run by the Institute of Foreign Policy Analysis, I discussed that matter with Richard Perle. If we insist now that we return the refugees from Bosnia to their places of residence in Bosnia-Herzegovina, it emphasises the fact that we believe in applying the agreements that have been reached. It says to Mr. Milosevic, "You were a signatory to the agreement. Get it done brother."

We have 27,000 troops there, who are heavily armed, well trained and now fully knowledgeable about the terrain. It is a high-risk strategy, but it is an alternative to allowing Milosevic to determine the agenda, as he has for the past 10 years. The strategy may or may not work,

but it puts pressure on Milosevic and it changes the emphasis of the public relations game, at which he is so good.

The Chamber has been very good. We have been able to debate and to express our opposition as, democratically, we should be able to. I guarantee that the content of the debate that is reported in Belgrade tomorrow will have nothing to do with the sort of contribution that I have made tonight.

7.52 pm

Mr. Alasdair Morgan (Galloway and Upper Nithsdale): It is just over four weeks since we had the previous debate on Kosovo in the House. Since then, we have witnessed further death and persecution of ethnic Albanians as a result of the bloody actions of the Serb so-called police and the Yugoslav army; further deaths of Yugoslav civilians, both Serbs and Albanians, as a result of NATO's actions; and further deaths among the Serb police and Yugoslav troops. One could say that they have reaped the harvest that they have sown, except that we have heard from one hon. Member that many in the Yugoslav army are reluctant conscripts.

We have witnessed the deaths of third parties, especially in the bombing of the Chinese embassy, which has not exactly enhanced the prospects of a diplomatic solution. We have witnessed the deaths of NATO personnel due to accidents, so there has been much death and misery since the previous debate, but we can be certain of one thing: by any criteria, there has been little progress towards a resolution. We in the Chamber can only guess at the true magnitude of the suffering that is being endured by the displaced and terrified refugees. Evidence of the appalling atrocities magnifies and increases as each day passes.

I am sure that the House welcomes the actions and statements of the United Nations High Commissioner for Human Rights, Mary Robinson, former President of the Republic of Ireland, whose office sent human rights monitors to gather and document evidence of human rights violations and war crimes in Serbia, and who has directly challenged the Serb Foreign Minister with evidence of his Government's policy of ethnic cleansing. But if hon. Members are impressed by Mrs. Robinson's determined opposition to Serbia's policies of brutality and aggression, and if we support her beginning to bring the perpetrators of those deeds to justice, should we not be equally impressed by her comments on the scale and direction of NATO's on-going bombing campaign?

The real debate that is going on in the House, in the country and throughout the world has to rise above some of the sanitised soundbites that sometimes seem to serve as sufficient justification for the policy that we are pursuing in the Balkans. Our Government are in danger of being regarded as the so-called hawks in the affair, becoming more hawkish as the evidence mounts that the strategy has had serious flaws from the beginning.

I do not believe that the Government embarked on the bombing campaign lightly, but they have made a serious miscalculation of the consequences. I hope that they will go no further in trying to escalate the conflict but, instead, give some of the peace efforts that are slowly beginning a chance.

Too much of the Government's time is spent trying to drum up support for the current course of action, while it is others who tour the capitals trying to find a way to negotiate a solution. There have been peace feelers from the Finns, which have already been alluded to, the Germans, Italians, Greeks and so on. Perhaps we should join them more convincingly.

In recent days, the debate has been joined by General Colin Powell, who has correctly questioned the long-term strategy behind, and the tactical approach to, the campaign. The growing consensus emerging from NATO briefings, Pentagon sources and alliance Governments is that a bombing campaign on its own cannot work, and there is almost a consensus in the House as to that fact. The Government would have done well to recognise that some weeks ago. Instead, they have become mired even further in a bombing-only campaign, which, in recent weeks, has drawn an increasingly heavy price—a price paid by civilians and others who are not directly involved in the conflict.

At successive stages over the past few weeks, NATO has said to itself, "What we are doing is not working." Its conclusion is not that the strategy is wrong, but that it is not being implemented vigorously or sufficiently enough, so the campaign has been ratcheted up again and again. However, it has still not achieved its objectives.

It is simply not sufficient for us to have the endless repetition of the mantra, "Milosevic is a terrible person. We must do something. We cannot sit back and do nothing." That is no substitute for the development of a credible policy that will work.

As an aside, we have heard some references in the Chamber to NATO's credibility. We should not determine our policy on the basis of whether it will damage NATO's credibility. The Foreign Secretary suggested that we should; it was one of the three points that he made in summing up. NATO's credibility, one way or the other, should be entirely subordinate to other factors. Whatever other reasons the Government have to put forward to justify their actions in Kosovo, surely NATO's credibility should not be near the top of the list.

I have spoken already of the United Nations High Commissioner for Human Rights, Mary Robinson. The House may wish to hear some of her comments, particularly those on the bombing campaign. In the *Irish Times* yesterday, she was quoted as saying:

"The dropping of cluster bombs knowing they will drift into civilian areas does not serve a human rights cause".

She was also reported as saying that she had seen children playing near unexploded cluster bombs. She said:

"There was no visible sign of a military target."

The report continued:

"Mrs. Robinson said that human rights defenders in Yugoslavia felt undermined by the bombing. 'They told me, we don't see the rule of law in the bombing campaign'".

This afternoon's reports on CNN have talked of Yugoslav Foreign Ministry briefings indicating some movement on the Serb side, and of the Finnish President and the Russian peace envoy both playing a key role in those events. We have every right to be very cynical about the posturing of President Milosevic, and to treat with extreme reservation any proposals emanating from Belgrade. We all know that he is a past master at deceit and procrastination. However, NATO's actions in past months have diminished rather than enhanced the prospects of our dealing with anyone else in charge of Yugoslavia at the end of the campaign.

[Mr. Alasdair Morgan]

We have to wish every success to those who are searching for a solution. I hope that we shall find a course of action in this conflict that, for the first time, not only takes into consideration the Kosovo refugees but delivers a solution for them.

8 pm

Mr. Dale Campbell-Savours (Workington): I was in the House of Commons, on 4 May 1982, when news came through from the south Atlantic that an Exocet missile, which had been launched by a Super Etandard aeroplane, had hit HMS Sheffield. I should like to quote what was said about the incident in a book, "Battle for the Falklands", because I think that the description bears great similarities to what is happening now. It states:

"As news filtered through to the Commons, MPs poured into the chamber to hear Nott announce the loss, a stunned Mrs. Thatcher by his side. Only the far left seemed to take any grim pleasure from the news. The bragging and self-confidence of the campaign so far evaporated. Suddenly there was doubt on every side: so much so that Mrs. Thatcher uncharacteristically ordered Lewin to go on television to allay public fear. Newspapers whose enthusiasm for the war had known no bounds now discovered its price. The *Daily Mail* brought out a black border round its front page. In Downing Street, the Prime Minister surprised her staff by the emotion with which she received the news. She had always told them the one thing she dreaded was to hear of the loss of a ship. Now it had happened, and she was visibly upset. At such moments throughout the war, she would retreat to her upstairs room and handwrite letters of condolence to the parents of servicemen lost in action."

I read that because I think that something very similar to it happened the other day, when those missiles hit the Chinese embassy, and also when the incident occurred in which 80 or 100 people died because of a major accident. The problem with wars is that we know that those things will happen. What we have to do, however, is to maintain our resolve.

Almost 18 years ago, because we maintained our resolve, even after the incident with HMS Sheffield in the south Atlantic, we went on to win the war and to remove fascism from Argentina. That was the product of the campaign in the Falkland islands. We terminated fascism in Argentina, and, over the years since, have probably saved tens of thousands of lives. I know that my hon. Friend the Member for Linlithgow (Mr. Dalyell) opposed that war, but he might well reflect on the fact that tens of thousands of lives have consequently been saved. The war brought down a dictatorship in south America, and may even have influenced the existence of similar dictatorships.

In my 20 years in the House, I have found that the same people oppose every war, and that they oppose each of them on the same basis. They opposed the war in the south Atlantic, which removed fascism from parts of South America. They opposed the war in Kuwait, which was about removing fascists from Kuwait. As a consequence of removing fascists from Kuwait, hundreds of thousands of lives have been saved in the middle east.

All along the line, we find that the same people use even the same environmental arguments to oppose war. I remember debates on the Falklands war, in the early 1980s, in which speeches were made about the war's environmental effects in the south Atlantic. I remember debates on the Kuwaiti war in which they were talking about the oil fields and the war's effect on bird life in the Gulf. The same arguments are being used all the time.

When the public come to measure the issues of this war, I think that they should have in mind the fact that some hon. Members are simply opposed to war in all conditions, even if that war is about removing fascism. That is why the opponents of this war are, once again, just plain wrong. We have an obligation—in this country more than any other—to stand up and remove fascism wherever it is.

My argument with the Government is essentially a very simple one. I have raised it in the parliamentary Labour party, and I intend to raise it again now. It is about targeting. I am concerned about a policy that is essentially about attacking only military bases. I am also aware of the provisions of the Geneva convention, which partly restricts our latitude in the selection of targets. However, we are taking a very narrow interpretation of the convention's provisions.

Article 52(2) of the convention states:

"Attacks shall be limited strictly to military objectives. In so far as objects are concerned, military objectives are limited to those objectives which by their nature, location, purpose or use make an effective contribution to military action and whose partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage".

In other words, we are talking about objects that, by their use, make an effective contribution to military action and whose neutralisation offers a definite military advantage.

Ethnic cleansing is part of military action. Ethnic cleansing is carried out by military personnel. Ethnic cleansing is challenging the lives of individual people. It is therefore something that we should have in mind when considering military action and the provisions enshrined in the article of the Geneva convention to which I referred.

Which objects or facilities, might it be argued, are of use in the military campaign of ethnic cleansing? In my view, any facility that aids the process of ethnic cleansing is potentially a target.

Ethnic cleansing is aided by centres where data are held, leading to the identification of individuals or properties. Therefore, those centres must potentially be a target. In recent weeks, the Serbs have been able repeatedly simply to drive up to convoys and pull out certain people, whom they were able to identify because of the existence of recording systems. I say that that process in itself should be subject to military action, and that that action would be permissible under the Geneva convention.

Which targets would I myself add to the list? I should add targets that hold data and facilitate the process of ethnic cleansing—which is part of a military campaign. I shall list them.

The first one is vehicle registration departments, as vehicle registration is a way of identifying people. The information held by the departments has been used to identify people. When the Serbs threw people out of Kosovo and over the border into Macedonia, which documents did they take away from them? They took their property records, their vehicle registration records, their passports and their individual national identity documentation. The Serbs knew the value of that documentation. I am therefore saying that vehicle registration departments should be included in targeting.

Mr. Hogg: Will the hon. Gentleman give way?

Mr. Campbell-Savours: I am very sorry, but I do not have the time.

I should include as targets motor vehicle spare parts depots and major computer data recording departments. Both record data about individuals. I should include Yugoslavia's national identity registration system, which holds data that are now being used by the authorities in the process of the ethnic cleansing. It provides a permissible target according to the convention article to which I referred.

I should add as targets the inland revenue and national insurance departments; the military pensions departments; and the national police records departments. Let it be absolutely clear that I am not asking for the bombing of civilians; I am arguing for the bombing of data centres. If warning is given that the centres will be targeted, we shall not be responsible for any civilian losses. I am arguing for attacks not on civilians, just on the depots where data are held.

What would the collateral advantage be? By attacking the centres of data collection, we would undermine the relationship between the Serbian citizen and the state. The war must be partly about undermining morale. If we interfere with the relationship between the individual and the state in a country that is under pressure, it is inevitable—

Mr. Dalyell: On a point of order, Mr. Deputy Speaker. I make no complaint about what my hon. Friend the Member for Workington (Mr. Campbell-Savours) has said, but it should be pointed out that, of the three Members of Parliament whom he was obviously referring to, two were in the Royal Air Force and I was in the Army as a national service man.

Mr. Deputy Speaker: That is not a point of order for the Chair and it is taking time out of the debate.

8.11 pm

Mr. Crispin Blunt (Reigate): I do not think that the hon. Member for Workington (Mr. Campbell-Savours) was in the Chamber to hear the excellent speech by my hon. Friend the Member for New Forest, East (Dr. Lewis). I commend to him my hon. Friend's analysis of Professor Sir Michael Howard's thoughts on the nature of a limited war and the linkage between such a war and the limited objectives and strategy that support it. The hon. Gentleman proposes going far beyond the objectives of a limited war. I also caution him about advocating the destruction of data centres in Yugoslavia, because the data that are being taken off the refugees as they leave Kosovo will be needed to ensure that they have some claim on their proper citizenship of Kosovo when the situation is restored.

The hon. Member for Linlithgow (Mr. Dalyell) mentioned depleted uranium. I assure him that it is highly unlikely to have been used in Serbia and Kosovo so far, because it is used with kinetic energy rounds, which cannot be used from a height of 15,000 ft. They are used by tanks engaging other tanks or by close support aircraft near the ground.

This is a profoundly depressing occasion. Events outside the House in the past few days have shown that the only credible military strategy seems a very remote possibility. The German Chancellor has described the deployment of ground troops without an agreement as unthinkable. The American ambassador to NATO has said that American forces would be deployed only if there were an agreement with Serbia. The French have been briefing that the British position is dangerous. The Italians, the Greeks and other NATO members also have well known reservations.

I particularly agree with the remarks of my right hon. and learned Friend the shadow Foreign Secretary about this being a war of spin doctors. HMS Invincible has been deployed in the Adriatic to no apparent military purpose. There are better aircraft with better runways in Italy and in Corsica that are better able to carry out NATO's role. There is no benefit in having one of our aircraft carriers steaming up and down the Adriatic. The Americans have indulged in the same tendency by deploying Apaches. No one has yet been prepared to send Apaches forward with no ground support. We wait to see whether they will send such highly expensive military equipment forward on to the Kosovo battlefield without the support of other forces.

I was also depressed by the speech of the hon. Member for Walsall, South (Mr. George), the Chairman of the Defence Committee. For the majority of his speech, he seemed to have suspended the critical analysis that has marked his 20 years on the Defence Committee. Only right at the end of his speech, when he talked in coded terms about identifying the endgame and using all necessary means to achieve it, did he speak with the authority that has marked his analysis of defence affairs over the past two decades.

The right hon. and learned Member for North-East Fife (Mr. Campbell) told us that the air campaign would not succeed and that he and his party were prepared for the use of ground troops. He failed to point out that most military analysts arrived at that conclusion before the bombing began.

Mr. David Heath: So did we.

Mr. Blunt: Then why have the Liberal Democrats not pointed out that glaring, shocking, disgraceful lacuna in the Government's strategy? Instead, the right hon. and learned Gentleman indulged in a foolish attack on Her Majesty's Opposition. He tried to ascribe my views on the Chief of the Defence Staff to the Opposition Front Bench. I am just a Back-Bench member of the Defence Committee. I believe that my judgment has proved correct. Our strategy has failed, as my right hon. Friend the Member for Tonbridge and Malling (Sir J. Stanley) pointed out graphically.

In unprecedented newspaper articles, the Chief of the Defence Staff defended the Government's strategy as the best option available, repeating the immortal words

"to govern is to choose".

Permanent under-secretaries do not write newspaper articles in support of their Ministers' policies. Ministers write articles to defend Government policy. The Chief of the Defence Staff made a foolish, unfortunate decision to write those articles, probably prompted by pressure from the No. 10 press office.

In the early stages of the conflict, the politicians hid behind the military. The Secretary of State for Defence did so in the Chamber. Pretty quickly, the military started to distance itself from its political leaders. On day 2 of the campaign, General Wesley Clark made it clear that it was impossible for the use of air power alone to prevent the humanitarian catastrophe and the eviction of Kosovar

[Mr. Blunt]

people from their homes by the Serbian military forces. General Naumann made the same point when he retired as chairman of the military committee. Now General Colin Powell is making clear the dissatisfaction of the American military establishment with the conduct of the war, as has General Shelton, the American Chief of Staff, in front of the Senate committee.

The central failure of the Chief of the Defence Staff was his inability to persuade the Prime Minister that the military strategy had precious little chance of success and was a disgraceful gamble that should not have been made. The central failure of the United Kingdom was in not persuading President Clinton of that glaring truth, which we are now all too familiar with.

Two months later, as the ground option evaporates, we urgently need an exit. It is too late for the Prime Minister to wake up to the military truths. Force should never have been used except in the pursuit of clear and achievable objectives. It is a modern military maxim to get inside the enemy's decision-making cycle. Without ground troops, it is no good the Foreign Secretary and the Defence Secretary coming to the House to tell us that they have destroyed a brigade worth of artillery or tanks. The destruction of that equipment is not related to the decision on when to abandon Kosovo. That decision will be taken by President Milosevic and our strategy will not force him to take it.

We do not have an objective that we know that we will achieve. We are committed to a strategy of endless bombing and Serbia is committed to a strategy of the endless absorption of punishment. What a policy to pursue against a country with a myth of heroic sacrifice at the core of its national identity. We are stuck with a strategy as creditable as that pursued at Passchendaele, but this time it is not the generals leading a reluctant Prime Minister, but the reverse.

It is clear that our allies want a way out. That is likely to lead to a deal in which the edges are blurred—blurred on the future status of Kosovo; blurred on whether the Kosovars will be able to return to their homes in safety; blurred on the future of the Kosovo Liberation Army. Do we expect the Kosovo Liberation Army to disarm if it is to be returned to the sovereignty of Yugoslavia?

We have fundamentally misread the nature of the conflict.

The Kosovars have resorted to what is, in effect, a war of liberation, following the failure of decades of democratic aspirations towards their route of self-determination. I do not agree with my hon. Friend the Member for Romsey (Mr. Colvin), who seems to believe that Kosovo is irrevocably a part of Serbia. Kosovo was invaded by Serbia in 1912, and was established as part of Serbia at an international conference in 1913. However, there has not been a majority of Serbs in Kosovo in the modern era—not for hundreds of years. Yugoslavia's status was established by the treaty of Versailles in 1919. The status of Kosovo within Serbia and Yugoslavia was the product of probably a few minutes' consideration at the end of the second world war by the Communist party of Yugoslavia.

The events of 1974 and 1979 have made sure that there is de facto and de jure a case for Kosovo that it should be allowed to fulfil its routs of self-determination. We have to choose between two principles. Having broken international law in attacking Yugoslavia, let us now stand up for the principle of self-determination.

8.21 pm

Mr. Mohammad Sarwar (Glasgow, Govan): A number of hon. Members have referred to the recent civilian casualties as a result of the NATO bombing, and to the need for dialogue and diplomacy. They are right to stress the need for diplomacy, and I agree that dialogue must always be tried before force is used. However, in this case, all diplomatic and peaceful avenues have been exhausted. NATO has been forced by the intransigence of the Serbs into taking this action.

It must not be forgotten that the Serbs were given every opportunity to resolve the issue peacefully, but repeatedly failed to take those opportunities. In fact, President Milosevic and his troops continued to commit atrocities against innocent men, women and children. Milosevic and his forces have deliberately and brutally ethnically cleansed tens of thousands of Kosovar Albanians from their homes in Kosovo. That is the latest event in a campaign of Serb nationalism and ethnic cleansing that Milosevic's regime has waged during the past 10 years in various parts of the Balkans—in Croatia, in Bosnia and now in Kosovo.

The ethnic cleansing in all those countries, including Kosovo, occurred long before NATO started the air campaign. It must be remembered that Milosevic had created thousands of refugees in Kosovo long before the NATO bombing. The 10,000 Kosovar Albanian refugees in the UK bear that out. Ethnic cleansing was happening at a much slower pace before, so it was not as apparent as it is today—particularly to outsiders.

Milosevic signed up to the October package negotiated by Richard Holbrooke, only to violate each of its main elements. The Rambouillet negotiations would have led to a democratic self-governing Kosovo, which would have remained within Yugoslavia and in which the Serbs would have been allowed to station troops. The Kosovar Albanians showed the foresight and moral courage to put their names to the Rambouillet accords, but the Serbs refused to do so, and instead embarked on yet another wave of ethnic cleansing.

Even then, the allies tried, through the person of Richard Holbrooke, to make last-ditch efforts to persuade Milosevic to agree to a peaceful solution to the crisis, but to no avail.

Milosevic has been given every opportunity to resolve the Kosovo crisis peacefully, but has refused to take any of them. If one looks at the past 10 years of Milosevic's rule in Serbia, one notices the manner in which he has manipulated ethnic differences in the Balkans to fuel conflict and to remain in power. Only by keeping Serbia and the surrounding countries in a state of perpetual crisis is he able to remain in power. There is the method in his madness.

When hon. Members say that dialogue rather than force should have been used, I say to them that, when faced with such intransigence and such wilful disregard for international opinion, the NATO countries had no choice but to use force against the Serbs. It is for that reason that, despite a number of setbacks, the reasons for military action remain as strong as ever. Tragic mistakes and

events must not be allowed to diminish the justice of NATO's cause or weaken the alliance's will and determination to see the crisis through to its end.

From conversations with my constituents during the crisis, I have noticed that public support for the NATO action, rather than wavering, seems to have increased as the campaign has gone on. As pictures of the victims of ethnic cleansing have appeared on our television screens, so the public has come to understand the true nature and scale of the evil being perpetrated in Kosovo and the need for military action.

The Government have the full support of the people in my constituency for military action in Kosovo. From conversations with constituents, I have noticed that not only has support for NATO action increased, but so has the awareness of the limitations of bombing alone to resolve the crisis. Support in this country for a ground invasion has increased. The air campaign has been instrumental in weakening and destroying Serbia's air defence and military capability and destroying the military and logistical infrastructure that has allowed the Serb forces to perpetrate atrocities against the Kosovar Albanians.

I am not sure that air strikes will be enough to make Milosevic back down. The air campaign so far has not forced President Milosevic to end the atrocities in Kosovo and meet NATO's demands. We have an obligation to give serious consideration to a military presence on the ground to end the humanitarian and refugee disaster that Milosevic has created. After the atrocities that the Kosovar Albanians have been experiencing, such a military presence would give the refugees the confidence to return to Kosovo.

Failure to see the crisis through to its end would give a clear signal to evil dictators all over the world that they can commit atrocities like those being committed in Kosovo and get away with it. We must not allow that to happen. We must not be distracted from trying to resolve the crisis. We must continue our military action until Milosevic agrees to the Rambouillet accords. We must see this through to the end.

8.28 pm

Mr. Martin Bell (Tatton): I promise to give the shortest speech of the evening, and I hope that I may be listened to for three minutes or so. It is clear to those of us who have argued from the start for the all-or-nothing strategy that the present strategy is not working. Not only is it not achieving its objectives, but the reverse is being achieved. We intended to help the Albanians of Kosovo. Unfortunately, their plight has been worsened as a result of the NATO intervention. We hoped to weaken Milosevic. My feeling is that, as far as his domestic political situation is concerned, Milosevic has been strengthened. The only others to have benefited are our military academies, which now have a textbook case of how not to wage a campaign.

The targeting of civilians worries many people, myself included. A campaign waged from 15,000 ft has to be indiscriminate, whatever its intentions. I am especially alarmed that, every Friday, with almost metronomic regularity, we appear to hand the Serbs a gift-wrapped propaganda advantage. In one case—the targeting of the television station—we attacked a civilian installation that had to have civilians in it. Civilians were bound to be killed and civilians were killed. In my view, that was in breach of the Geneva conventions. Yes, the television station was telling lies, but the answer to lies is not missiles: the answer to lies is truths.

If ground troops go in, a permissive environment or semi-permissive environment is proposed. Just as there is no recorded example in history of air fire alone achieving a decisive result, so there is no precedent in the long history of the British at war of a permissive environment. Henry V did not seek a permissive environment at Agincourt, neither did Wellington at Waterloo. The beaches of Normandy were not a permissive environment, and neither was Goose Green or Port Stanley.

I have argued from the start that we either stay all the way out and work with diplomacy, or we go all the way in with an all-arms offensive. It may be too late. All I would add is that, if we wage half a war, we shall not achieve half a victory—we are more likely to achieve three quarters of a defeat.

Mr. Dalyell: How would the hon. Gentleman go in?

Mr. Deputy Speaker (Mr. Michael Lord): Order. The hon. Gentleman has finished his contribution.

8.30 pm

Mr. Malcolm Savidge (Aberdeen, North): I hate war. I am devoted to the cause of peace, but I could never be a pacifist—although I respect pacifists. I was reminded of the reason why last summer when I visited the holocaust museum in Washington. The evil of armed conflict is a lesser evil than the triumph of tyranny and genocide.

We must make progress towards a new international order in which we start to resolve conflicts without resort to war, but we must do so in a world in which we have weapons of mass destruction in order to survive. Until that new order exists, we must, on occasions, be prepared to fight against crimes against humanity. It is proper, in that interest, to intervene, sometimes between nations and sometimes within nations. My hon. Friend the Member for Sunderland, South (Mr. Mullin) correctly said that we should have intervened in Rwanda and that we are right to intervene in Kosovo.

The right hon. Member for Kensington and Chelsea (Mr. Clark) suggested that we should intervene only where we have a national interest. We must increasingly see our national interest as included in the international interest in upholding human rights. Unlike the right hon. Gentleman, I do not believe that human rights are a fad. I find it extraordinary that someone can care about animals but not about human beings.

I understand the feelings of those who say that it would have been better if the action had been taken by the United Nations. I would have preferred that, but the fact that it is not reflects one of the weaknesses in the United Nations. I understand the concerns of people about NATO taking action. Some people feel that the USA drives NATO too much, but, in this case, unanimous action was taken, not in the American interest, but in a humanitarian interest.

I ask critics of the action what the alternatives were. More negotiation is suggested, but we had been negotiating for nearly a decade and, as the right hon. Member for Wealden (Sir G. Johnson Smith) cogently

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pointed out, the killing has gone on. Economic sanctions have been suggested, but do we seriously think that they would have stopped Milosevic? After all, the bombing has caused economic damage, but Milosevic continues. He must be stopped.

I say to my hon. and learned Friend the Member for Medway (Mr. Marshall-Andrews) that the problem is not only Kosovo. If Milosevic is not stopped, he will go on to more countries in former Yugoslavia and perhaps beyond. That point was cogently made by my hon. Friends the Members for Stockton, North (Mr. Cook) and for Brent, East (Mr. Livingstone). I say to the right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg) that it is totally false to suggest that, if the international monitors had stayed and the bombing had not begun, everybody would have been safe. Does he forget what happened in Bosnia, where people were slaughtered while the monitors had to stand by?

Those who attack President Clinton should note the malign influence of those on the extreme right of the Republican party in Congress, who seem sometimes to make their patriotism conditional on whether their party is in power, whether on impeachment or the conflict in Kosovo.

What of our own loyal Opposition? They have a right to debate issues and to make constructive criticism. However, I concur with some of the views expressed by the right hon. and learned Member for North-East Fife (Mr. Campbell). There have been times when certain hon. Members have made cheap party political points and used intemperate language. The shadow Foreign Secretary said that there should have been earlier action, but some of us might feel that, if there had been earlier or more decisive action when his party was in government, some of the tragedies might not have occurred.

We must be careful not to say anything that could help Milosevic. We must be careful not to ask for advance strategic plans. I found it extraordinary that, in the previous debate, the hon. Member for Louth and Horncastle (Sir P. Tapsell), having quoted his great military maxim that one should

"Give no advance indication of one's intentions"—[*Official Report*, 19 April 1999; Vol. 329, c. 601.]

devoted much of the rest of his speech to asking the Government to do precisely that. We should show some common sense.

We must be prepared to allow flexibility in response to the contingencies of the conflict and the unpredictability of Milosevic. In the previous debate, many criticised the Government for not having said that we would commit ground forces, forgetting that the Leader of the Opposition had made that his overriding condition when he started. I do not say that to make a cheap point, because I am pleased that he has been prepared to change his position; but I find it strange that the shadow Foreign Secretary should criticise the Government precisely for that, because one has to change position as the situation develops.

In the previous debate, my hon. Friend the Member for Linlithgow (Mr. Dalyell) implied that, if we offered Milosevic an amnesty from war crimes charges, it would make it easier for him to negotiate with us. Think what giving such carte blanche at this stage would encourage. My hon. Friend the Member for Glasgow, Kelvin (Mr. Galloway) suggested that we should be careful not to insult Milosevic. I am sorry, but if I thought that being polite to him would make him reasonable, I would gladly do it; but when I look at what he has done in the whole Balkan region, all I can say is that his personal tragedy is that both his parents committed suicide—after his birth rather than before.

My right hon. Friend the Member for Chesterfield (Mr. Benn) raised the question of whether these debates should be conducted on a motion for the Adjournment of the House, as did the right hon. and learned Member for Sleaford and North Hykeham and my hon. Friend the Member for Islington, North (Mr. Corbyn). My right hon. Friend said that an Adjournment debate reduces us to the status of a press conference and denies us any say.

Precedent—to which we pay regard in the House when we find it convenient—shows that, in the overwhelming majority of cases, debates on conflicts have been held on a motion for the Adjournment. That has been the case with the Balkans and the Falklands. Nearly all the debates on the Gulf war were on the Adjournment, but one was on a substantive motion, precisely to show the unity of the House.

Equally, although the majority of debates on Suez and Korea were on the Adjournment, there were substantive debates to show the division of the House. In the second world war, most debates were on the Adjournment, but there were some secret sittings, some of which were leaked, and some substantive motions. Those were referred to earlier by the hon. Member for Louth and Horncastle. He suggested that they were some of the great debates.

Almost the only thing on which I would agree with the right hon. and learned Member for Sleaford and North Hykeham is that the great debate was the debate of 7 and 8 May 1940. It was a debate on the Adjournment of the House. At a late stage, it was decided to call a vote, as a result of which the Chamberlain Government fell. It is not the type of debate that matters, but the vote that we have here. We have had an attempt to force a vote on the Adjournment of the House: it got 11 votes. That showed clearly that the overwhelming feeling of the House is in support of the Government, despite the fact that some may criticise details and that there have been some tragic accidents.

If it is decided that ground forces should be committed before a full settlement, I am sure that the House would support that regardless of whether we have a debate on principle first. Let us be under no illusions: the commitment of ground forces will be difficult strategically, geographically and politically. There will be a heavy cost. As my hon. Friend the Member for Dunfermline, West (Ms Squire) said, it would not cut out those horrible euphemisms, "friendly fire" and "collateral damage". Accidents happen. It can be difficult to tell whether a lorry contains paramilitaries or refugees.

I have concentrated on issues that divide hon. Members. I shall finish on matters on which we are united. We all applaud the humanitarian work being done by our forces, and we believe that, when the conflict is over, we must work to reconstruct a tragic country and to try to bind all the Balkans into the life and structures of Europe.

8.40 pm

Mr. Gerald Howarth (Aldershot): We have had a candid, sometimes passionate debate, and I hope that neither Ministers nor the public will mistake criticism of some aspects of the conduct of the campaign for lack of patriotism among those who make the criticism.

There is a widespread feeling that we have not achieved our object—averting a humanitarian disaster. There is no point in going over old ground but, if we are to find our way out of the problems, it is incumbent on us to recognise that we have failed so far to secure the objective set by the Prime Minister.

We are faced night after night with an incessant stream of harrowing images on our television screens as people are driven out of their homelands and subjected to the most appalling treatment. No one can fail to be moved by those scenes; we are all horrified by them. However, those of our constituents who are urging us on to greater action should recognise that anger alone is not sufficient. As decision makers, we must try to reach balanced judgments, sometimes drawing conclusions that we would prefer not to reach.

My hon. Friend the Member for New Forest, East (Dr. Lewis) referred to advice from Air Chief Marshall Sir Michael Graydon, the former Chief of the Air Staff. We should inform our debate with what Sir Michael said—that it was a grave error to rule out the use of ground forces at the outset. I do not single out the Prime Minister or my right hon. Friend the Leader of the Opposition for criticism, but there is an object lesson in what happened, and it should inform our discussions on how we make progress. That was a mistake.

The situation in the Gulf was very different. For months, we prepared a massive land force, making it clear to our enemy that we were doing so. We never needed to use the ground forces, but the fact that we were prepared to deploy them sent a clear message. Our message to Milosevic was that we would rule out the use of ground forces, and that was a mistake.

The hon. Members for Dunfermline, West (Ms Squire) and for Linlithgow (Mr. Dalyell) referred to the difficult terrain in the Balkans. Some hon. Members have visited the region. I confess that I have not, but I have looked at the map, along with my hon. Friend the Member for Stratford-on-Avon (Mr. Maples), and I have seen the nature of the difficulty. It is clearly inhospitable territory in which to move large formations of troops across the ground. Alternative options must be considered.

I have the privilege of representing Aldershot, the home of 5 Airborne brigade, which is comprised of the Parachute Regiment and other units. Its members are trained for precisely this type of operation. The idea that they would expect to be deployed by parachute is a myth constantly promoted by those in the service who do not like the regiment or who are jealous of it. They are dropped by helicopter—by Chinook—from a low level or on the ground. I have done it myself.

That is a possible way out and I will leave it at that, save to say that I know from talking to my constituents that they are prepared and ready to go. I talked with a member of the Parachute Regiment the other day and asked him, "What about Kosovo?" He said, "I'm not very keen, sir." I asked him why and he said, "I'm not keen on this humanitarian and peacekeeping stuff, sir. If it's a question of going to war, that's different and I'll be ready to go." That attitude prevails among our service men. They have trained for war. They have seen the images on the television and we make a mistake if we do not recognise their resolve to do what the Government may call upon them to do.

Also, the House must face the reality that the United Kingdom cannot do this alone. I think that my right hon. and learned Friend the Member for Sleaford and North Hykeham (Mr. Hogg) referred to the fact that the Germans and French had declared themselves hostile to the idea of deploying ground forces. The United States is extremely reluctant to do so. Our bombing campaign is largely determined by the fact that the Americans do not want to go in at low level. The Royal Air Force trains all the time to go in at low level—that is what our pilots do day in and day out.

I do not want to be partisan, but it is fair to say that the Prime Minister has been going ahead of American public opinion. Unless the Americans are on side, there is no prospect of our being able to deploy ground forces. The right hon. Gentleman can be as hawkish as he likes, but he has to understand that, without the support of the United States, he is extremely limited in what he can do.

We embarked on this conflict out of a genuine and rightful affront at the inhumanity of President Milosevic. Those powerful images on the television are fuelling the desire of the people of this country for action. However, I fear that there has not been a coherent strategy from the outset to determine how the conflict was likely to develop. Of course, no one could have foreseen at the outset exactly the pattern that it was likely to take. Nevertheless, one could have foreseen the difficulties that might arise if bombing alone failed.

Although an airman himself, Air Chief Marshall Sir Michael Graydon pointed out that he believed in the deployment of balanced forces, and I entirely agree. Therefore, as I think that the hon. Member for Hackney, North and Stoke Newington (Ms Abbott) said, what is plan B? The apparent lack of a clear plan B is worrying some of us.

The Government and the House must now face a number of brutal truths. First, this is not a Falklands or a Kuwait campaign. In those campaigns, we were seeking to eject an aggressor from someone else's territory—in the Falklands, it was ours and in Kuwait, it was that of a sovereign state—which is an entirely different matter. In Kosovo, we are seeking to remove, if that is the ultimate objective, people from land that is in part their own and to which they are deeply committed. We must recognise the reality of what we face if we pursue a deeper military commitment there.

The other brutal truth is that we and the United States have to be prepared to commit large numbers of troops. As my right hon. and learned Friend the Member for Sleaford and North Hykeham said, it is a question not of putting in a token force, but of committing huge numbers of troops. Again, there is no way that the United Kingdom can do that on its own. We require the support of the United States.

Also, we must be clear that we are prepared to take casualties—perhaps, in large numbers. There might be hand-to-hand fighting and, while at the moment we see images on television of people who have been raped, dispossessed of their homes and so forth, if we commit ground troops and there are casualties, overnight the

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television images will switch—it will be our lads and what are they dying for? The House and the British people must be prepared to accept that brutal truth.

Finally, we must be prepared to accept that, as in Bosnia, this will not be a short-run operation. We are going to be tied down there for years holding the ring—and the peace—that Tito held for decades and that is now threatened.

Some nasty, difficult, brutal realities must be faced. If we are going to face them, and if we are going to commit ground troops—it may be that the British people will support that—we must act now.

8.50 pm

Mr. Vernon Coaker (Gedling): I rise in support of the Government's position and their prosecution of the war. I am no military expert. It is important for us to remember when members of the public ask us whether we should use ground forces that, sometimes, the honest answer is that we do not know. I realise that other hon. Members have a military background that I do not share. However, I have faith in the British military and its professionalism. We must support it with what whatever it takes to ensure success. My message for Ministers is that, having started this, we must see it through to a successful conclusion.

I want to outline my experiences from a humanitarian perspective, following my two visits to the area with UNICEF, the United Nations Children's Fund. In December, I visited Kosovo and Montenegro and in April, Macedonia. I want to describe what I saw in Kosovo in December, when a ceasefire—the so-called diplomatic breathing space under the Holbrooke agreement—had been negotiated and to share with the House some of the horror and terror that existed in Kosovo. The ethnic cleansing that we have seen since the start of the bombing campaign is not new, but has been going on for a significant period. I want to consider the humanitarian case for the war and for our action.

In Kosovo, I saw villages that had been bombed. I saw deserted villages, schools that had been shelled, and health centres and hospitals that had been attacked by tanks. Children would point out where they had been on the hillside. Houses had been destroyed and families talked of the terror that they suffered from the Serb army and police.

We did not take action then. The present action is not precipitate. Some may say that we should have acted then, but the Government tried to negotiate our way out of the difficulties. At the Rambouillet talks, we tried to avert war. After the failure of the Rambouillet talks came the launch of the Serbian offensive in the spring. That offensive and the failure of all the negotiations led the Government finally to decide to commit our Air Force, in co-operation with NATO.

This question has often been asked, but if we are not prepared to act after all that time, and with all the examples of people being treated in that way, what do we do? Do we just walk away? Do we ignore the ethnic cleansing, people being forced from their homes and the schools and hospitals that have been bombed, or do we take action? If we had done nothing, we would be debating not the Government's action, but why we had a Government who were not prepared to stand up for basic human values and decency to bring about the Europe that we all want. That is what hon. Members on both sides of the House would be saying to the Government. It gives me no pride and no great feeling of macho achievement to say that I think that this is a just war. Many of us feel a great sense of sadness at arriving at that conclusion.

It is important to remember that the ethnic cleansing had already started; it has continued and, since the bombing campaign began, we have seen some of the consequences—especially in Macedonia which I have visited. We have seen the squalor in the camps and the terror and abuse of children. Men are missing and whole families have disappeared; there have been war crimes. All that has gone on. When we talk to children who have been forced on to buses by hooded police, we wonder how our own children, grandchildren or children whom we know would react in such circumstances, and imagine their terror, horror and fear. I am making the humanitarian case for action. I am no military expert; I do not know the best way to prosecute the war in terms of military action. All I am saying is that we need to support our Government, our troops and our military in the action that needs to be taken.

Finally, I pay tribute to the humanitarian work of non-governmental organisations such as UNICEF and to the work of the Army in the camps. I pay tribute to the British people for the way in which they have responded to the crisis in Kosovo—I hope that my right hon. Friend the Minister will make reference to that. People have raised money in my own constituency of Gedling, in Nottingham and in the east midlands generally. I am sure that, in all our constituencies throughout the country, people have responded in that way. That makes us think that, sometimes, out of the worst that people can do to each other comes some of the best that people can do. Not only are individuals collecting money, but Governments are prepared to stand up for what is right and decent in the modern world.

8.57 pm

Mr. John Wilkinson (Ruislip-Northwood): It has been a privilege to listen to so many admirable speeches—not least that of the hon. Member for Gedling (Mr. Coaker). He made a speech of great honesty and courage, as did the hon. Member for Stockton, North (Mr. Cook), who, typically, spoke in soldier style. The contribution of the hon. Member for Workington (Mr. Campbell-Savours) also springs to mind. He referred to the Falklands war. I was John Nott's Parliamentary Private Secretary during the conflict and the names Sheffield, Coventry, Ardent, Sir Galahad and Atlantic Conveyor are etched on my heart.

I know that success in war needs firmness of purpose. Maintenance of the aim is the first principle of war. It is sad that the aim appears to be somewhat confused but, as I said in a previous debate:

> "Once our country is engaged upon war, there is only one acceptable outcome, and that is victory."

All our faculties of heart and mind must be directed to that objective now, even more than they were a month ago.

It was good to hear the wise contribution from my right hon. Friend the Member for Wealden (Sir G. Johnson Smith). He is one of the few Members of this place who can wear the 1939–1945 star and the defence medal on

his tunic. He brings to our debates an understanding of coalition warfare and of what it takes to co-operate effectively with our United States and NATO allies. In Royal Air Force parlance, success will require maximum effort. We may have all-volunteer armed forces, but we shall need to mobilise our fullest resources of political will, military determination, diplomacy, industrial production and national stamina. Success will require giving our NATO commanders the fullest authority to fulfil their mission according to their professional military judgment.

I deplore the criticisms of the chairborne aces who are so critical of the actions of NATO's air and ground crews—the service men who day and night for the past 55 days have risked their lives in prosecuting operations against the foul regime of Slobodan Milosevic. They are taking the war to the enemy and they deserve our support, not our denigration, for they are the ones who will make the ultimate military victory possible. As I reminded the House on 19 April:

"The air offensive is crucial at every stage of the conflict . . . The key will be the will to sustain those operations and maintain the offensive."—[*Official Report*, 19 April 1999; Vol. 329, c. 635.]

There are now siren voices, but the alliance must be deaf to calls to cease the bombing before the Serb forces are entirely withdrawn from Kosovo.

I understand that the withdrawal of Milosevic's forces from Kosovo will require the effective use of the Kosovo Liberation Army. As I said on 19 April:

"It needs to be trained, supplied and given intelligence support and all the backing that we can provide."—[*Official Report*, 19 April 1999; Vol. 329, c. 636.]

I now add, most insistently, that that assistance must include air support. We should establish forthwith a military mission to the KLA. It reminds me of the task of building up Yugoslav resistance to German occupation in world war two. The comments of the late Julian Amery in his autobiography are relevant:

"it seemed to me to be unrealistic to pretend that Tito did not exist. He was plainly a major factor on the Yugoslav scene and his partisans seemed readier than the Chetniks to carry out the kind of sabotage and terrorist operations which SOE was designed to promote."

We must not ignore the fighting potential of the KLA, which wants to regain their homeland for its people.

I urge our Government to pursue one clear political objective: self-determination for the people of Kosovo. It is an objective that will require an allied military presence on the ground, for without it there will be no way for free and fair elections to take place. However, this goal accords with the democratic traditions of the NATO states and it legitimises the military reversal of the brutal expulsion of the Kosovars by Milosevic.

If we were to lose, what would follow? Perhaps Krajina would be subject to attack. What would happen to the settlement in Bosnia-Herzogovina? Would Macedonia be destabilised by Milosevic? Would anybody in future have confidence in the democratic alliance of peaceful nations that is NATO? No. I say that aggressors and tyrants everywhere would be emboldened and our security thereby greatly weakened.

9.4 pm

Mr. Bill Rammell (Harlow): I come to the debate as one who has, throughout my political life, argued in favour of, and believed in, the cause of peace, yet I have never been a pacifist, for I have always believed that there are certain circumstances in which the taking of military action is justified to combat a greater evil. In that context, I have no hesitation in saying that I support the NATO strategy and the NATO bombing of Serbia. It is no exaggeration to say that, in the Serb regime's actions in Kosovo, we have witnessed the worst crime against humanity committed on our continent since the second world war. As the United Nation High Commissioner for Refugees said in evidence to the United Nations Security Council on 5 May:

"Kosovo is being emptied—brutally and methodically—of its ethnic Albanian population."

That is as close to a definition of fascism as anything I know. I have opposed and abhorred fascism all my political life, and my political party and this country have a proud record of opposition to fascism. That is why the NATO action is justified.

The aims of the NATO action are very specific and very clear: a ceasefire, the withdrawal of Serbian troops, the return home of the refugees, and the dispatch of a peacekeeping force, with NATO at its core, to police the settlement. Media commentators, some Opposition politicians and foreign Governments claim that we should produce a fudge or a compromise, but I believe passionately that nothing less than the achievement of those objectives will be acceptable.

I also argue that the NATO action is the only way to deal with the situation, especially in the context of the ending of the cold war. I never want us to return to a cold war situation but, whatever criticisms we might have made of the two super-powers—many could be levelled at both sides—broadly speaking, they policed their spheres of hegemony. There was no widespread outbreak during the cold war of atrocities such as those that we are witnessing in Kosovo. In a sense, the cold war brought a kind of security. The danger for us all, post cold war is that, when atrocities occur throughout the world, there is no supranational mechanism for dealing with them.

I make that point in reply to those who assert—I heard my hon. and learned Friend the Member for Medway (Mr. Marshall-Andrews) make this comment—that the NATO action should not have been taken because it was not specifically authorised by the United Nations. They ignore the fact that a United Nations resolution specifically opposing the NATO action was defeated comprehensively. That point must be made. I ask people who hold that view to follow the logic of their argument to its conclusion: they are saying that, whatever the outrage, the carnage or the abuse of human rights, if one permanent member of the Security Council objects to action being taken—even if that objection is made for reasons of trade or historical association—no action can be taken. That is a counsel for impotence and despair and one that we rightly reject. That is another reason why I believe the NATO action is justified.

I shall deal with some of the criticisms of the NATO strategy that have arisen both in this debate and elsewhere throughout the country. The first criticism is that mistakes in the bombing campaign fatally undermine our cause. I think the mistakes are appalling: every supporter of the NATO strategy was filled with horror when the

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Chinese embassy and the refugee convoys were bombed. The NATO alliance must do everything in its power to review its procedures and minimise the chances of mistakes occurring. When mistakes are made, we must admit and explain them honestly and openly.

However, anybody who seriously suggests that we can engage in a military conflict without causing accidental deaths is both naive and ignoring the lessons of history. Mistakes have occurred on the battlefield since warfare began. Some 23 per cent. of American casualties in the Gulf war in the early 1990s were caused by the Americans' own fire power. I do not remember those who have been very vocal in criticising mistakes making that point during the Gulf war, when they had responsibility in government. Mistakes will occur; they are tragic and we must seek to avoid them, but to pretend that they can be completely eliminated is naive and undermines our arguments.

Secondly, critics ask, "Why is Britain taking military action in Kosovo when it has not acted to deal with other humanitarian atrocities, such as those in Rwanda?" There are several answers to that. First, the practical response is that we cannot be the world's policeman. Even if we wanted to carry out that role, we do not have the resources to do so. Secondly—I make this point carefully because it can be misinterpreted—we have a greater responsibility to act on our continent, where we have a degree of collective responsibility, than elsewhere. I also passionately believe that to say that we shall never act anywhere because we cannot act everywhere is a counsel that says that we shall never in any circumstances take action, and that I wholly reject.

Another criticism is what I would describe as the neo-nationalist, isolationist position taken by the far right of the Republican party in America and the far right of the Conservative party in Britain. In the British context, the argument—which has been put forward by Conservative Members—is that military action is never justified unless British lives, British security or British financial interests are at stake.

Mr. Alan Clark: Hear, hear.

Mr. Rammell: I hear the right hon. Gentleman's support for that argument. I wholly reject that stance because it is amoral and it is based on a view that respect for human rights, decency and civilised values is felt only within national boundaries. That argument was put forward in the 1930s by those opposed to military action against Hitler; it was wrong then and it is wrong now.

A specific criticism of NATO action is that the Government have been wrong not to argue for the use of ground troops before now. Let me make my position on that clear. I believe that ground troops will be necessary to police a settlement and that they will probably need to go in while we are still faced with resistance from Milosevic's regime. We should be having an honest and open debate, in the Chamber and the country, about the stage at which we ought to send troops in and what degree of resistance we are prepared to face. I am pleased that the Prime Minister has recently made it clear that NATO is reviewing all contingencies and that Milosevic has no veto on our actions. The briefings issued today make it clear that ground troops are still an option.

I ask those people who vehemently criticise the Government for not committing themselves to sending in ground troops to face the reality of the situation and ask themselves why the Government have not, thus far, made that commitment. The reason for that is that we are part of an international alliance in which we are bound by the reservations of others. That is true of any alliance and especially so in an international alliance. To have argued publicly for ground troops from the outset, as Conservative Members now claim that they have—although they did not argue that at the time—when others in the alliance would not have supported that course, would simply have highlighted disagreements within NATO, undermined our resolve and given sustenance to Milosevic.

We are part of an alliance that is heavily dependent on the United States of America for hardware and money. An element of the debate is that the Americans have—

Mr. Deputy Speaker (Mr. Michael J. Martin): Order. Time is up.

Several hon. Members *rose—*

Mr. Deputy Speaker: I call the hon. Member for Liverpool, West Derby (Mr. Wareing). May I ask for his co-operation? I want him to finish within five minutes.

9.14 pm

Mr. Robert N. Wareing (Liverpool, West Derby): Thank you, Mr. Deputy Speaker—*[Interruption.]*

Mr. Deputy Speaker: Order. I heard the remark made by the hon. Member for Greenock and Inverclyde (Dr. Godman), to the effect that I always do this to him. If he is complaining about who was called and who was not called, the hon. Gentleman should remember that hon. Members are called at the discretion of the Chair. Everyone is equal and everyone is treated fairly.

Mr. Wareing: On 2 May 1993 I was in the town of Bosanski Brod in the north of Bosnia. There I saw bodies being exhumed from a mass grave. When I arrived, 36 bodies had already been exhumed in various stages of decomposition. I will never forget the stench, the flies and the heat. Before I left, the body toll had increased to 44.

Among the people with me that day were the present Secretary of State for Scotland, my right hon. Friend the Member for Hamilton, North and Bellshill (Dr. Reid) and the noble Lord Russell, as well as a number of Conservative Members. We notified the media of what we had seen. The British media were not interested. My right hon. Friend was asked who the people were, and he replied that they were Serbs who had been murdered by Croats. He was told that the media could not print that, as it would only confuse people.

It is hypocrisy to attack the Serbs for ethnic cleansing in Kosovo, while ignoring the fact that 280,000 Serbs were brutally driven out of the Krajina. An old person, a child, a young woman—it does not matter whether they are Serb or Croat. They are all human beings. When I asked the Secretary of State earlier today about the matter, he replied that the Government deplore all that. However, there is no question of any action being taken against Croatia.

In another answer that I received from a Foreign Office Minister, I am informed that Croatia is allowing NATO to use its airspace for attacks on the Federal Republic of Yugoslavia and is co-operating in cutting the flow of oil from Croatia into Yugoslavia. Croatia is undoubtedly an ethnically pure state, as there is hardly a single Serb or anyone of any ethnic origin other than Croat living in that state.

We are told that we have exhausted the possibility of negotiations, and that Rambouillet was turned down by the Serbs. Let me read from some of the annexes to the treaty. I have only a little time—although I am thankful for what I have, Mr. Deputy Speaker.

The text of article 8 of the appendix to the Rambouillet treaty should be on record. It states:

"NATO personnel shall enjoy, together with their vehicles, vessels, aircraft, and equipment, free and unrestricted passage and unimpeded access throughout the FYR (Federal Republic of Yugoslavia) including associated airspace and territorial waters. This shall include, but not be limited to, the right of bivouac, manoeuvre, billet and utilisation of any areas of facilities as required for support, training and operations."

Article 6 states:

"NATO personnel, under all circumstances and at all times, shall be immune from the Parties' jurisdiction in respect of any civil, administrative, criminal, or disciplinary offenses which may be committed by them in the Federal Yugoslav Republic."

Article 10 refers to NATO having cost-free use of all Yugoslav streets, airports and ports—not just Kosovo, but all of Yugoslavia.

Those people who think that we can control an armed operation against the Yugoslav army and restrict it simply to Kosovo should try to imagine an invasion of Cornwall. Would the fighting stop as soon as an enemy had occupied Cornwall? Of course not. The Yugoslavs see the present campaign as their battle of Britain and they will fight on. The only solution is to get back to the conference table, and not to issue ultimatums that no sovereign state would ever accept. We certainly would not. We have to bring the Russians and the Croatians to the conference table. If we want those who have been ethnically cleansed to be returned to their territory, we must return not only those from Kosovo, but those from Krajina. Anything else would by hypocrisy.

9.20 pm

Mr. John Maples (Stratford-on-Avon): Earlier this month, I visited Albania with the Secretary of State, as his guest, and with other colleagues in the House. We saw for ourselves some of the refugees at Kukes and spoke to them about why they had left and what they had left behind. Those ordinary, decent people, who had been expelled from their homes by violence and fear, were destitute in refugee camps. We also saw in Kukes, and on HMS Invincible and at Gioia del Colle, what a wonderful job our forces are doing. They have our admiration, our thanks and our prayers.

What is happening in Kosovo surely amounts to one of the great European crimes of the past 50 years. We are all horrified and diminished by such violence, and we all want to do something about it. We share and support the Government's objectives and the use of military force to achieve them, but emotion cannot run our foreign policy. Our objectives must be attainable by the means that we are prepared to use. Objectives must be clear and achievable, and adequate military commitment to achieve them is essential. The Prime Minister has been high on rhetoric and anger, and if words could kill Milosevic would be long dead, but he is not dead. He seems too often to hold the initiative. The time has come to examine our policy and to ask ourselves some hard questions.

As usual, we have had an excellent debate, and strongly held views have been expressed from both sides of the House. Conservative Members have been overwhelmingly critical. My hon. Friend the Member for Reigate (Mr. Blunt) and my right hon. and learned Friend the Member for Sleaford and North Hykeham (Mr. Hogg) made strong speeches against Government policy. My hon. Friend the Member for Hertford and Stortford (Mr. Wells) made a similarly critical speech and talked a great deal about the refugees. We are all grateful for the report of his Select Committee.

My right hon. Friends the Members for Kensington and Chelsea (Mr. Clark) and for Tonbridge and Malling (Sir J. Stanley) and my hon. Friends the Members for Romsey (Mr. Colvin), for Wealden (Sir G. Johnson Smith) and for Aldershot (Mr. Howarth) all made valuable contributions which I hope the Secretary of State will make some effort to answer.

My hon. Friends the Members for New Forest, East (Dr. Lewis) and for Ruislip-Northwood (Mr. Wilkinson) were supportive of the Government's position. I hope that Labour Members will forgive me for not referring to all their speeches and for singling out the contribution of the hon. Member for Stockton, North (Mr. Cook), who made as good and as passionate a statement of the Government's case as could have been made.

Today is the 56th day of the bombing campaign. In the statement made before the Easter recess, the Secretary of State for Defence said:

"Milosevic is clearly rattled . . . huddled in his bunker, calculating how he can possibly extricate himself from his predicament."—[*Official Report*, 31 March 1999; Vol. 328, c. 1205-1206.]

Seven weeks later, he is still there.

We have undoubtedly destroyed much of Serbia's military capability, though we have apparently not yet achieved a permissive environment; but the strategy of air strikes alone is not supported by anyone with real experience of those matters outside the Government, and probably not by many inside the Government either.

The belief that air power alone can achieve objectives on the ground has too often proved to be wrong. The exact opposite is taught in our own staff colleges. According to *Newsweek*, the United States joint chiefs of staff wrote to the Secretary of State for Defence several weeks ago, saying that only ground troops would guarantee fulfilment of the Administration's political objectives. I suspect that similar advice has been given to Ministers here.

The Washington Times recently printed the words of an American pilot in theatre who said:

"This has been a farce from the start . . . we have violated every principle of campaign air power that I can think of."

An army officer in the Pentagon is quoted in the same article as saying:

"I don't know of anyone in the Pentagon who is optimistic that things will work out."

[Mr. John Maples]

In a recent interview, General Colin Powell said that

"the political rhetoric is not matched by the political objective and the political objective is not matched by the means that are being applied. We should have clear objectives and apply decisive military means."

I will not embarrass the Secretary of State by quoting from the stream of articles in our own press by former senior officers making similar points.

No informed commentator believes in our strategy. The Government may be right and everyone else may be wrong, but it would be unwise to proceed on that assumption. There is another danger in bombing—

Mr. George Robertson: There are 19 others.

Mr. Maples: Today, I am afraid, France, Germany and Italy have put considerable distance between themselves and the strategy that the Prime Minister is pursuing, and the Greeks are demonstrating in Thessalonika against what is going on, so the number is not 19.

Another danger is involved in bombing from 15,000 ft. What worries me is that, if there are more accidents causing civilian casualties, or accidents like the bombing of the Chinese embassy, NATO will lose the moral high ground from which it started the campaign.

If we had set ourselves the more limited objective of negotiating a peace deal with Milosevic, bombing might well have achieved that. The original objective was to get him to sign up to the Rambouillet peace terms, and the bombing campaign had been designed to achieve precisely that; but events on the ground moved too fast. The objective rapidly changed to restoring the refugees to the whole of Kosovo, but we did not at the same time change the military strategy.

The confusion over war aims was heightened when the Prime Minister set as an objective—or seemed to set as an objective—putting Milosevic on trial for war crimes. Without clear political objectives, it has been impossible to develop a clear military strategy. I believe that the phased air campaign was a mistake, and that the build-up was too slow. We should have hit Milosevic really hard on day 1, as I think our own service chiefs have now acknowledged. We were totally unprepared for the flood of refugees that now threatens the stability of the region, as was pointed out by my hon. Friend the Member for Hertford and Stortford.

Within NATO, there is a widespread feeling that politicians are tying the hands of the military. War is a nasty, violent business—people are killed and injured. We have legitimate national interests in the stability of the Balkans and in preventing a humanitarian disaster, but the Government do not appear to have thought through what was involved in fighting for those interests. If those interests were not sufficiently serious to warrant the risking of casualties, perhaps we should never have started; if they were sufficiently serious to warrant such military means, perhaps we should have been prepared to use those means from the start. Can the Secretary of State confirm specifically that our service chiefs believe they have the men, the equipment and the freedom of action to pursue a strategy that they believe will succeed?

Mr. Worthington: I am interested by the way in which the hon. Gentleman puts things. He has offered us two "perhapses": perhaps we should not have started, or perhaps we should go in harder. What is he advocating?

Mr. Maples: I am responding to the Government's policy. As we keep saying, the Government are in possession of all sorts of military intelligence and advice not available to us. It is open to us to make suggestions, and for eight weeks we have given the Government the benefit of the doubt in relation to everything that is proposed. I am now asking what I believe are some hard questions, because I do not think that the strategy is working.

Mr. Peter Bradley: Will the hon. Gentleman give way?

Mr. Maples: No.

On ground troops, once again, confusion reigns, and the Government are sending out contradictory signals. First we would use ground troops only pursuant to a peace agreement; then we might use them in a permissive environment. Just before the Washington summit, the Prime Minister said that we would use ground troops when Serb forces had been sufficiently degraded. That was widely understood to mean attacking on the ground much earlier than had previously been envisaged. Journalists who were on the Prime Minister's plane to Washington were left in no doubt that that was what he had intended to say, and his speeches in Washington bore that out; however, he failed to secure the agreement of our allies, and the Washington communiqué on Kosovo did not even mention the subject.

In this weekend's press we saw the spinning again, although the Prime Minister and his Foreign Secretary assure us that there is no difference between us and the Americans on this issue. I hope that they will not exploit any differences that there are; as my right hon. and learned Friend the Member for Sleaford and North Hykeham said, that would really damage the relationship between us and the United States. Today, there is more briefing in the papers to the effect that Europe should take the lead.

Let me say in all seriousness to the Secretary of State that the Government must stop spreading confusion. It is damaging the American alliance; and I ask the Secretary of State to imagine the effect that this inconsistency has on our troops in theatre who may soon be asked to risk their lives. Does the Prime Minister still honestly believe that our objectives can be achieved by air power alone, or does he now believe that an early use of ground troops is necessary? We do not know what he thinks, as a result of the confusion.

We need to be clear about what is meant by using ground troops. That can mean anything from driving down the road into Kosovo pursuant to a peace agreement, to a full-scale air-land battle with entrenched Serb forces. "Permissive environment" can mean anything in between. Any commander would have to assume that he would meet resistance. Whatever the situation, we would have

to enter Kosovo as a fighting force. Short of entering as a peacekeeping force, we would have to plan for war fighting.

The obstacles to an invasion are significant. They have been recognised by NATO and by the Government, which is why there is the doubt and delay, although, apparently, those obstacles are not recognised by the many who have glibly advocated a land battle from the start.

I am advised that the only truly practical route into Kosovo for armour is through Macedonia, although I imagine that there would be other attacks across other borders. Going through Macedonia involves the use of Greek and Macedonian territory—both countries have said that they will not allow that.

There will be huge interoperability problems, which could be resolved only by limiting the attacking force to the United States, the United Kingdom and France. I do not know what consideration the Government have given to that question but, if we are to enter in war-fighting mode, the allies with whom we do so will necessarily be restricted: their number will be far fewer than the number with whom we are happy to mount a peacekeeping operation.

At Rambouillet, it was agreed and envisaged there would be a peacekeeping force of 28,000. It is gradually being assembled but, several months later, only about half that number are in place in Macedonia. General Jackson has been saying in a veiled way that the number should be built up rather faster, but invasion or entering in a permissive environment—at whatever end of the scale—where the commander assumes that he will meet resistance will require a far higher number than the 28,000 thought necessary for peacekeeping. Those troops will have to go through a roulement. I do not know how soon that will have to take place, but I believe that it will be difficult to maintain those numbers in theatre for long.

If military operations are to be successful before the winter, any decision to invade will require troops to be put in place very soon. That, in turn, means that a decision to deploy will have to be taken in the next few days; General Jackson has said as much himself.

Time and indecision are cancelling out that option. If the Prime Minister believes that the early use of ground troops is necessary, he should tell us. If NATO cannot agree to that, we have only two alternatives: we either downgrade our objectives and seek a negotiated peace—something that the Prime Minister has said would be a failure, or we continue attrition bombing in the hope that it will work, with the danger that we lose the moral advantage very quickly. If the Prime Minister does believe that early use of ground troops is the way to proceed and we do not do so, he is, by definition, committing us to a second-best strategy in which he does not really believe.

Inevitably, the question will then arise why we started military operations without clear agreement on the use of ground troops, particularly if the military advice was that the battle could not be won by air power alone, as it clearly was in the United States. Presumably, the British Government knew that that was the advice that the United States Government had received.

Before leaving the subject of ground troops, I shall say a word about an idea that is being put about today, probably by the spinners again, that Europe should take the lead in the campaign. It is ironic that that initiative should be launched on the very day that France, Germany and Italy have publicly made it clear that they will not support the use of ground troops except under a peace agreement. It must be clear to all who have been following the conflict that NATO is having great difficulty doing it at all, let alone doing it without the United States. It gives the lie to the idea that Europe is capable of mounting such operations on its own.

I hope that, if and when ground troops are used, the Government will be clear how we will handle the collateral problems that may then arise in Macedonia, Montenegro and Sanjak, in all of which Serbia is equally capable of stirring up trouble. It is unlikely that any such ground force would have to deal only with the Serbs in Kosovo.

My hon. Friend the Member for Ruislip-Northwood mentioned the Kosovo Liberation Army. We seem to behave as though the KLA did not exist—we cannot make up our minds how to treat it. We are, I think quite rightly, cautious about arming KLA members, but they are the only people who are fighting the Serbs on the ground in Kosovo. They will be part of any settlement, whether we like it or not. They will probably form the largest part of the future Kosovo administration. They certainly formed a large part of the Kosovo delegation at Rambouillet. We shall require their co-operation and good will. I do not pretend to offer the Government advice on how that should be achieved, but I hope that we have a policy and are implementing it, and that we are not simply pretending that they do not exist. There is a danger that, ultimately, we shall get in there, but discover that they, as well as the Serbs, are an enemy. It is vital that that does not happen.

The problems of a ground war are very difficult. When NATO forces do enter Kosovo, it may be the end of act I, but it will be only the beginning of act II.

Kosovo cannot be seen in isolation. However, we seem to have no overall or long-term plan for a settlement for the Balkans. We have to be working towards an overall peace settlement. I am not pretending that achieving such an agreement will be easy—one has eluded the western powers for 10 years—but, if we are to get involved militarily in what the Government describe as a permissive environment, which I take to mean some degree of fighting, we have to have that long-term objective; otherwise, we are in danger of becoming badly unstuck and getting our armed forces enmeshed in Kosovo for a very long time, but without being able to achieve a long-term objective.

Macedonia and Montenegro seem to be less stable than they were before 24 March. A flood of refugees and our action have, in the short term at least, made the problem worse.

I am seriously worried about the stability of Macedonia, and do not believe that the Government are taking the matter seriously enough. I have written to the Secretary of State about it, and he has replied. However, I really do believe that the volume of refugees in Macedonia is in danger of destabilising the very delicate ethnic balance in that country, and that we should be doing more to alleviate it.

I hope that we have in place plans to deal with the Milosevic-inspired coup in Montenegro, which is certainly something that might happen very soon.

Albania and Macedonia have behaved magnificently in this crisis—the Secretary of State saw it for himself in Albania—but the financial and organisational aid to both of them has been too slow, and, in some cases, it still is.

[Mr. Maples]

We believe that it is vital that NATO succeeds in Kosovo. The Government's objectives, which we share, are principled and correct. The Government have put at stake the credibility of our armed forces and of the NATO alliance. That credibility must be redeemed. The Prime Minister says that it would be a failure not to achieve our objectives, but it would also be a failure not to achieve them before the Balkan winter sets in. If the refugees cannot return home before the winter, many of them never will, and the stability of Macedonia and Albania will be further, and perhaps terminally, threatened.

There has been too much confusion about objectives, and too little hard thinking about strategy. We have consistently supported the Government in their objectives and in the use of military force to achieve them. For eight weeks, we have given them the benefit of the doubt. Today, I make no apology for asking some very hard questions, but my criticism is—as I hope it is seen to be—constructive.

We want the Government to succeed. We want the refugees to return to their homes in Kosovo—all of them, to all parts of Kosovo—and we want to ensure that the criminals, such as Milosevic, do not prosper and are not allowed to do so. However, we do not believe that those objectives can be achieved if we go on as we have done for the past eight weeks. The Government must develop a strategy that is credible to our troops, to the British public and to our enemies. If they do that, they will deserve and they will receive our continued support.

9.39 pm

The Secretary of State for Defence (Mr. George Robertson): This has been the third full-day debate since NATO began its military action against President Milosevic. There have also been five statements to the House in that six-week period. Since the last debate, I have visited a number of service establishments associated with the military action. I went to RAF Brüggen, in Germany—which is the home of the Tornado forces who nightly make the five-hour round trip from Germany down to Kosovo—and met the pilots and the navigators and ground crew who support them.

As the hon. Member for Stratford-on-Avon (Mr. Maples) said, I went with him, the shadow Foreign Secretary, the Liberal Democrat spokesman and my hon. Friend the Chairman of the Select Committee on Defence to Gioia del Colle, where our RAF Harriers and the air and ground crew are based. We also went to the headquarters of the NATO Albania force, led by the British Lieutenant-General John Reith. On HMS Invincible, we met the crew and the officers, as well as some of the crew of HMS Newcastle. I salute them and all the others who are engaged in the air, on the ground and in the sea in this exercise. I thank them for their public service, their determination, their commitment and, above all, their awe-inspiring courage at all times. Like my hon. Friend the Member for Dunfermline, West (Ms Squire), I also warmly thank their families. They wait and watch patiently and often painfully, giving crucial support without which our great armed forces would not function so well.

Like my right hon. Friend the Foreign Secretary, I start with a slightly personal comment. Last month, I addressed a meeting at the Glasgow South Side synagogue with my hon. Friend the Member for Eastwood (Mr. Murphy) and the new Member of the Scottish Parliament for the constituency. I gave the packed audience my explanation of what was happening in Kosovo—what the situation was about, why it mattered and why Milosevic and his savage ethnic cleansing had to be defeated.

During the question session that followed my speech, a small old man rose at the back of the hall to put a point to me. In the silence of the meeting, he told me that he had been in Auschwitz concentration camp in Nazi Germany in his youth. That small old man told me and the people at the meeting that, as a holocaust survivor, he could recognise genocide when he saw it and that he was seeing it again today in Kosovo. Mr. Michael Sanki reminded us that, after the second world war, we all said "Never again." He pleaded with me to make good that pledge. We are involved in a just cause—one worth fighting and even dying for. For my generation and so many others in this country—who are very lucky to be alive in a democracy today—this is our moment to say and to mean "Never again."

Mr. Hogg: I understand what the right hon. Gentleman is saying. If that principle is worth asserting in Kosovo, why was it not worth asserting in Rwanda, for example?

Mr. Robertson: I have the greatest respect and some affection for the right hon. and learned Gentleman, who was a Minister at the Foreign Office, although he had moved to agriculture by the time of the conflict in Rwanda. He and I have been pairs in Parliament for a long time. My predecessor, Michael Portillo, sent troops to the Great Lakes area of Africa. British troops were being prepared for a humanitarian exercise in Rwanda.

If the right hon. and learned Gentleman is accusing the British Government of turning back at a certain point—I do not blame them for doing so; I think that they took the right decision—he is accusing not me, but the previous Administration. This is not the first challenge for this new Administration; it is the second. We rise to the challenge when it comes. I hope that I have the same support from the right hon. and learned Gentleman now that I gave him when I was an Opposition spokesman and he was taking difficult decisions on Bosnia that he often found hard to defend.

That apart, the debate has exposed a number of powerfully expressed views, dividing parties and even caucuses within this House. However, that is part of the richness and liberty that is allowed and encouraged in a democratic assembly.

The Opposition have become slightly more aggressive this evening. The loyal Opposition are entitled to question, to expose and to remind the Government on all occasions, but they should be constructive also. As the right hon. and learned Member for North-East Fife (Mr. Campbell) said, they must have balance and judgment about what they say. The right tone must be struck, lest the enemies of this nation or of the alliance outside use their words out of context against us.

The right hon. and learned Member for Folkestone and Hythe (Mr. Howard) makes strong speeches—but I warn him. From my long experience of 18 years on the Opposition Front Bench, I can tell him that, when one's only strength is in being negative, one does not convince the country. However, we wish him well in his retirement from the Opposition Front Bench.

There have been a lot of good speeches, and some powerful ones. I have not heard all of them in the Chamber, but—while doing the work of a Department in the middle of a conflict—I have listened to the vast majority of the debate on the live feed. The debate has been a credit to the House of Commons—even those speeches with which I deeply disagree.

I want to address those who have criticised what the Government have been doing—as part of a 19-country alliance, let it be said. No decisions are made in this Chamber or by this Government unilaterally. They are made as part of that great alliance. I wish to address those who say that NATO is doing too much, and that we should not be attacking the Yugoslav military machine at all—those voices have been raised—and those who demand an instant, full invasion of, and forced entry to, Kosovo, and who say that we are doing too little. I ask both of those groups—what were the alternatives before us earlier this year?

Mr. Corbyn: In talking about the bombing campaign by NATO, will the Secretary of State explain why so much targeting has been done of oil refineries, chemical works and industrial installations? Will he explain also the use of depleted uranium in the attacks, which will have unmentionable consequences and may cause an environmental disaster within the region and which will know no boundaries and will affect everybody, whichever side of the conflict they are on?

Mr. Robertson: This country is not using any munitions involving depleted uranium. If it is not strikingly obvious to my hon. Friend why we are attacking oil refineries—and, therefore, the means by which the Serb military gets around—I do not think that I am likely to be able to teach him anything. I had thought that, throughout his parliamentary career, my hon. Friend had campaigned for human rights and for human decency. I do not know why, on this occasion, he seems willing to stand back and watch while human rights and human life are violated on our continent.

What were the alternatives before us earlier this year? What choices were available? What choices were available to NATO after the Holbrooke agreement had been betrayed by the dictator in Belgrade? The House should remember that Milosevic backed down last October in the face of NATO's threats of air strikes at that time. Something like a quarter of a million Kosovar people who had been stranded in forests on the edge of winter and were facing death from starvation or freezing were able to return safely to their homes, with the verification force on the ground, watching what the Serb forces were doing.

Mr. Dalyell: Will my right hon. Friend give way?

Mr. Robertson: My hon. Friend must wait. First, there could have been more diplomacy; that is what my hon. Friend the Member for Linlithgow (Mr. Dalyell)—who is trying to attract my attention just now—said to me in an acrimonious exchange that we had this morning outside a Sky television studio. I tell him and, others that we exhausted every possible diplomatic avenue, and, all the time, Milosevic was starting the ethnic killing and cleansing. The second option available to us was tighter economic sanctions. Again, those were tried but failed to produce the result that we and the world required.

The third alternative—it has been suggested again today—was that we should have involved the United Nations and specifically the Russians and the Chinese. In fact, Russia was intimately involved in the contact group that led to the negotiations at Rambouillet. It was the Chinese veto on the UN monitoring force in Macedonia that showed precisely what would have happened had we gone to the UN Security Council.

Mr. Dalyell *rose—*

Mrs. Mahon: Will my right hon. Friend give way?

Mr. Robertson: No. I have already given way.

Mr. Dalyell *rose—*

Mrs. Mahon *rose—*

Mr. Deputy Speaker: Order. I cannot have two hon. Members on their feet.

Mrs. Mahon: On a point of order, Mr. Deputy Speaker. The Chinese vetoed UNPREDEP, not the monitors.

Mr. Deputy Speaker: That is not a matter for the Chair.

Mr. Robertson: I did not hear the point, so it is not a matter for me either. There is a strain of thinking—

Mrs. Mahon: The Chinese vetoed UNPREDEP.

Mr. Deputy Speaker: Order. I have invited the Secretary of State for Defence to speak, not the hon. Lady.

Mrs. Mahon: On a point of order, Mr. Deputy Speaker. The Chinese vetoed the retention of UNPREDEP, not—

Mr. Deputy Speaker: Order. The hon. Lady has been around long enough to know that that is not a point of order.

Mr. Robertson: The fourth alternative—some people have had the audacity to suggest it—was to stand back and just let the killing, the torturing, the maiming, the bombarding and the evicting go as Milosevic wanted it to go—to a Serb-dominated corner of the old Yugoslavia. Perhaps he wanted an exclusively Serb corner of Yugoslavia.

We could have said, as some still do, that it was a civil war and an untouchable geographic no-go zone, and we could have watched without action a genocide of vast proportions in this, the last year of the 20th century. I say no, I say never and I say never, ever again. That is what the majority of this House, this Parliament and the majority of the British people say—and keep on saying to us. We should listen.

Finally, there are those who say that we should not have excluded a forced ground invasion of Kosovo—or even Yugoslavia. They say that we should somehow have assembled, before any air attack, the required troops—anything between 150,000 to 250,000 of them—before we threatened Milosevic. They somehow assume that Milosevic would have ignored the three month's preparation time—which would not yet have been up—for the troop build-up, the equipment mobilisation, the

[Mr. Robertson]

logistic chains and all the rest. They seem to think that he would have allowed us all that time without reacting against the Kosovars—and probably the Montenegrins and the people of Vojvodena, too. After all, if Milosevic gets away with Kosovo, he will also take other areas—mark my words.

A phased air campaign was ordered by all 19 Governments of NATO. We should always remember that the threat of air strikes worked on Milosevic last October. The reality of six weeks of ever-accelerating and intensifying air strikes has been severely to diminish the whole Yugoslavian war machine. I shall tell the House what has been achieved in that six weeks. Some 20 per cent. of Yugoslav combat and other military aircraft have been destroyed. Some 24 per cent. of their strategic-level surface-to-air missile radar systems have been destroyed.

Nine of the 17 militarily significant airfields have been damaged, some severely. Almost 40 road and rail bridges have been damaged or destroyed, including the two rail lines into Kosovo. The two oil refineries at Novi Sad and Pancevo have been functionally destroyed. Yugoslav army and police barracks and ammunition storage sites are increasingly sustaining severe damage. More than 160 tanks and armoured personnel carriers, 62 artillery pieces and 136 soft-skinned vehicles have almost certainly been destroyed.

The relentless assault has already had its effect, militarily and politically, in Kosovo and in the wider Yugoslavia.

Mr. Howard: The Secretary of State is giving us an important and interesting narrative but he has not answered the questions posed to him. Will he deal specifically with one crucial question? Will he give the House the assurance that the Prime Minister failed to give on Wednesday, that General Guthrie and his fellow NATO officers have the men, equipment and freedom of action to pursue a strategy that they believe will succeed?

Mr. Robertson: Yes.

Day after day, Serbia's military machine is being weakened, and if Milosevic's stubbornness continues to outweigh Serbia's self-interest, it will be destroyed, never again to be rebuilt.

Politically, too, the cracks are beginning to show. Vuk Draskovic, once the leader of Serbia's opposition, joined Milosevic's Government. He was dismissed a month ago for daring to speak out in opposition to Milosevic's views. Mr. Djindjic, in 1997 the mayor of Belgrade and another leader of the opposition to Milosevic, recently spoke out about the success of the NATO air strikes and the need to sue for peace.

Mr. Vuk Obranavic, once a senior VJ general—one of the youngest in the Yugoslav army—and now the leader of the Social Democratic party, told John Simpson of the BBC that Milosevic's strategy is going wrong. Today, in an Italian newspaper, the Catholic archbishop of Belgrade, Archbishop Perko, was reported as saying that, if NATO suspended bombing, Milosevic would declare victory.

The report said:

"The appeals of some western countries to stop the bombing were inducing Milosevic to resist . . . These unilateral calls for peace are, in reality, prolonging the war. If NATO stops bombing now, the Yugoslav army will remain in Kosovo and the guerrilla war with the UCK could go on for decades."

The archbishop was reported as saying:

"only NATO can disarm the UCK and protect the Albanians. And only NATO members have the means to reconstruct houses and temporary camps for those who return."

The fissures are beginning to show in the Yugoslav nation and army. NATO's campaign was right. It is being effective and working.

I have been asked whether an air campaign alone can complete the job. I went last Wednesday to Berlin for a ceremony to mark the exact day of the 50th anniversary of the end of the Berlin airlift. It was a moving ceremony. The airlift, involving American, British and French airmen, two years after the second world war, saved that city from Stalin's icy clamp.

People said when the airlift was proposed that air power alone could not do the job. They said at the beginning of the campaign that nobody could logistically supply by air all the supplies for that democratic city in the ocean of communism, but we did it. Determination, will power, perseverance and unity of purpose defeated Stalin in 1948. We will assuredly defeat Milosevic.

It being Ten o'clock, the motion for the Adjournment of the House lapsed, without Question put.

Farming (East Sussex)

Motion made, and Question proposed, That this House do now adjourn.—*[Mrs. McGuire.]*

10 pm

Mr. Norman Baker (Lewes): I welcome the opportunity to raise the subject of the viability of the farming industry in East Sussex. It is important because of its direct employment of farmers and farm workers. It is also important to the rural economy of East Sussex and to the care of the countryside of which farmers are the custodians.

I regularly meet farmers from my constituency and will meet some on Friday. Over the past year, I have identified several worrying trends that the Government should address. They are aware of those trends, but I shall spell them out for the record.

First, the average age of farmers appears to be increasing. There is a shortage of new entrants to farming, and that is compounded by the fact that one traditional means of entry—county farms—was eliminated by the policies of the previous Government, which required county councils to offload those starter farmers. It was a foolish move and the effect has been regressive.

Secondly, reductions in the agricultural work force weaken the base of the whole community. Farmers who used to employ 10 or 20 people now employ two, one or none at all. They are surviving as best they can in the present circumstances. There has been a loss of tenant farms and a general increase in the size of farms in the county, and the situation is even worse elsewhere.

Thirdly, farmers have suffered significant—some might say catastrophic—reductions in income. Early last year, the National Farmers Union estimated that the real terms decline in farming incomes between 1996 and 1997 was in the order of 47 per cent. Even the Government's figures on total income from farming show a drop of 37 per cent. Not many people or industries could sustain such a drop in income during a single 12-month period.

In the past, it has been usual for one or another sector of the farming industry to suffer. At present, however, the problems are hitting all sectors together. Farmers have had nowhere to go to make up the lost income. The problems continue. According to figures from the Ministry of Agriculture, Fisheries and Food and from the Meat and Livestock Commission, a comparison of farmgate prices in October 1997 and 1998 shows the price of feed wheat down 13 per cent., lamb down 32 per cent., beef down 18 per cent., pigmeat—suffering particularly badly—down 41 per cent., milk down 12 per cent., eggs down 13 per cent. and broilers down 7 per cent. The catastrophe facing the industry continues.

Those reductions in farmgate prices are not always reflected in retail prices. I wrote at the end of last year to the four major supermarket chains to draw attention to the fact that their prices appeared not to be dropping although farmgate prices were. In the period 1987 to 1997, farmgate prices increased by around 6 per cent., but retail prices for food increased by about 35 per cent. Why should supermarkets have such a big mark-up that is not passed on to the farmers? In response, the supermarkets blamed a number of processor costs, for example hygiene inspections, and said that they now had to pay for parts of animals that had been used previously, such as blood products, to be taken away. They blamed increasing transport costs.

I do not believe that those factors alone justify what appears to be an increased mark-up for supermarkets at the expense of the basic producers, the farmers. I should be grateful if the Minister would say in his reply whether he believes that there is an element of the cartel and profiteering in the behaviour of supermarkets, to the detriment of our farmers.

How can the Government help? I have a number of suggestions, to which I hope that the Minister will respond constructively. First, the beef ban must be lifted. I do not blame the Government at all for the ban. Since they have been in power, they have done their best to deal with a difficult situation and have made progress—credit, where credit is due. However, time is marching on and we are now a long way down the track. I hope that the Government will be able to give some sign tonight of when the ban will be lifted.

Secondly, there is a ban on beef on the bone. I speak as a vegetarian, but my analysis is that beef is perfectly safe. Even if it is not, people who wish to buy it should be able to do so and judge the risks for themselves. It is not for the Government to act as nanny state and to ban beef on the bone.

In Committee, I remember asking the Minister who is to reply, and who is responsible for food safety, whether he believed that beef on the bone was more dangerous than genetically modified foods, which are available in all our shops. He thought that that was a fair question. Perhaps he will elaborate on the subject tonight.

Also, I want some clarification from the Minister on a question that involves East Sussex county council. I understand that he may want to reply to me in writing on that matter. The National Farmers Union in my constituency naturally wants to ensure that, in schools and other establishments, the council serves beef that is subject to the same high health and hygiene regulations as British beef. The chief executive of the council has told the NFU that the council is precluded from doing so and from choosing British beef on legal grounds. I would be grateful if the Minister would clarify, tonight or subsequently, whether that is the case. Clearly, it is wrong and ludicrous if for regulatory reasons the county council cannot make a positive choice for British beef, which it no doubt believes—as do I—is subject to higher health and hygiene regulations.

Another problem is the addition of meat hygiene inspection charges. I welcome the Government's help to pay for the additional charges for a year; that is a welcome move. I and the right hon. Member for Wealden (Sir G. Johnson Smith), who is present tonight, have both been busy on that matter as regards the abattoir at Heathfield. However, paying the charges is a breathing space and not a solution.

I hope that the Government will produce measures to ensure that small abattoirs continue to exist. Any additional charges should be based on the throughput of an abattoir, not some flat-rate charge, which necessarily discriminates against the smaller abattoirs.

Small abattoirs are important. They are a link in the community. Wearing my animal welfare hat, I say that I want animals to be transported as little as possible between the point of production and their slaughter.

[Mr. Norman Baker]

The Government say that they want that and that they want to avoid live exports, so why do they countenance the closure of smaller abattoirs, thus requiring animals to be transported over longer distances?

The Government could also do more to promote animal welfare-friendly produce and I hope that they will. In this country, our production is more animal welfare friendly than anywhere else in the world. It is important for the Government, first, to make it plain to the consumer where possible that produce from outside this country may not be produced according to the same high standards and, secondly, to promote and market British produce that is subject to high standards.

Certain labelling requirements may apply. The Minister is keen on labelling and rightly so, but is it not the case that processed products that come into this country do not have to be labelled with their country of origin? Fresh, entire products have to be, but processed products do not. Therefore the consumer could be misled. Goods of a lower standard can come in and masquerade as good-quality goods, undercutting high-quality British produce.

Does the Minister believe that, under World Trade Organisation rules, Britain can require high animal welfare standards or are we subject to the free trade extremism that we saw on bananas and that we may see—I hope not—on genetically modified organisms? What will the Government do to help promote UK produce produced to high animal welfare standards? I know that that is their intention, and I am sure that we share the same agenda on that, but they need to act on it.

Supermarkets have said that they are happy to buy products of a lower standard from overseas. A letter from Sainsburys of 18 November about chicken from Thailand stated:

"The advantage for our customers of sourcing from Thailand is purely cost. The wafer-thin chicken delicatessen product and the frozen chicken pies and ready meals offer customers a cheaper alternative. By using chicken sourced from Thailand, our suppliers can enable us to offer customers with a smaller purse the opportunity of buying a product which they might otherwise have not been able to afford."

Chicken from Thailand is produced in unacceptable conditions and undercuts higher animal welfare standards in this country.

I want to raise some other matters briefly because 15 minutes goes by quickly in this Chamber. Will the Minister publish soon the Monopolies and Mergers Commission inquiry into Milk Marque? I understand that it has been sitting on the desk of the Secretary of State for Trade and Industry for two months, with all the resultant uncertainty for farmers.

Will the Minister say what he can about the position on common agricultural policy reform? I welcome the direction that the Government are taking to move it forward, but it is not enough. They need to do more to satisfy WTO rules and to take proper account of the environment. I hope that he will revisit the matter. Environmental measures on set-aside that would have allowed land to be permanently under wildlife were overruled in the negotiations. That is a step backwards.

East Sussex welcomes the environmentally sensitive area payments for the south downs. It is a good, successful scheme. The Minister of Agriculture must ensure that payments are not based only on profits forgone but include an incentive element to encourage participation.

The National Farmers Union believes that the organic farming scheme has been "a disappointment". Shaun Leavey of its south-east region writes:

"The newly announced OFS has been a disappointment and militates against those who have been farming in an environmentally friendly way. Participants in Countryside Stewardship schemes and the ESA are treated for the purposes of the OFS as having unimproved land and so only qualify for the lower rate of grant. My phone has been red hot with complaints about this! In addition, there are unrealistic restrictions on the number of sheep out at keep (from other farms) that can be run on a farm participating in the scheme. Many complainants point out that they would have got a better deal under the old Organic Aid Scheme but were advised by MAFF staff to wait for the new scheme—they suspect (however unfairly) that this was MAFF's way of saving money."

I know that the Government are committed to organic farming so I hope that the Minister can deal with that point.

Sir Geoffrey Johnson Smith (Wealden): I am glad that the hon. Gentleman has secured this debate. Having been a co-opted member of the East Sussex NFU for a great many years, I agree with all his points. He has not exaggerated and I am delighted to be associated with him this evening.

Mr. Baker: I am grateful for those comments. Understandably, I agree entirely with my next-door neighbour.

There is great worry among local farmers about what genetically modified crops mean for them. I had a meeting with farmers at which that view was put forcefully. They do not want to be left standing in the middle when the music stops, as happened with BSE. They regard GM crops not as a future saviour, as Monsanto would have us believe, but as a threat, problem and nuisance. That is not to say that there are no potential benefits, but farmers have significant worries, including the liability issue. I hope that the Minister takes that on board.

The overarching problem is the strong pound, which disadvantages exports from the farming community, exacerbated by the crisis in the far east and Russia and the collapse of some of our export markets. I hope that the Minister will be able to answer my specific questions and that he will write to me in reply to those that he cannot answer tonight. The Government are trying to do their best for farmers in East Sussex and elsewhere, but there are significant problems that require the Government to move up a step in gear.

10.15 pm

The Minister of State, Ministry of Agriculture, Fisheries and Food (Mr. Jeff Rooker): I shall do my best to respond to the questions put by the hon. Member for Lewes (Mr. Baker). I do not criticise him, because I greatly respect his activity and performances in the House, but he did not raise many specific issues in relation to East Sussex that I can address. He made many general points. He is a vociferous questioner of the Government—and that is quite right; I was too at one time. However, from my point of view, it means that, as the issues that he raised are less predictable, I cannot give him such a considered response from the Dispatch Box. I have come to the Chamber armed with briefings galore because I did not know, from such a general title, exactly which issues he intended to raise in the debate. I do not expect to

have anticipated all the questions—that might not be appropriate. However, if there are specific issues, it is much easier, and it is better for those constituents whom an hon. Member represents, to give a considered response.

Perhaps the hon. Member for Lewes could have phoned to say that he intended to refer to the viability of farming. It is no criticism, but he has asked me about 12 subject areas—all of which are general to farming, food and agriculture, and all of which are important. However, none of them is actually specific to East Sussex, so I cannot home in on the specific matters that affect the hon. Gentleman's constituency.

Sir Geoffrey Johnson Smith: In justice and fairness to the hon. Member for Lewes (Mr. Baker), he emphasised the increased regulatory costs that bear heavily on farmers in an area that is not prosperous in terms of the soil or the land that is farmed. Part of the land is designated as an area of outstanding natural beauty, which is a difficult problem for the farmers. The dairy industry suffers strongly from the attack that has been made on its relationship with Milk Marque, which the hon. Gentleman mentioned. Those matters are specific to the area.

Mr. Rooker: I could not say—by any stretch of the imagination—that East Sussex was not affected. However, the difficulty that I face is how we can offer advice and information on issues that are specific to East Sussex.

One of the first points mentioned by the hon. Member for Lewes was the decline in the labour force in East Sussex. Our records show that in 1993, 6,223 people in the total labour force worked in agriculture and that in 1997, that number was down to 5,588—a decline from 1.5 per cent. to 1.4 per cent. of the total in England

There is no doubt that the right hon. Member for Wealden (Sir G. Johnson Smith) and the hon. Member for Lewes represent an incredibly lovely part of the country. Much of it is designated as an area of outstanding natural beauty; of the 47 miles of coastline, a six-mile stretch is designated as heritage coast.

In relation to the make-up of the agricultural sector, there are more than 100,000 hectares of agricultural land—most of which is grassland. Crops take up 35,000 hectares; of those, 22,000 hectares are cereals, with the rest being split between oilseed rape, linseed and horticulture. Horticulture is quite small—potatoes are grown on only 185 hectares. Potatoes happen to be one of the successes at present; even with the strong pound, we are able to export them. The dairy herd in East Sussex is estimated to be about 16,000, but has gone down by a third over the past 10 years. The beef herd is 9,000; that has gone up by 80 per cent. during the past 10 years. The number of lambs and ewes is down slightly. Pig numbers have also suffered; they are down by 53 per cent. during the past 10 years. There are 660,000 poultry; that number has fallen by nearly 40 per cent. over the past 10 years. There are about 2,200 holdings in East Sussex, the largest number of which—800—are in cattle and sheep; 240 holdings are given over exclusively to cereals. Farm size is somewhat smaller than the UK average, with 1,700 holdings of less than 50 hectares. From those statistics, it can be seen that certain issues relating to East Sussex might naturally arise.

The hon. Member for Lewes mentioned the difference between farmgate prices and supermarket prices. I have heard similar remarks, justifying the practice and otherwise, from hon. Members on both sides of the House over the past 18 months and I suspect that there is more than a grain of truth in their comments. The hon. Gentleman has made certain suggestions and the Government are happy to receive suggestions, because we always want to do better.

The hon. Gentleman does not blame the Government for the beef ban and I am grateful for that; however, it is our job to get it lifted. We have made a modest start with the certified herd scheme in Northern Ireland, but the key is to get the date-based scheme accepted. The Commission inspectors came over in April, only three weeks ago, to carry out a full inspection of our facilities and system for operating a fairly complicated scheme. We await their report, and we have a verbal promise that it will come in 20 working days, which means that the report is imminent.

We are confident that we can satisfy the requirements of a date-based export scheme and we cannot wait to get the scheme in operation, so that the market, our farmers and the meat industry can start to export again. I hope that that will happen in the near future. If the Commission inspectors raise any matters, they will be addressed immediately, but we are quite confident that we shall be able to operate the scheme soon. As hon. Members will have seen in the press last week, there has been a slight hiccup—a technical difficulty with the Northern Ireland scheme. However, that issue would not arise under the date-based scheme, so there should be no knock-on effect.

The hon. Gentleman asked about the beef-on-the-bone ban, as he is entitled to do. I give him the same answer as I have given everyone else: we await the further inquiry and assessment of the chief medical officer, because we would be stupid not to act according to medical advice. As the hon. Gentleman said, the meat is safe; we have no evidence that there is any infectivity in the meat and we never have had such evidence, but that is not the issue with beef on the bone. The issue in that respect is the nervous tissue and dorsal root ganglia that remain after cooking, either on the bone or in the juices.

People have died, people are dying and, regrettably, more people will die, of new-variant CJD. There is a full-scale public inquiry going on, so I cannot comment further. We want both bans lifted as quickly as possible and we shall not hesitate to act, once we have received advice from the chief medical officer.

As I have hinted before, the over-30-months scheme ensures that no meat from cattle over 30 months goes into the human food chain, so the only possible route of transmission of BSE is maternal transmission. It takes nine months to produce a calf, and 39 months from August 1996—the date line for the feed ban—are up in November this year. It is easy to see that, after that date, there should be no possibility of risk from maternal transmission. As the scientists predicted, the reduction in the incidence of BSE has been dramatic because of the successful operation of the feed ban. The House will return to the issue again in the near future.

I apologise for being somewhat distracted at the start of the hon. Gentleman's remarks about British beef, but I shall certainly look into the matter and write to him. There should be no difficulty in anyone supplying British beef—

[Mr. Rooker]

I do not agree with his arguments about people not being able to do one thing or another. The fact is that we have got the beef-labelling scheme going on a voluntary basis, and the last time I checked, 83 accredited organisations were operating the beef-labelling scheme. If someone wants to market or purchase beef under the beef-labelling scheme, which we encourage, there should be no difficulty. The claims made on the label are subject to independent verification, but there should be no argument about sourcing British beef for people in this country.

The consumption of British beef is increasing in this country. Since the beef-on-the-bone ban was introduced, consumption has increased from about 70 to almost 80 per cent. There should be no problems in that regard, but I shall consider the point raised by the hon. Gentleman and respond to him in writing.

Meat hygiene charges are a fairly hot issue, and I remind the hon. Gentleman that we will have Ministry of Agriculture, Fisheries and Food questions in a couple of days. We have promised to examine the specified risk material controls for another year and we have had another quick look at the ordinary Meat Hygiene Service charges. Some people have complained about the seven days of consultation. Let's face it: everyone has known for months that this issue must be considered annually. We want to take another quick look before we introduce the charges and we cannot do that retrospectively. MAFF is carrying the costs—some £300,000—at present, and we want to be fair.

Charging on the basis of throughput is a seductive idea. However, we are required to ensure that we collect the cost of operating the service. We can do that through the introduction of an hourly charge, but it would be very unfair to small abattoirs. Some 80 per cent. of cattle are slaughtered in 20 per cent. of this country's slaughterhouses: it is an unbalanced industry. There are a few huge slaughterhouses and big factories, and many very small slaughterhouses. Charging on the basis of throughput would be unfair to the big slaughterhouses which have made big investments, and charging via an hourly rate could be very expensive and would be unfair to the small producers. We are trying to find a third way—if I may put it like that—that is also consistent with our European Union obligations.

We have no plans to close small abattoirs. As I revealed in a recent debate, 600 small abattoirs have closed in the past 18 years, leaving about 350. Those closures were due not to policy, but to changes in the market.

The milk marketing inquiry is a matter for my right hon. Friend the Secretary of State for Trade and Industry. However, MAFF wants farmers and food producers to have greater control over the added value in the food chain. We are seeking co-operative and collaborative marketing. In that respect, this country is a failure compared with other countries where the producers have more control. Milk Marque—which is a big interest—is up, because of its operation, before the competitive authorities. I cannot comment on the details of that case, but we intend to push the industry down that path so that it acquires a greater share of the added value. It is not fair that a large share of the added value should go to non-producers.

I am not aware of the NFU's criticisms of our organic farming scheme. We have doubled assistance for organic farming and we wish to encourage it. It is easy for people to claim that we have not done enough and that we do not like organic farming, but the bottom line is that we have doubled the amount of taxpayers' money that we are spending to encourage farmers to convert to organic methods. We will subsidise not production, but the conversion to organic farming. As a matter of active policy, we have doubled the—albeit modest—MAFF research budget. My right hon. Friend the present Minister for the Cabinet Office made that announcement 18 months ago, and it was his second biggest priority after getting the beef ban lifted.

Of course, the assistance will never be enough. The scheme is so successful that MAFF's offices were inundated with inquiries last summer. We did not give false advice because we wanted to mislead farmers. Those who were thinking of converting under the old scheme instead of waiting for the new scheme received fair advice; we did not intend to put them at a disadvantage.

I agree entirely with the hon. Gentleman's comments about welfare-friendly produce. I wish that British people would pay more attention to this subject. The more effort we can put into marketing welfare-friendly produce, the better. We will offer all the support we can to ensure that the rules do not operate against British producers, and we will certainly follow up the promises that the supermarkets made last November regarding the pig industry.

I regret that I have not been able to cover all the points raised by the hon. Gentleman. These are important issues both for the hon. Gentleman and for other hon. Members who represent that part of the world, and I will do my best to write to the hon. Gentleman about any matters to which I have failed to respond tonight.

Question put and agreed to.

Adjourned accordingly at twenty-nine minutes past Ten o'clock.

House of Commons

Wednesday 19 May 1999

The House met at half-past Nine o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

British Child Migrants

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Kevin Hughes.]*

9.33 am

Mr. David Hinchliffe (Wakefield): I begin by expressing my gratitude to you, Madam Speaker, that we are holding this debate on the report of the Select Committee on Health. In 1992, in your House, you hosted a function for the international board of the Rugby Football League at which I met Tilly Brasch from Queensland, Australia, who is the wife of an Australian rugby league official. She told me the tale of the British child migrants—about which I had previously heard nothing. Subsequently, I became involved with that issue and, on several occasions, was moved to press the Government about my concerns.

I express my profound thanks to Mrs. Margaret Humphreys who wrote the book "Empty Cradles"—now a bestseller—about her fight to uncover what she described as Britain's most shameful secret. The book is about the history of child migration and how Mrs. Humphreys came across it through her work as a social worker with Nottinghamshire county council. I express my gratitude to her and to the Child Migrants Trust which she formed and which has done a tremendous amount of work to bring the issue to light. It is also appropriate to record the Health Committee's thanks to Nottinghamshire county council for its work in supporting the trust financially and in other ways over several years.

I am grateful to the all-party parliamentary group on child migrants, some of whose members are in the Chamber today. I hope that they will catch your eye, Madam Speaker, as I know that they want to speak about their work. I sincerely thank my colleagues on the Health Committee for the support that they have given me during our inquiry, especially those Members who went to Australia and New Zealand for what was an extremely traumatic couple of weeks taking evidence. It would be wrong of me not to thank the staff of the Health Committee. Although I should not single out individuals, I especially want to thank Second Clerk John Whatley for his valiant work in helping the Committee to draw up the report, and Committee Assistant Frank McShane for his support in organising the visit to Australia and New Zealand.

I thank all the former child migrants who participated in the inquiry. I shall mention some of them later in my remarks. I thank the Canadian representatives of the Ellen Foundation Inc. and Home Children Canada, who came to the United Kingdom at their own expense to give evidence to the Committee. I sincerely thank the high commission and consular staff in Auckland, Wellington, Melbourne, Canberra and Perth for their efforts on behalf of the Committee and for the help that they have given to the former migrants. It is appropriate to give special thanks to the consul-general in Melbourne, Peter Innes, and his wife Robbie, for allowing their home to be used for two days while we took evidence from the former migrants. I also thank Ministers, politicians and officials in New Zealand and Australia for their co-operation.

Finally, I thank the British Government. Although there will be critical comment today, I realise that the Government's response to the Health Committee report has, in general, been extremely positive. That is appreciated by all those who are concerned about this issue.

I will say a little about the background to our report, but whatever we say in the debate will fail to do justice to the issue. All those who know about child migration will accept that point. I apologise to those affected by child migration for the fact that we will not be able to do justice to what they all went through. The debate is about one of the most shameful secrets of Britain's recent past. It is about the deportation, in effect, of thousands of vulnerable children and young people from our care system. It is about this country washing its hands of responsibility for its own citizens, who, in many instances, had the most appalling experiences as a direct consequence.

To illustrate that point, I refer to an answer that I received from the previous Prime Minister, the right hon. Member for Huntingdon (Mr. Major). I have always regarded the right hon. Gentleman as basically a decent human being, despite our differences. In answer to my question on child migration, he said:

"Any concern about the treatment of the children in another country is essentially a matter for the authorities in that country."—[*Official Report*, 2 November 1993; Vol. 231, c. 147.]

Those were British children, placed by British agencies and local authorities in a scheme authorised and encouraged by successive British Governments. Those children were, and still are, our responsibility.

The debate is about a top-level cover-up of the results of policies pursued by British Governments of different political persuasions. It is about the suppression of the scandalous consequences of a bizarre scheme that had clear undertones of racism and physical and sexual exploitation. Most important, the debate is about what we can do now to help those whose lives were affected and, in many instances, ruined by the child migration schemes.

I will touch on several of the key points of our report. Most hon. Members will be aware that, from 1618 to 1967, about 150,000 children were sent from the care system to various parts of the former Commonwealth. After the second world war, 10,000 children were sent to New Zealand and Australia. Most, if not all, of us here today could have been eligible to be one of those children. This week, I checked in the House of Commons Library to find the average age of Members of Parliament; somewhat surprising, but refreshing, was the discovery that I am one of the younger Members, the average age being 51.1 years. Therefore, given that the child migrant scheme ran until 1967, the majority of serving Members of Parliament could have been eligible for it and might have been sent abroad. We are talking not about ancient history, but about events that occurred within our own lifetime.

[Mr. David Hinchliffe]

The scheme was ostensibly designed to enable children to have better lives, and I concede that we met some people in New Zealand and Australia who said that they had probably gained from the scheme, even though all of them were aware of how badly organised it was and how questionable were the motives underpinning it from the word go. In my view and that of the Committee, the real motivation for the child migration schemes was often to obtain cheap labour and, in Australia, to increase what was described as "good white stock"—a racist motivation to which our report refers.

The reality for significant numbers of the children involved was separation from their siblings: we heard tale after tale of brother being separated from sister, never to see each other again after arrival, especially in Australia. The reality was years of suffering, degradation and denial of the fact that most of the children had natural parents and families still living. For the natural parents, who were often persuaded to part with their offspring on the pretext that they would be adopted in good circumstances in Britain, the reality was years of lies and deceit.

Our report opens with a quote from the chief executive of Barnardo's, and it is worth repeating:

"It was barbaric; it was dreadful. We look back on it in our organisation with shock and horror."

I believe that his remarks are honest expressions of sincere regret that reflect the views of an organisation for which I have the greatest respect. Barnardo's is genuinely trying to face up to its past practices, but, sadly, not all the organisations and Churches involved in the child migrant schemes share that profound regret. Some are still anxious to avoid their responsibility and to obstruct the right of former migrants to know the truth about themselves.

One witness felt that the consequences of the schemes had been overdramatised by television—the term he used was "sensationalised". He referred particularly to a television drama-documentary called "The Leaving of Liverpool", which some hon. Members will have seen. That programme showed a child being torn from his mother by a nun and put on to a train at Liverpool station. We met that child, now grown up and living in New Zealand, after having been sent to Australia by the system. We spoke to him and he told us that those events had not been sensationalised, but that they actually happened. He described his memories of having been placed in care by his mother, who could not afford to keep him; she had to go out to work, so she placed him in a Catholic institution. She found out that her son was, in effect, to be deported and he has a vivid memory of, as a youngster, seeing his mother wrestling with that nun at Liverpool station. All those things happened; we must face up to that and do something about it.

Most of the report's recommendations have been addressed in the Government's response, and I welcome the fact that the Government have responded so positively to an extremely difficult issue which has not been satisfactorily addressed by previous Governments. However, I want to press my hon. Friend the Minister on certain specific concerns relating to the Government's response.

I am concerned about the continued failure properly to resource the Child Migrants Trust—the agency which, in the Committee's view, is carrying out the most important work of rehabilitating former migrants in their natural families, counselling them and supporting them. The increase of £130,000 on last year's grant, which was £20,000, is welcome, but the actual increase is only £70,000. That is because although Nottinghamshire county council has supported the trust with Nottinghamshire taxpayers' money, it has now reduced its grant to the trust. It is commendable of the council to have supported the CMT so positively, but perfectly reasonable for it to have reduced its grant now, because Nottinghamshire has no responsibility whatever in this matter.

The result is that the overall funding increase is nowhere near as large as the Government anticipated, or anywhere near the £500,000 annual revenue costs that the CMT needs to meet the demands placed on it. I do not know how its staff have continued their work through the years—their dedication, passion and commitment to dealing with this awful issue should be recognised, as should their need for proper support.

The other issue about which the CMT and others are concerned is the imbalance between the resourcing of the family research element of their work and the travel fund. It has been put to me that the cart has been put before the horse: there is no point having a travel fund unless people are found and rehabilitation with natural families is possible. I am not arguing about the sum available for the travel fund, although I think it is insufficient, but the imbalance between that money and the sums given for research must be redressed and more money made available for research. The CMT is desperately frustrated by having insufficient resources to make the links between people. Many former migrants have parents who are still living, and every day is crucial in making the links between them and enabling former migrants to return to Britain and meet their natural families.

There has been criticism of the travel fund, especially from the International Association of Former Child Migrants and their Families, saying that £1 million is inadequate. The Minister has told me that about 300 applications have already been made to the fund, which shows the extent of people's interest in making use of it. There is also concern that the issue will not go away in three years—it will continue for some time to come. Many of the migrants in Canada have grown old and died, but many of those sent to Australia and New Zealand are younger, being of an age similar to or less than that of hon. Members present here today. The adequacy of the sum in the travel fund is questionable.

The organisation of, and practical arrangements pertaining to, the travel fund remain unclear, so I hope the Minister will give some clarification on that point. In addition, the criteria for eligibility need to be examined within the context of the problems being encountered. The issue is a completely new one—we have never had to deal with anything like it before and I hope we never have to do so again, so we are in unknown territory.

There is concern that funds are available only for a first visit. Some people who would have been eligible for travel funding had already spent their entire savings on coming over to this country before the fund was established. Having visited once and perhaps found a member of their family, surely they deserve help to come again? Do we not have an obligation to give them that help? There is also concern about funding being restricted to visits to close family only. Some people do not fit into those criteria, because their natural parents and siblings

are dead and their only living relative falls outside the definition of "close family". For goodness sake, that relative is as important as a mother or father to those people and we should recognise that. Finally, there are concerns, of which I know my hon. Friend the Minister is aware, about the operation of the means test. No doubt, he will respond to those concerns.

An issue to which the Government did not respond, but where their response might be helpful, was the Committee's proposal that there should be an international conference. Because so many countries and agencies were involved in the scheme over the years, people have tended to blame each other and pass the buck, saying that it is not their responsibility, but someone else's. To be frank, it is entirely our responsibility—a collective effort landed us in this mess. That is why we, as a Committee, felt strongly that an international conference might be able to resolve many of the inter-country issues.

One good example of such an issue, which was raised with me by former migrants in New Zealand, is the concern about International Social Service, which is responsible for the travel fund, having subcontracted the travel fund in New Zealand to the New Zealand Department of Social Welfare—a receiving agency. That contradicts the Select Committee's recommendations. We recognise that the migrants have no confidence in dealing with any of the agencies that placed or received them, so they will not access a travel fund operated by an agency that was involved in this devious scheme.

This is a tragic affair. It has been a traumatic experience for all those involved in the inquiry and I pay tribute to my colleagues for the courage that they have displayed. I place on record what an honour it has been to meet so many former migrants. We saw their tears, and were impressed by their incredible sense of humour—despite the many problems that they have experienced—and their immense courage in the face of appalling adversity.

I have one recollection of a former migrant's sense of humour—I cannot do the Aussie accent, which ruins my story somewhat. At a public hearing with migrants—I think it was in Perth, but we had many such sessions—a guy got up and said something like, "For 50 years I thought I was an orphan, but I was delighted to discover recently that I am actually a bastard." He made a very important point, which all Committee members will understand.

For an example of real courage, I refer hon. Members to the testimony of John Hennessey, the first witness to appear before the Committee. He travelled from Australia to give evidence in the Grand Committee Room. John has a terrible stammer, acquired as a result of the beatings that he received from the Christian Brothers. His courage at that first session was an example to us all, and I will not forget it for as long as I live.

For me, there was no better conclusion to the inquiry than the discovery that the Child Migrants Trust had found Mr. Hennessey's elderly mother, alive—although not particularly well—at 87. She lives in this country and John was reunited with her two months ago. He had last seen her when he was two and he was sent away at age 10. He did not know that his mother was alive and he knew nothing about his background.

I will never forget taking John to meet the Prime Minister at Downing Street—I pay tribute to my right hon. Friend for finding the time to see us. The Prime Minister arranged for John to be shown around No. 10. Hon. Members who have been to Downing street will know that there are stairs with photographs of previous Prime Ministers along the wall. John identified Clement Attlee, who was Prime Minister when he was deported to Australia. He said something like, "Hello, Prime Minister, I'm back; it's taken 50 years, but I'm back." I pay tribute to John and to all his fine colleagues who have shown so much courage.

I end with a final plea. We must learn the lessons of this episode and it must never be repeated. I am afraid that, in years to come, people will look back on present events and ask, "Why did that happen?" I remember travelling to Romania shortly after the revolution in the early 1990s when there was a lot of pressure to adopt Romanian orphans. I visited an orphanage where I asked how many of the little kids piled on top of me were orphans. I was told that 99 per cent. of the children up for adoption overseas had parents or families. I believe that we should have tried to reunite those children with their families and assist their parents in caring for them.

I do not want to make a political point, but, not long after our report was produced last summer, the former Prime Minister, Baroness Thatcher, said in a speech that we should place the children of one-parent families in the care of religious organisations. That is exactly what happened under the child migrant scheme: children were sent to those sorts of organisations and we all know what happened to them. The Select Committee sent a letter and a copy of our report to Baroness Thatcher, but we never received a reply—just like the migrants never received replies to their questions over many years. They want to know who they are, what went on, why it happened and what went wrong. I think they deserve those answers today.

9.55 am

Dr. Peter Brand (Isle of Wight): It is a tremendous privilege to follow the hon. Member for Wakefield (Mr. Hinchliffe), the Chairman of the Health Select Committee, in this debate. I endorse all of the tributes that he paid to the long list of people who have been concerned about this matter. I also thank the hon. Gentleman for the way in which he has handled this sensitive issue.

What emerged most strongly from the Select Committee's investigations was the fact that this was an institutionalised use of institutions: it was a case of the establishment trying to deal with a problem. Committee members viewed many historical documents and the notepaper was always headed with long lists of names of the great and the good who were trying to do what they thought was best for the children, for the empire, and for the race that they wanted to perpetuate across the globe. It is chilling how national and local governments, the Churches and the charities conspired to forget the needs of the children.

Many people probably had the best intentions: they assumed that the children would be better off. They probably believed much of their own propaganda that they fed to badly off parents and to the children. However, the evidence revealed that the ends did not justify the means. The awful deception, the lies and the economic pressures made it almost impossible for parents—especially single parents—to keep their children. We have heard about the bullying and the trading of children as chattels in order to

[Dr. Peter Brand]

maintain the viability of institutions, especially towards the end of the regime. A most shameful element of the scheme is the way in which children were abandoned at age 16 because the institutions no longer received any income for them. Many people are stateless because they were abandoned at 16 and never received the paperwork that would have allowed them to acquire citizenship of either their adopted country or the country in which they were born.

The hon. Member for Wakefield detailed the Committee's recommendations and the Government's response. I endorse his comments in welcoming the positive aspects and in attempting to strengthen those areas where the Government could have gone a little further. I wish to spend a few minutes considering the lessons that we should learn from this investigation. Children are still placed many miles away from the communities from which they come. The Utting report had little to do with north Wales per se because it revealed that most of the children involved came from communities many miles away and that social services supervision was not as good as it should have been—just as it was not good in Australia, New Zealand or Canada. I share the concerns expressed about inter-country adoption. It is beholden on us to try to keep children with their families.

What is happening with our present social services system? Social services departments are so stretched for money that they tend to concentrate on their statutory responsibilities. In most parts of the country, the child protection teams—or the crisis intervention teams—are well resourced and work effectively. However, that success has been achieved at the expense of the child support and, more especially, the family support aspects of social services work. Social services has become an enforcement arm when there are accusations of child abuse. It is rare that such families are supported by their own advocate, such as their social worker, who will guide them through a difficult, complicated and often inevitable set of consequences that is almost Kafkaesque.

I still meet single parents who cannot afford to look after their children, and the recent change in benefit regulations certainly does not send out the right message. We need a structure in which parents who are accused of neglect or child abuse have the opportunity to get high-quality legal aid to make sure that they are aware of the grinding process that will inevitably take their child away from them. We seem to have a strange system in which parents cannot have their children back unless they admit that they have abused them, even if they genuinely believe that they have not abused them. Professionals, whether in social work or medicine, are not always right. I am aware of cases in which mistakes have been made with dire consequences, not only for the children but for the parents.

The debate is extraordinarily valuable and timely because we are witnessing a redetermination of access to the courts and to legal aid. There ought to be a system of checks and balances. The child migrants story demonstrates that we cannot, even now, rely on the establishment or on the professionals to protect children and their families. We cannot rely on the court system, as it is currently accessible, for that protection. There are too many delays, courts are too busy, and legal advice is not readily available and not always of sufficient quality.

I urge the Minister to review the working of the Children Act 1989 on compulsory removal of children from their homes, so that we can put as much effort into keeping families together—whether they have one or two parents—as we do, at present, into purely protecting children irrespective of what would be the right course of action.

10.3 am

Audrey Wise (Preston): When the Health Committee went to Australia and New Zealand, we were told, "You will meet only the hard cases, not the success stories." During our visit, I was struck by the fact that that was totally untrue. We were not meeting the hardest cases because many of them were in psychiatric wards or dead. We met relatives of some of those people, but many were completely unknown even to other witnesses whom we met.

We met people who felt that they had survived pretty well, but I was struck also by the fact that even those who were not physically abused or cruelly treated were extraordinarily critical of the system because they all suffered the trauma of separation, lack of knowledge and destruction of identity. That is true even of those who managed to reach good positions. They came to talk to us, so we certainly acquired good knowledge of what had happened, even though we did not meet people in the worst cases.

We were also told, "That is all in the past. You should be concentrating on the present." I became more and more aware that the past is never past; it is the present for those who have survived those events and for their relatives in this country. If we do not learn the lessons of past events, we will not make a proper contribution to improving the present.

A Conservative member of the Committee and I discovered, when we returned to Britain, that we each had a member of our local party who had narrowly and accidentally escaped being a child migrant. They realised that when we published our report and they found out what would have happened if, for example, they had not been unwell on the day and had been put on the ship. As well as not being entirely past, those events are also very near to us.

We were told also to be careful about making judgments because there was a "different social climate" at the time. That expression was used in the first memorandum given to the Committee by the Department of Health, so that idea was prevalent even in the Department. I am pleased that its attitude seems to have shifted during, and, in my view, because of our inquiry. When we met the Secretary of State, his attitude was very different from the Department's original view. Child migration went on until the late 1960s, and the Secretary of State told us that he was now chilled by the belated knowledge that it was happening when he was watching the world cup in 1966 and he did not even know about it.

That dark secrecy that has shrouded the consequences of child migration is another significant aspect of the issue. Some people knew about those consequences. Officialdom in this country knew about them as long ago as 1875, when a report said that child migrants were being

mistreated and used as cheap labour. Those who did not know were the people who would be most intimately affected: the families to whom child migration would apply. As my hon. Friend the Member for Wakefield (Mr. Hinchliffe), the Chairman of the Select Committee, has already said, those children could have been many of us here today. Our families managed to escape that fate, but it could have happened to us.

We are not discussing a dim and distant time about which we can say, "Wasn't it awful then?" These events occurred in the very recent past when many of us were politically active. The Secretary of State was politically active in 1966 and he knew nothing about them. I was a mother and I had been politically active for many years as a councillor, but I knew nothing about what was happening. Some people knew, and kept it secret.

Why did those events occur? I do not want to impute too many motives, but one point that clearly emerged in evidence was that, for some voluntary organisations, child migration was a means of getting income; for others, it was a means of cutting costs. We are lucky that there was such resistance to the policy within professional social work and local authorities that few children in the care of local authorities migrated. Most of the child migrants were in the care of voluntary organisations.

The evidence to the Committee made it clear that, at the time, the Government were putting pressure on local authorities and children's officers to send children abroad because it would be cheaper than caring for them here. Those professionals were tackling issues involving human considerations and being told that the existing policy was too expensive and there were cheaper policies. I do not know whether the term "cost-effectiveness" was used then, but that term rang in my head as one which would be used now. That confirmed my deep suspicion of policies that are primarily driven by the wish to cut costs.

The question of secrecy is also very much in the present, and I welcome the Government's response to the index and the data and the understanding of their importance that was shown. Although the Chairman of the Committee quoted the striking repudiation of his organisation's policies by the Barnardo's witness, which we were pleased to hear, other witnesses did not always share his view. Some attempted to defend what happened, and the standards of the time were rolled in again. I was a mother when this happened—it might have happened to me or to my kids if I had been a single parent.

Our inquiry took place around the time when there was controversy about single parents. I was pleased about the attitude that I took towards single parents, because we also heard about the insufferable moralising that took place. Women who were unmarried single parents were told to put their babies in the orphanage, forget about them and be good girls in future. Those whose marriages broke up had to struggle financially because there was no state support. I am glad that I support state benefits for single parents and for low-paid people in general. That is another respect in which the past is certainly in the present.

What we discovered was utterly harrowing and our report is explicit—much more explicit in its language and descriptions than any Select Committee report I have seen. We discussed that earnestly, because we were not sure whether it was proper to say some of the things that we said in an official report, but we decided that it was absolutely proper and that we should not contribute to a veil being drawn over the matter. Despite that, the report cannot provide the full flavour of what we learned.

The Chairman of the Committee has said that the experience was traumatic, and I do not know how the Child Migrants Trust has managed to endure dealing with this issue for so long. We found it traumatic to talk to the victims and survivors for only a couple of weeks, but the CMT has been talking to them for years and years. The experience showed us what happens when power is abused, although several other concepts, such as secrecy, are involved.

Awful things are happening in the world, frequently around a war situation. People are demonised—one race against another, one colour against another—and made to seem less than human. The most chilling aspect was that hearing about this process was like hearing about war crimes without the war and without even the shallow justification that people were being misled in the heat of the moment. The process was very cold and involved children and people like us, which was the most chilling realisation. That means that we have special responsibility.

I was pleased, but not ecstatic, about the Government's response, which was a good start. I welcome the setting up of the £1 million fund, but we should not put a top limit on it. Taxpayers' money was used to subsidise the process, and I want taxpayers' money to be used to try to do something to rescue some of the survivors' lives. I do not believe that it is appropriate for the Government to say that there is £1 million and that is it. There is £1 million for the moment, but we should not have a top limit because there was no top limit on the suffering of those kids.

We should look again at the social security issue. The worst aspect is that the people involved are frequently deprived of entitlement, when they come here, on the ground that they do not pass the habitual residence test. Whose fault is that? They were forcibly deported. They wanted to stay here, and it is not their fault if they have not lived in this country—it is the fault of successive Governments and agencies and to compound the crimes that were committed by saying that people are being deprived because they did not live here is the most profound insult.

I hope that the Government's response, welcome though it is, is not their last word. If it is, the case will not have been sufficiently met. If it is their first word and their first attempt to remedy the matter, it is a good first word. I hope that my hon. Friend the Minister, who was not in post at the time, will study the evidence that we took and our report to try to get the flavour of what we learned.

I also hope that my hon. Friend will then use that knowledge and understanding in considering present policies as a member of the Government and to try to repay those people. There is a difficulty of wording here—we cannot repay them, but we must at least acknowledge properly the awful process that went on in our name and which was cloaked in secrecy. If we do that, we shall be able to say that we have done our best and, although it was not our fault, we are trying to remedy the matter. I hope that the Government will look at it in such a way.

10.17 am

Mr. John Heppell (Nottingham, East): I do not propose to say a great deal. Most of what I wanted to say has already been said very well by my hon. Friends the Members for Wakefield (Mr. Hinchliffe) and for Preston (Audrey Wise), but I think that I have something special to add to the debate.

I was one of the councillors who voted to give money to the Child Migrants Trust back in the mid-80s, but I have to be honest and say that most of the credit for what happened is not mine. It belongs to Margaret Humphreys, the social worker involved, and the then chair of social services, Joan Taylor. We were strapped for money and things were tight, but she persuaded the leader of the council and other councillors that we should be doing something about this matter. We said, "It's not our responsibility, but if it isn't ours, whose is it?" That is the message that I want the Government to take on board.

Someone has to take responsibility for what has happened and take account of this tragedy. I remember my utter disbelief back in the 80s when we heard about the case. We could not believe how recently it had happened and we could not believe the stories, but they were true. At first, it was difficult to grasp what had happened and to think about how some of it could be put right. I congratulate the Committee on making recommendations that will help to put things right. We cannot ever put them right completely, but we can try to help some of the people who have suffered.

Hon. Members have talked about how the issue was shrouded in secrecy. It happened not only because the organisations involved wanted to keep it secret, but because the child migrants themselves wanted to keep it secret because they felt stigmatised. John Hennessey described himself as one of the devil's children, and we could see how their self-esteem had been destroyed by the system, by the Government, by the voluntary organisations and by the way that they had been treated. If nothing else, they deserve to have their self-esteem back.

I make a plea to the Government. I share the concerns of my hon. Friends the Members for Wakefield and for Preston that the £1 million limit may not be sufficient. If it proves to be insufficient and more people apply to the travel fund than there is money for, will the fund be bolstered in the future if that becomes necessary? I am not asking for a guarantee of extra money, just that the matter will be reconsidered if there are problems in the future.

10.20 am

Mr. Jonathan Shaw (Chatham and Aylesford): I should like to add my congratulations to the Select Committee on Health on its report and the way it went about its inquiry. Having spoken to some members of the Committee, I know that they were drained and exhausted and found the many tales harrowing.

I have also spoken to some former child migrants who gave evidence to the Health Committee, and they were pleased with its handling of the issue, its sensitivity and understanding, and the fact that it gave them time. The Committee was determined to go to Australia and New Zealand so that as many as possible of the people who had been treated appallingly could have their say. However, it was symbolic that the former child migrants came to the House of Commons, because the state was ultimately responsible for shipping those children abroad. It was important for them to come back to make their case and to tell their story in the House of Commons.

I should also like to congratulate and acknowledge the work of the Chairman of the Committee, my hon. Friend the Member for Wakefield (Mr. Hinchliffe). He has, for many years, been the driving force in the House of Commons on this issue. As he rightly said, he would not have done anything had it not been for the work of Margaret Humphreys and the Child Migrants Trust.

The report tells what happened to those British children at the hands of their abusers, and leaves nothing to the imagination. Many of those abusers purported to represent God. We should never hold back our condemnation of the treatment of those British children. Part of the responsibility must lay with the state—with the House of Commons.

I am one of three or four former social workers in the Chamber—there are no corduroys—and, like my colleagues, I have had to remove children from their parents. That was carried out with the approval of the courts and partnerships agencies, and for the right reason: to protect children. It is not a pure science. As the hon. Member for Isle of Wight (Dr. Brand) said, we can get it wrong, and that has been proved. But we had authorisation, records and files were kept, and there were hurdles to overcome. Removing a baby from his mother at birth, for whatever reason, is the hardest thing I have ever done. Deciding that a child should not be brought up by his parents and removing him from his mother is the ultimate state intervention. Hurdles must be overcome before that intervention can be made, and that is absolutely right. That is the best we can do, and we must continue to review the process and ensure that we are getting it right.

When the children that I took from their parents grow up they will be able to understand the reasons for that decision. They may not agree with them, but they will be able to read the files and the court records and understand why the decisions were made. We have been following such procedures for a long time—they have improved over the years—including the time when British children were shipped to Australia. People may say that it was different back then, but that is not so. What was afforded to children in Britain did not apply to children who were subject to forced deportation without the permission of their parents, and without birth certificates and passports. Children as young as four were condemned for years to an existence of abuse and fear.

I should like to draw on some remarks made to me by one of the former migrants who came here, Mr. Norman Johnston. As I am the secretary of the parliamentary group, I had the privilege of meeting some of the former migrants and giving them support when they were giving evidence. Like so many others, Mr. Johnston suffered at the hands of the Christian Brothers. One of the brothers attempted to drown him. I asked him why they tried to drown him, and he said that they did not need a reason, because they had carte blanche to do whatever they wanted. There would not have been an inquiry if he had died. The beatings were harsh and frequent. He also told me that if he witnessed a child being beaten or whipped—or whatever form of abuse we care to imagine—there was a sense of relief, because at least it was not happening to him and he was out of the frame for a little while.

Mr. Johnston also said that living in such a climate of fear took away all emotional feelings, which made the children perfect recruits for Nazi officers. They became bereft of all feelings of human suffering. It was a matter of survival. He was taken from the institution to a farm in South Australia, and the passing comment from the person in charge of the institution was, "Next time I see you boy, you'll be in Fremantle jail." As my hon. Friend the Member for Preston (Audrey Wise) said, we have not heard evidence from many of the former migrants who have had a life of alcohol problems and have been led into crime. They did not fit into society.

Mr. Johnston said that there should be an inquiry into the well-being of people who were in those former institutions. Will my hon. Friend the Minister consider that? Perhaps a note could be sent to the Australian Government asking them to hold an inquiry. Mr. Johnston spent two and a half years on a farm working 14 hours a day, seven days a week but earning less than he would if he were unemployed. That was slave labour, as my hon. Friend the Member for Preston said. He even contemplated cutting off his finger to get off the farm. He shared his bathroom with farm animals. He served three tours in Vietnam with the Australian army. The irony was that he was serving the country in which he lived but of which he was not a citizen because he had no birth certificate and no passport.

These people are remarkable because their main preoccupation is not to obtain compensation—and goodness knows they have an overwhelming case—but to allow those who were taken from this country to be reunited with their families, to have some peace and to understand the circumstances in which they left Britain to go to a world of abuse. Without the completion of the picture, many of them have a void in their lives. For the reasons given by all hon. Members who have spoken, we must do everything we can to fill that void.

For many child migrants time is running out. Every day that goes by is another lost opportunity. There are people in Australia who can trace their parents, but it requires a great deal of work, which must be done by the Child Migrants Trust.

Like my hon. Friend the Member for Preston, I hope that this is just the Government's first response. While I welcome their response to the Committee's inquiry, we need to take further steps. We must look at the travel arrangements, and ensure that the trust is adequately funded. A simple apology is not enough; to apologise properly, we must fund the trust properly.

10.30 am

Mr. John Austin (Erith and Thamesmead): I shall be brief, because I know that the chairman of the all-party group wants to speak. I am grateful to the group for bringing this matter to our attention. I also echo what my hon. Friend the Member for Chatham and Aylesford (Mr. Shaw) said about Margaret Humphreys and Joan Taylor, without whom we would not be having this debate.

I must admit that when the Chairman of the Select Committee first suggested that we should conduct an inquiry, I was a little sceptical. I wondered why the matter should be so high on our agenda, given the number of pertinent issues of the day; but the Chairman persuaded the Committee.

Our visit was one of the most traumatic experiences of my life. The Committee contains some very hard cases—former social workers, general practitioners and people who have been in politics and local government for a long time. They are not short of experiences of human misery. However, no one who reads the evidence presented to us—evidence of years of wholesale, systematic, institutionalised abuse—could fail to be deeply moved and shocked by what was done in our name. This House of Commons is responsible for what happened, and has a duty to those British children. As the Committee Chairman said, these are members of our generation.

When I arrived in New Zealand, a man came up to me and asked, "Are you the Member of Parliament for Erith?" I was surprised that anyone in New Zealand had heard of Erith. He said, "You are my mother's MP." For 50 years, that man had thought that he was an orphan; then, having discovered that he had a mother in her eighties living in England, he was reunited with her after all those years. We must provide the Child Migrants Trust with the resources to enable further such reunions to take place. I hope that if the demands on the trust and the travel fund are such that they cannot be satisfied, my hon. Friend the Minister will be prepared to review the position.

This is on-going: it is here and now. My hon. Friend the Member for Dartford (Dr. Stoate) and I spent some time conversing with a young woman who was not a child migrant herself, but who had been placed for adoption in Australia and was the daughter of a child migrant. She wanted to know why her mother had been taken from her own mother, and whether that had influenced her mother's inability to continue to care for her. There was a void in her life, and there were questions that needed answers.

I am pleased that the British Government have issued an apology. Some of the child migrants did not want an apology, but for others it was all-important, as was the fact of the Select Committee's visit. It was the first time that these people had been listened to and that their horror stories had been believed.

All this happened after our Parliament had passed extensive legislation in the 1940s and 1950s, and after we had signed conventions on human rights protecting children. We denied these children those human rights. Let us leave aside the question of sexual and physical abuse; we took away their human rights by removing them from their families.

The hon. Member for Isle of Wight (Dr. Brand) spoke of the lies and deceit, the falsified names and falsified birth certificates. All that makes the trust's job of tracing people and their families that much more difficult. An apology for the deceit is needed, not only from the Government but from the voluntary organisations that were involved. Why will Barnado's not issue an apology? Have its solicitors and insurers told it not to? Why will Fairbridge not own up to its responsibilities? Has it changed the terms of reference in its constitution, and is it now looking after a different group of children?

The state and the voluntary organisations ought to own up. We in the House of Commons have a responsibility to provide the Child Migrants Trust and other organisations with the resources to enable them to ensure that families can be reunited and supported. As my hon. Friend the Member for Preston (Audrey Wise) said, for many time is running out.

10.35 am

Mr. Vernon Coaker (Gedling): I want to pay tribute to a number of people. It is important for us to recognise those who brought about the Select Committee's report and today's debate and enabled us to uncover and publicise this scandal.

I pay particular tribute to my hon. Friend the Member for Wakefield (Mr. Hinchliffe). He helped to uncover the scandal, not just in his capacity as Chairman of the Select Committee but through his work on the issue in the last Parliament. I know of his personal dedication and the efforts that he and his fellow Committee members have made. Their work is a credit to the Select Committee system, and shows how well it can function. We can all be proud of the Committee's report.

It is a source of great pride to all of us from Nottingham, and Nottinghamshire, that we have been at the forefront of the support for efforts to uncover the scandal. We have heard of the work of the Child Migrants Trust, but the trust would not exist without the support of Nottinghamshire county council. It cannot be said too often that that council has worked, and paid, to uncover a national scandal. I also pay tribute to individual members of the council: its leader, Sir Dennis Pettitt, and Joan Taylor.

My hon. Friend the Member for Nottingham, East (Mr. Heppell) was very modest, but he worked hard for many years in Nottinghamshire, as well as in Parliament—supporting the efforts of the all-party group—to bring this about. I also think that Margaret Humphreys should receive an honour for all the work that she has done in uncovering the scandal.

I became involved in the issue as a new Member of Parliament, and became chairman of the all-party group. I have been proud to work with the group in supporting the Select Committee's work. When we hear the stories that we are told, we find them incredible; we cannot believe that such things can happen. My hon. Friends have spoken of the incredulity that they felt. It is impossible to believe that this has taken place—and that it has taken place while we have been doing ordinary things, such as watching television and going shopping. Horrific things have been done to children. They have been taken abroad, split from their families, and lied to; they have been told that their parents were dead, or that they did not want them and had abandoned them—and there was no supervision when they were sent away.

As my hon. Friend the Member for Wakefield said, one of the worst things is that the policy was explicitly said to be about ensuring that good white stock was put into some of our former colonies. That is unbelievable: "good white stock" was being exported in the form of children, and that was officially sanctioned. My hon. Friend the Member for Preston (Mrs. Wise) pointed out that the process has been justified on the grounds that it took place in a different social climate, and in different times. That is ridiculous; it is scandalous; it is rubbish. When has it ever been right to abuse children and take them from their parents? I do not believe that it has ever been right, or that, in any times, it has been thought right to do that to children simply to provide "good white stock" for our former colonies. I say again: in tackling that scandal, the Health Committee report has been a credit to Parliament.

The Government response generally has been good; it is a credit to them. At least they have recognised that there has been a huge problem and a huge scandal. They have not ducked the issue, or tried to hide it away. This morning's debate is a credit to the Government and to Parliament. It is taking place in the full glare of publicity; we are debating and discussing the report.

There are some points that I should like to raise. I ask my hon. Friend the Minister, if he cannot address them in his brief remarks, to look at them afterwards. The Government have set up a travel fund, which started in April, but the procedures for people to access the fund are not yet properly in place, and people are finding it difficult to access it. I therefore ask the Minister to try to speed up that process.

My hon. Friends have mentioned the grant to the Child Migrants Trust. If we bring these people back, which is obviously what we have set out to do, clearly, they will need support and counselling; they will need help when they find their lost relatives. We need to ensure that the trust, which does an immense amount of work, is funded properly to provide that help. The county council will soon start to withdraw the money that it provides to the trust on the basis that it has done it for years and it is a local authority. It is now up to the Government to start to put in that amount of money. I ask the Minister to find out whether more money could be made available.

The database that is being set up is welcome, but there are concerns about the sharing of information. We are going back many years. When people come back to try to find lost relatives, accessing those records will be important. Ensuring that people have easy access to the database is important. The Government will have to take the lead in co-ordinating the agencies and ensuring that all of them provide the necessary information.

I reiterate the point that was made by, I think, my hon. Friend the Member for Preston. An international conference would be important and helpful to everyone. Speed is of the essence. These people are not getting any younger. They need access to their families quickly. The Government need to do everything that they can to act quickly.

We must ensure that such a scandal never happens again. How many times, after reports and debates, and after such scandals emerge, do we say, "It must never happen again"? How many of us can be absolutely sure that, in children's homes and in various families throughout the country, children are not being abused and that all the things that are scandalising us today are not still happening? We must learn the lessons and do all we can to ensure that such things never take place again.

It needs to be stated again that, for all of us who have been involved in the matter, it has been personally traumatic to listen to people's harrowing stories while working with them to restore them to their families and to help them to find their past—but it has also been a privilege. As I often say, when people are in the most terrible adversity, we are inspired by their courage and by the way in which they can face the most desperate circumstances head on. All that those people ask of Parliament is that we show the same courage in ensuring that, at long last, they can meet their lost families, and in supporting them with counselling and with all the other things that will be needed. Let us show that courage.

10.44 am

The Parliamentary Under-Secretary of State for Health (Mr. John Hutton): I congratulate all hon. Members who have spoken in this short debate on their

thoughtful and well-informed comments. The subject has raised some powerful and strong emotions as all of us have a deep concern to ensure the welfare of children, past as well as present. The contributions of my hon. Friends and the hon. Member for Isle of Wight (Dr. Brand) have borne witness to that concern.

I congratulate my hon. Friend the Member for Wakefield (Mr. Hinchliffe) on raising the subject in Parliament. I pay particular tribute to both him and the Select Committee on Health, which he chairs, for its landmark inquiry into the misguided policy of child emigration. It is estimated that, during the period that the policy was in operation, as many as 150,000 children were transported to Canada, Australia and New Zealand, as well as to some former British territories in central and southern Africa.

The largest number of children went to Canada. Child emigration there had more or less ceased by the end of the 1930s, but emigration schemes to New Zealand were still in progress in the post-war years and, as many hon. Members have commented, some emigration occurred to Australia up to the late 1960s. Those schemes have no defenders today.

The greater understanding of these issues that now exists in Parliament and in Government is largely thanks to the work of the Health Committee. As the Committee itself recognised, it was able to draw on valuable research by a number of workers, authors and voluntary groups, not least the Child Migrants Trust.

My hon. Friend the Member for Wakefield will know from the Government's response in December to the Select Committee report that they accept the Committee's adverse judgment of what happened. We deeply regret what happened and the anguish and misery that many child migrants must have experienced. We strongly support the Committee's view that the prevailing mood is to move forward positively and to concentrate on improving support for former child migrants.

We have therefore committed ourselves to action on a number of fronts. We have set up a support fund to help former child migrants who have not previously visited this country to have a first reconciliation with their close families here. My hon. Friend the Member for Wakefield raised a number of concerns about access to the fund, including the definition of "close families." We will look sympathetically at all cases where people seek support, including cases involving grandparents, half-brothers and half-sisters.

We have committed ourselves to financing the scheme to the tune of £1 million over three years. It is now in operation. It is being administered for us by the International Social Service in the UK, which has branches and contacts in Australia, Canada and New Zealand.

We fully accept that it has taken slightly longer than originally anticipated to finalise the financial eligibility criteria that feature in the local application forms for the fund—my hon. Friend the Member for Gedling (Mr. Coaker) referred to that. That was because, although it had been agreed that the same formula for assessing financial eligibility should be applied to everyone concerned, the differences in living conditions and costs between the countries where the child migrants now live had to be recognised and taken into account.

In Australia, for example, considerable research, involving many different state offices, was required before a national mean was identified. The ISS has now authorised its branches in Australia, Canada and New Zealand to send out the application forms. We understand that those have begun to be distributed. As far as I am aware, the scheme is now fully in operation. The application forms are out and we anticipate a response.

There has already been a considerable number of inquiries of ISS branches in those countries, most notably in Australia, where I gather that more than 300 have been received, but there have also been a number of inquiries of ISS contacts in both New Zealand and Canada. Applications will be decided by the ISS in London, to which they will eventually be sent. I hope that we shall soon see the first arrivals in this country under the scheme. Obviously, cases that are urgent, due to the age or health of either the former child migrant or their close relative, will be given priority. Several hon. Members have spoken about the need to prioritise cases. I assure them that that will be done.

The arrangements for running the scheme were foreshadowed in our December reply, where we made it clear that we were in discussion with the ISS over its administration. Since then, after further discussion in the three countries, the role of the ISS has been confirmed and agreed, and the scheme opened formally early in April, as we had intended.

I wish to explain how we have publicised the new arrangements, as concern has been expressed about that. The Government issued a press notice here in the UK which was picked up by many of the media and led to some central inquiries. More importantly, however, we have liaised very closely, through the Foreign Office, with the overseas posts in Canada, Australia and New Zealand to ensure that there has been appropriate publicity in all of the receiving countries. A great deal of effort has gone into this, and I shall detail some of the activity that has taken place to date.

We are keeping all the arrangements under review, as we want the scheme to be properly and effectively publicised. We will make sure that that happens. My hon. Friend the Member for Wakefield raised other questions about the operation of the scheme which I will deal with in a few moments.

In Australia, there was a strong response to the press release issued there. The British high commissioner conducted a number of interviews, both on television and radio, to publicise the fund, and the news was picked up by a number of national and local newspapers. A press release was issued in New Zealand, where the Department of Social Welfare is in any case seeking to notify individually all known former British child migrants about the fund.

My hon. Friend also asked whether £1 million will be sufficient for the support fund over three years. It is hard to be certain what the level of demand will be from those who come within the scope of the scheme—that is, those wishing to have a first reconciliation with their close families here and who, without support from the fund, would not have the means to bring that about.

Our rough estimate is that, over three years, the sum would be sufficient to bring some 450 people to this country. As time passes, we will be monitoring the scheme carefully. My hon. Friend will understand, I hope,

[Mr. John Hutton]

that with the pressures on my Department's programme, I am not able to give any commitment today to increase the funding for the scheme. However, we would, of course, welcome any contribution that any of the other agencies involved in child migration might wish to make.

My hon. Friend has raised the question whether there should be a means test for support fund applicants. I understand very well why he makes that point. However, we have a responsibility to ensure that the fund operates effectively and is targeted on the former child migrants who most need and deserve the support that we are able to provide. I cannot say with any confidence that it would be realistic to expect taxpayers in this or any country to finance visits here by people with the means to pay their own expenses, even with the unhappy legacy of the child migration policies.

As my hon. Friend is aware, the Government responded positively to the Committee's recommendation that a central database should be established as soon as possible, containing basic information that will direct child migrants or their representatives to more detailed sources. This project is now well advanced in the hands of the National Council for Voluntary Child Care Organisations. The sending agencies, which hold most of the detailed records, are, generally speaking, co-operating satisfactorily with this project. The index will be available by the autumn.

Finally, the Government responded positively to the Committee's recommendation for a larger grant to the Child Migrants Trust. My hon. Friend mentioned that we have increased the grant from £20,000 last year to £150,000 in the present year. This is less than the trust requested, but it was a very large increase indeed compared to the grant that it has had from the Department in the past. It is, of course, the case that quite a number of the bodies that we fund would like larger grants than we can afford, but I am very glad that we have been able to make so large an increase in the grant to the Child Migrants Trust.

The first instalment of the grant was paid at the beginning of May. The grant had been on a cycle of quarterly payments starting in May of each year, with subsequent payments being made in August, November and February. If the trust would prefer a different cycle of payments, we should be glad to discuss that with it.

In its report, the Committee made a number of recommendations about the trust's accountability and the audit of its accounts. In the Government's reply, we said that we were in discussion with the trust about those issues and expected a positive outcome. We spent a good deal of time with the trust on these matters, and a small audit team visited it in Nottingham. I am very happy to say that, as we anticipated, there are no outstanding anxieties of that kind. We received the auditor's final report of the financial appraisal on 7 April, and a letter confirming the grant offer and conditions was sent on the same day.

I understand, however, that because of the withdrawal of other funding from the Nottinghamshire county council, the Child Migrants Trust is nevertheless struggling to cope with the demands placed on it and still needs additional funding. A number of my hon. Friends referred to that today. I very much take the point made by my hon. Friend the Member for Wakefield that there has to be an appropriate balance between the money made available to help child migrants to be reunited with their families, and the resources available to help them to trace and make contact with them in the first place, which is the trust's main concern. Clearly, without the tracing, there can be no reunions. That is an important point, and we will consider the suggestions made by my hon. Friend about how we address that.

I should add that my officials have been looking for other sources of funding outside of Government resources which might be available to the trust, and we will be in touch with the trust about this shortly. If this situation cannot be resolved, or there are other problems which the trust would like to discuss further, I shall of course be very happy to meet it.

I should make it quite clear, however, that any adjustments to the funding that the Government have made available for increasing the availability of tracing and counselling services for child migrants and to support reunions must be made within the same overall resources which we have already committed and which we announced in December.

My hon. Friend the Member for Wakefield asked about the contributions being made by the sending agencies. The agencies have already agreed—in addition to providing the information for the new central information index for child migrants—to expand the tracing and counselling services that they offer to meet any increase in demand. This should ensure that child migrants have a choice about where they turn for such help, although I recognise that many child migrants may prefer to conduct their search through an independent agency, such as the Child Migrants Trust.

A number of my hon. Friends asked specific questions to which I shall try to respond. My hon. Friend the Member for Wakefield referred to intercountry adoptions. I remind him that the Adoption (Intercountry Aspects) Bill, sponsored by the hon. Member for Winchester (Mr. Oaten), will allow the UK to ratify the Hague convention and make sure that those adoptions are placed on a sound legal basis in the future, with full and proper safeguards for the children placed at the centre of our concerns.

The hon. Member for Isle of Wight referred to the existing problems with social services in the UK. I should remind him that the Government are determined to improve the quality of children's services. That is why we have introduced our "Quality Protects" programme and why we are supporting it with an additional £375 million of targeted resources to help local authorities improve their children's services. I am confident that the programme will make a significant contribution.

I wish to pay tribute to my hon. Friend the Member for Nottingham, East (Mr. Heppell) for his role in supporting the Child Migrants Trust. I can assure him and the House that the Government take our responsibility seriously. He is right that we cannot rewrite history, but we can try to do the right thing for the former child migrants in the future. That is what we intend to do.

In conclusion, I emphasise the Government's determination to stand by the commitments that we gave in our reply of December last year to the Committee's report. The historic policy of child migration was tragically misguided. We acknowledge that, along with the Governments of the receiving countries, we have an

obligation to do what we can realistically to improve the welfare support of former child migrants who can still be helped. That is involving us in a complex international programme which we shall carry forward and monitor carefully.

I am grateful to all hon. Members today who have made their comments known to us. We have a clear responsibility towards the former child migrants. The Government intend to discharge that responsibility to the best of our ability into the future.

Eurostar Services

10.59 am

Mrs. Gwyneth Dunwoody (Crewe and Nantwich): When the Channel Tunnel Act 1987 was going through the House of Commons, we were told that, because it was a national project with considerable impact on all the regions of the United Kingdom, extremely good services would be provided outside the London area and there would be no concentration on what used to be called the golden triangle of the south-east. That was the basis on which the legislation was accepted and on which Members of Parliament were prepared to support the expenditure of very considerable sums. So far, the taxpayer has paid well in excess of £320 million.

The original company put in a bid that many of us believe, in the light of subsequent circumstances, may have been pitched deliberately too low. The company was subsequently replaced, and none of the regional services are now running. That seems to many of us to be a subject for considerable worry and regret.

The Environment, Transport and Regional Affairs Committee produced a report that examined in detail both the history of the matter and what the House has a right to expect now. We began by saying that we believed that we had been cheated. There have been few signs that the trials and tribulations of the rail service have produced new thinking, imaginative plans or even the suggestion of some services north of Watford that would begin to provide decent regional access.

We said that the Government should make it very clear that they believe not only that the regions have a right to equal access but that that access should be smooth, with a high level of service. We said that we did not think that there were now any significant technical barriers to operating regional Eurostar services on the west coast main line or even on the east coast main line by early 2000.

The regional train sets were almost the ultimate toy for the taxpayer. We now own large numbers of train sets that have never been used; they have been mothballed and it seems to me that they have been treated in such a manner that the taxpayer does not even have an acceptable asset in them.

We believed that the present Government, who took over this mess, were prepared to take urgent and targeted action, but the reality is that there has been no firm decision about regional Eurostar services. We want an immediate response. The Government have said that they will not only ask for plans but use the effective new consultancy to produce some facts and figures for the House.

Some companies have said that they do not accept that regional Eurostar services could not be run efficiently. Virgin has produced a business plan that at least merits careful examination. It may be workable, because of Virgin's marketing skills, which have been shown in other fields, but it should at least be considered. We want to know whether Virgin's proposals are sensible.

What is the attitude to Olympia as a stop? Do the Government accept that one way in which regional services could have been developed would have been to allow access for domestic passengers? The Committee made it clear that we do not underestimate the security

[Mrs. Gwyneth Dunwoody]

problems that would be produced if domestic passengers were able to use a service intended for international use, but other countries have demonstrated that the problems are surmountable, and I see no reason why the ingenuity of the British should not be applied here.

The Committee said that it thought that Watford was very well placed to become an integrated transport hub.

Ms Claire Ward (Watford): Hear, hear.

Mrs. Dunwoody: I am glad to have my hon. Friend's totally unbiased support.

We suggested that the Government's review should consider what benefits and costs would be associated with direct services from Watford and with through services on the west coast main line calling at Watford. However, we said that we thought it unlikely that the plan for development and change to Eurostar services at Heathrow would meet universal support from the passengers. We did not believe that people who had flown in to a very large airport would automatically be prepared to join a rail service at that point for the next stage of their journey to Paris or elsewhere.

The review should consider what additional benefits might be gained by British Airways, which is after all one of the partners in Inter-Capital and Regional Rail Ltd., from the introduction of a Heathrow to Paris service. We do not in any way underestimate the advantages of having other transport companies involved in the planning of rail services, but we would expect the Government to examine the matter in detail and with an honesty that will perhaps make it clear where the real commercial benefits lie and what the effects will be on passenger traffic.

We recommend that the Government consider the possibility of regional Eurostar services having regard to the impact of the second phase of the channel tunnel rail link. The last phase of the link will be difficult and involve considerable costs, as it will be built through parts of London that are extremely congested. It will have to be considered as part of the overall service. One cannot suggest that the channel tunnel rail link should end at a point south of the most important and congested parts of the capital city and still expect it to produce the high quality of rail services that we require.

We also said that we think that the promise of regional services implicit in section 40 of the Channel Tunnel Act 1987 should be the concern of Her Majesty's Government. The House of Commons was given clear and sensible undertakings that we expected to be honoured. It is clear that, without ease of access for the regions, the economic benefits of such a service, which will be largely funded by the taxpayer, will be lost to large sections of the United Kingdom.

It is clear that transport has a direct and immediate impact on economic development, and if the regions are to be deprived of the benefit of something that they have been asked to fund, frankly, the Committee will have been right to say that we have been cheated.

Mr. Peter Snape (West Bromwich, East): I served in Committee on the Channel Tunnel Bill, and we thought that the pledge to run regional Eurostar services was based on the completion of the channel tunnel rail link. Who did my hon. Friend and the Select Committee feel would travel on the trains under the current circumstances?

Mrs. Dunwoody: That is precisely why the careful work done by my hon. Friend and by that Standing Committee needs to be treated seriously by the Government. It was precisely because we were concerned that domestic passengers would not have access but would still have to bear the costs, and that if we were not careful the only region to benefit would be the south-east, that we made our feelings so clear in the report.

Mr. Graham Brady (Altrincham and Sale, West): I represent a constituency not far from the hon. Lady's, and I am all in favour of greater choice and greater access to facilities for the north-west. My concern is about her suggestion that the region is losing out. No doubt the south-east is benefiting, but surely the north-west is not losing out, because the journey times by air are shorter.

Mrs. Dunwoody: The Committee considered that idea carefully, and history shows us that areas that do not keep up with modern transport, or allow people to move freely in and out, lose out on economic development. We all ask about airport development because we know that without good access by air, rail and road, a region's economic development is stunted. It is not totally shut off, but it does not go ahead at the rate or in the way that it should.

I know that many hon. Members want to speak, so I shall finish when I have made one more point. When the Department's representatives were being questioned by the Committee on the annual report last week, they said that they would give us information about what was happening to those train sets that cost us so much.

We were especially concerned because there had been a suggestion that the company intended to let the drivers of the train sets go, and, in view of the real worth of the assets and of what such a move would mean for the future development of an efficient service, we wanted to know how much that would cost.

I have now received from the Department information that the House of Commons has a right to know:

"Eurostar have offered voluntary severance to the 32 regional drivers following consultation with . . . their unions. 12 drivers have accepted the offer, at a cost to Eurostar of £266,000".

That sum must be added to the cost of the original arrangements.

What I find really depressing is what the Department says about depreciation:

"The Regional train sets were accounted for in the fixed assets of Eurostar (UK) Limited at a cost of £174.6 million as at March 1996."

However, they have now depreciated so that their book value went down by £100 million in 1997, and by £45 million in 1998. The letter continues:

"The current book value of the regional train sets",

which cost the taxpayer so much,

"is £45.9 million".

That is a disgrace. The House of Commons was given undertakings, spent the money and demanded the service, yet finished with nothing to show for it. That should not be allowed to continue.

Mr. James Gray (North Wiltshire): Is the hon. Lady not aware that the value of the train sets themselves has

not fallen at all? All that has happened is that, by standard accountancy procedures, their book value has been decreased. Because they have not yet been used, they are of precisely the same real value as they were when we bought them.

Mrs. Dunwoody: The hon. Gentleman can provide as many apologiae pro vita sua as he likes, but the truth is that the House of Commons was sold a nonsensical bill of goods. The House has the right to be indignant and to say that that is not acceptable.

I do not need to wax indignant on behalf of my Committee, because many other Members will do that. I shall simply say that the future of transport and economic development in this country are closely linked. The development of the channel tunnel rail services presents an opportunity to provide not only the taxpayer but the rail traveller with a high-quality service. If that is not taken, either by the Government or by individual Ministers for Transport, we shall all suffer.

I hope that Ministers will be able to tell us today when the report will be ready, what quality of service will be provided, what undertakings the company has given, and how soon the House of Commons can realistically expect to see a company operating the service. The company should be one that does not simply write unrealistic plans that can never be translated into services, but provides for the United Kingdom the level of rail service that we have a right to demand, and which we have paid for over and over again. We should surprise the taxpayer by producing the goods this time. That would be a real development for the future.

11.15 am

Mr. Peter Snape (West Bromwich, East): The House will have heard with interest what my hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody), who chairs the Transport Sub-Committee, has said. Many of the points that she made were valid.

I begin by declaring an interest as a director and chairman of various companies involved with the National Express group, none of which have anything to do with the railway industry. National Express obviously does not find my railway experience of any value. All the companies with which I am involved concern either the bus or the property interests of the group. I ask the House to accept the fact that I have not been in touch with the group in any way about its views on what we are discussing.

The Committee used strong language, as did my hon. Friend, about the regional Eurostar saga. Its report said that the regions had been cheated—a phrase repeated by my hon. Friend. She will be aware, as will the rest of the Committee, that there is no legal obligation for Eurostar (UK) Ltd. to run regional Eurostars. Section 40 of the Channel Tunnel Act 1987 simply imposed a duty on the British Railways Board to prepare a plan for

"the provision or improvement of international through services serving various parts of the United Kingdom".

My hon. Friend will also be aware, as will many of my hon. Friends who have taken an interest in such matters, that in 1989 the chairman of the British Railways Board, Sir Robert Reid, said about regional Eurostars:

"Our duty is not to run a service because it is desirable; it is to run a service which will be profitable".

It appears that that doctrine is still true—or rather, is still believed, although it may not be true.

My hon. Friend suggested some alternatives to Eurostar UK Ltd.—other companies that might run regional Eurostars—and she mentioned Virgin. I have sat in this Chamber several times and heard her say scathing things about Virgin Trains. I live in the west midlands and represent a west midlands constituency, so from time to time I share her anger about Virgin's performance.

As recently as last year, the review carried out by the Deputy Prime Minister, in its submission to the Transport Sub-Committee, described the Virgin proposals as unlikely to be commercially viable. Virgin has been understandably vague. So far, as far as I am aware, it has not provided either the Government or Members of Parliament with detailed costings or information concerning traffic forecasts or the costs of operating the trains. In view of my hon. Friend's strictures about its patchy performance in operating the west coast main line services, if Virgin took on that additional burden, it could lead to even more strident criticisms by both my hon. Friend and other users of the west coast main line in the near future.

There is another reason why I suggest that regional Eurostars should not be introduced now—certainly not on the west coast main line. We have almost had the 1,000 days and nights in which Railtrack promised to refurbish that line and transform it to make it suitable for train operation in the 21st century. We have concrete information, rather than hype, from Virgin this time, and we know that a considerable number of new trains destined for that line are under construction.

I am long enough in the tooth to remember the last time that the west coast main line was rebuilt, and such work is, to say the least, not conducive to punctuality and the maintenance of the existing service, let alone to adding more trains. I am concerned that Railtrack may take much longer than a thousand days and nights to modernise the west coast main line, and its task will not be helped if additional trains are run.

The essential point that the House has to face about regional Eurostar trains without the channel tunnel rail link is who would use them. The hon. Member for Altrincham and Sale, West (Mr. Brady) may wish to justify his comments about the north-west, but it is difficult to imagine business travellers who usually pay a premium being too interested in using a rail service from Birmingham or Wolverhampton that takes much longer than the air service. However, those considerations should not apply once the channel tunnel rail link has been completed.

Mr. Jonathan Shaw (Chatham and Aylesford): Does my hon. Friend understand the concern in the south-east where people have waited years for the CTRL to get off the ground? It is being constructed through my constituency now. If money is diverted to regional trains, that could stall the process.

Mr. Snape: My hon. Friend makes his point well. Without the CTRL it is impossible to conceive any economic operation of regional trains. For example, from Glasgow, on the best estimates it would take three times as long by train under current circumstances as it does by air. There may be a leisure market for such a service from cities including Glasgow, but a service at regular intervals is hypothetical rather than realistic.

[Mr. Snape]

My hon. Friend the Member for Chatham and Aylesford (Mr. Shaw) reminds me of a point about the CTRL. Those of us who served on the channel tunnel Committee in the mid-1980s presumed that once the go-ahead was given for that great project, the CTRL would be built around the same time. Before too many Conservative Members participate in this debate, I hope that they will accept some responsibility for the appalling mess that the CTRL is in. At that time, a route was settled upon that would bring the trains into Waterloo and, eventually, under much of London and out to the north-west and north-east using the rest of the railway network. It was that great architect of social change, the right hon. Member for Henley (Mr. Heseltine), who decided—having allowed British Rail to spend hundreds of millions of pounds in acquiring property on the original route—to scrap it and to divert the trains via Stratford.

I concede that those of my hon. Friends who fought for that diversion fought a good campaign.

Mr. Bernard Jenkin (North Essex): Hear, hear.

Mr. Snape: The hon. Gentleman, who managed to drift in to the Chamber for the debate at seven minutes past 11, agrees that it was an effective campaign, but those of us who wanted to see the project completed sooner rather than later made the point that the campaign for Stratford—I do not wish to upset anyone, but it is not a place that leaps to mind when people talk about visiting the United Kingdom—would delay the completion of the CTRL. It has done so to such an extent that we are still concerned about the second portion of the line.

My conclusion is obvious. Although I understand the ire of the Select Committee, I do not see any alternative to what has been proposed. My hon. Friend the Member for Watford (Ms Ward) enthusiastically supports a quicker way to Europe than we have at present, but that will depend on the completion of the full CTRL if the trains are to compete with the airlines.

Mr. Andrew F. Bennett (Denton and Reddish): Does my hon. Friend agree that while the Select Committee may be angry, the people in the north of England feel that they were cheated? They feel on train sets that frequently break down [illegible]ey want to know why carriages should stand idle when they could be used to transport them to London and perhaps on to Paris.

Mr. Snape: I visit my hon. Friend's constituency occasionally, and he is aware of my one vice these days of supporting Stockport County. I have not been conscious of his constituents' anger that they cannot travel direct by train to the fleshpots of Paris and Brussels, which might be because they are not interested in such things in my home town and the town that he represents. However, he makes a valid point.

There is no point in running empty trains, because that will not benefit the north-west, the midlands or anywhere else. The task of all of us involved in that great project is to ensure the completion of the CTRL, and the use of Watford as a transfer point for passengers for Paris and Brussels. However, with the best will in the world and having spent most of my life working in the railway industry, I cannot see a regular interval service from some of the cities represented so ably by my hon. Friends present today being sensible or viable in the short term.

11.26 am

Mr. Tom Brake (Carshalton and Wallington): I welcome the opportunity to contribute to this debate. We are in another fine mess, as Laurel and Hardy would say. That is the best way to describe the state of the railways bequeathed to the nation by successive Governments. Hardly a day goes by without reports of increases in trains failures and cancellations. Today's free paper, *Metro London*, contains details about a report from the Office for Passenger Rail Franchising. It states:

"Rail firms have been forced to pay about £1 million in fines because they have failed to meet basic performance targets.

On almost half Britain's rail routes, reliability worsened while fewer than a third showed any improvement."

Where does responsibility for the chaos lie? It is partly down to decades of under-investment in rail, and that was the responsibility of previous Administrations, and it is also down to the absence of a level playing field between road and rail freight. The failure so far of regional Eurostar services to emerge is another example of the UK's inability to provide train services of a quality that travellers on the continent take for granted. Their services are fast, frequent and, when I make use of them, they seem to be fairly crowded.

It is true that in France and other European countries much higher subsidies are given to rail services. However, they have other advantages that we should not discount and which may offset the additional subsidies. Why do French towns fight so hard to get the TGV to stop there? It is because they expect economic development to result from a train station being built in or close to the town. It is good for business and for tourism in the area. We should not underestimate that potential.

Rail services carry other advantages that should be taken into account. They bring clear environmental benefits, for example. Transport is a major growth area for CO_2 emissions. Eurostar compares itself with the aviation sector in which CO_2 emissions are increasing quickly and significantly. They tend to have an impact in the higher atmosphere, so it is perhaps even more damaging.

Mr. Gray: We are not talking about the advantages of air over rail in general but about regional Eurostar services. Why should any business man consider spending six hours on a regional Eurostar service from Manchester when he could travel for an hour and 20 minutes by air? Even if it is environmentally better to go by rail, why would he wish to do so, particularly if the service is more expensive?

Mr. Brake: I shall come to that point. I hope that the hon. Gentleman will feel later that it has been adequately addressed.

Rail can provide the potential for shifting passengers from short-haul flights to rail services. Rail is less noisy when the impact of airports on communities is taken into account. Rail generates less congestion. I have no evidence to support that proposition; it is merely a hunch, but I suspect that the congestion associated with airports, which are placed outside cities, is much greater than that

created by rail stations, which tend to be in the centre of cities. People more often use public transport to get to and from the rail stations.

The Government must also consider the costs of CO_2. If they identify the cost of each tonne of CO_2 emissions, they will be able more clearly to compare the impact of train and air services.

Let me return to the point made by the hon. Member for North Wiltshire (Mr. Gray). Even if rail has benefits for wider society rather than Eurostar or its passengers, they will not be achieved if Eurostar decides that services cannot be commercially justified because they cannot compete with air travel times. However, Eurostar's time comparisons for journeys to Glasgow by train and by air fail to take a significant factor into account—the time taken travelling from the centre of a city to an airport, to another airport and on to the centre of another city. Many journeys are from city centre to city centre rather than from, say, Gatwick airport to Charles de Gaulle, and a more accurate comparison would take that into account.

The business man or business woman may consider only the time factor, but other people travel by train. My family frequently travels by train to the south of France. Our two-year-old is much more manageable on a train than she would be if cooped up in a plane for two hours. We have made that choice not only on how long it takes to get there. It would be much quicker if we flew to Avignon, although I do not know whether there are any scheduled flights from Gatwick, so we might have to resort to a charter flight, which would cost considerably more.

Cost is important if people decide to travel at the last moment because air fares are significantly higher. Eurostar should consider the time and cost factors in their deliberations on regional services. Other matters on the horizon may affect the relative competitiveness of rail and air. Only an hour ago, the Minister for the Environment said that supported the introduction of an aircraft fuel duty. Although he did not substantiate it with hard evidence, he took the view that there was widespread support for such a measure in Europe. If such a tax were introduced in Europe, it would affect the balance between rail and air services.

Eurostar should not underestimate the commercial benefits that could be derived from regional services. Nor should the Government underestimate the other benefits. The review that will be conducted should consider socioeconomic benefits. If the benefits are shown to be enormous, the Government will have to consider finding imaginative funding for the schemes.

Mr. Snape: The hon. Gentleman is making a very Liberal speech. If the owners of existing train sets are correct in thinking that the loss on regional Eurostar services is about £95 million, does the hon. Gentleman think that the Government should produce that money, or could it come out of the ever-expanding penny that the Liberal Democrats would put on income tax?

Mr. Brake: I am not sure that I thank the hon. Gentleman for that intervention. That is a question for the Government, not for me.

Mr. Snape: Decisions always are.

Mr. Brake: Of course they are. I have stated clearly that if clear socioeconomic benefits could be derived from regional Eurostar services, the Government would have to consider how they should be funded. Eurostar will not fund the services as a social initiative, but only if they are competitive and profitable.

I want the Government to act quickly on the train sets that sit in sidings. I suffer from overcrowding every day as I travel into London. If rolling stock can be released—

Mr. Gray: In Carshalton?

Mr. Brake: Yes, in Carshalton. If rolling stock can be released, we can have Eurostar regional services and a significant improvement in services across the whole country.

11.37 am

Mr. Brian H. Donohoe (Cunninghame, South): I shall be brief. My hon. Friend the Member for West Bromwich, East (Mr. Snape) said that the Select Committee on the Environment, Transport and Regional Affairs had used strong language in its conclusions. By contrast, I would say that our language was moderate under the circumstances. To say that we were badly let down is to be extremely moderate. Scotland has been totally conned given what Eurostar now proposes.

Charlie Gordon, chairman of Strathclyde passenger transport authority, is jumping up and down with rage about what the company has done, and is threatening legal action. It is nonsense to suggest that Strathclyde should accept what is proposed under section 40 of the Channel Tunnel Act 1987 when one considers the investment that the authority made when the services were first introduced. They did not invest directly in the rolling stock, but indirectly by creating travel centres dedicated for Eurostar services at Glasgow central station and other service centres.

All that was funded by Strathclyde PTA, but for what? The authority has been completely conned. Compensation is to be offered to drivers, which is ridiculous. The Government must deal with that as a priority. I understand that Charlie wrote to the Department as far back as December and is still waiting for a reply.

As we say in our conclusions to the report, why have the Government or the company not conducted any research into the usage of Eurostar services through the tunnel? During the Select Committee investigation, we asked where passengers were coming from. We were given no information. The Government did not seem to know the facts. The brief that I received from Eurostar does not mention where clients come from. It is a priority to find that out so that we can make conclusions about the value of continuing to argue for a regional Eurostar service.

I said that I would be brief so I ask my hon. Friend the Minister to take note of what I have said and to give us answers to our questions.

11.41 am

Mr. Eric Martlew (Carlisle): I, too, shall be brief. The Whip has permission to give me the nod if I go beyond five minutes. I welcome the report and congratulate the Committee. The Chairman is right. We have been cheated. There is no doubt about it. We have not got the services and we have spent more than £300 million of taxpayers' money not to get them.

[Mr. Eric Martlew]

I am joint chair of the west coast main line all-party group. We take a particular interest in regional Eurostar services. We are disappointed by what is happening, or not happening. The group is used to being disappointed. We have existed for six or seven years now and all that we have seen is services getting worse on the west coast main line. I understand that today's results from the Rail Regulator show that services are getting poorer, although in Scotland, in which Carlisle is counted for this purpose, we have a better service—only one in five trains are now late. That is an improvement on last year.

We have a poor service in Cumbria, and we expect better. Two proposals have supposedly been made by the companies, but in reality only one has been made, because Eurostar UK's is not a proposal. It is not even an apology, which it should be. The only proposal on the table is from Virgin. Harsh things have been said about Virgin in the past, especially by me and by the Chairman of the Select Committee, and rightly so, but it has made a proposal. My hon. Friend the Member for West Bromwich, East (Mr. Snape) said that it had not, but I have it here. It was a supplementary proposal that went to the Select Committee. It gives details of pricing, the number of sets a day, where the trains would call and the cost. I am disappointed that it does not say that the trains would come from Glasgow via Carlisle and down the west coast, but I accept that that will not be an option in the near future. There is a vital link to be made with the station at Watford.

Mr. Gray *rose—*

Mr. Martlew: I give way to our honourable clever Friend across the way.

Mr. Gray: Despite the hon. Gentleman's note of irony, I should like to correct one minor point. Virgin does propose services from both Glasgow and Edinburgh.

Mr. Martlew: The proposed services start from Glasgow and go to Edinburgh and then down the east coast, not from Glasgow to Carlisle and down the west coast. I think I am right on that one.

Points have been made about the option of flying. The reality is that people who live in my constituency will probably have to leave home three and a half hours before their flight from Manchester airport. Parking is expensive. Many people do not like airports. They find them uncomfortable and unsatisfactory. They are stressful places. It would be much easier to get on a west coast main line train, get off at Watford and go through the channel tunnel. We should not underestimate people's dislike of airports. We need a rail service.

I greatly admire my hon. Friend the Member for West Bromwich, East and respect his expertise on railways, but all that he seems to offer us on the west coast is that things will get worse, there will be no extra services and it may take much longer than one thousand days to modernise the west coast main line. That is a negative estimate of what will happen. I hope that I do not become as cynical as my hon. Friend as I spend longer here.

Mr. Snape: It is not cynicism but realism. I was a signalman when the line was last modernised. I ask my hon. Friend to accept that modernisation and punctuality do not go together.

Mr. Martlew: I accept that, but the technology used 30 years ago when my hon. Friend was a signalman has advanced considerably.

If I am not to have Eurostar services on the west coast main line, I make a plea that the seven train sets be made available to Virgin West Coast. There is no doubt that our rolling stock is unsatisfactory. To use a technical term, it is clapped out. The seven sets would make a great deal of difference. Instead of being in sidings gathering graffiti, which I am sure they are, they should be put to good use on services to Europe down the west coast or, if not, on the west coast main line.

11.46 am

Mr. Bill O'Brien (Normanton): I want to make a plea for my county and the region that I represent. I attended the Second Reading debate on the Channel Tunnel Rail Bill as an Opposition Member, regularly making the plea that the regions should be serviced by Eurostar. We were promised regional services on several occasions. One has to ask why the company is reneging on that promise and what the Government will do to ensure that it is fulfilled.

I shall not go into technical details. They were covered by my hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody). People suggest that there would be no passengers on regional Eurostar services and that, if people want to travel to Europe, flying is best. If hon. Members read our reports on aviation, they would find that we want a service into the hub airports. We have no service from Leeds-Bradford into the hub airports. We are moving fast towards a similar situation with the hub airports on the continent. There will no slots for regional connections from our regional airports. I deprecate that. We need such a service.

It is important that West Yorkshire—Leeds and Wakefield, my own area—should have a rail link into Europe. There are passengers who want such a service. We need an opportunity for people to demonstrate that they want to travel by train. Rail passengers benefit a great deal from the freedom that the railways offer as compared with flying. It would be wrong for a conurbation such as West Yorkshire, with a population of 2.5 million and five large authorities—Leeds, Bradford, Calderdale, Wakefield and Kirklees—to be denied Eurostar services.

My right hon. Friend the Minister for the Regions, Regeneration and Planning is familiar with Yorkshire. We have a regional development agency, and we need a service to sustain it. He is dedicated to developing the regions. If we are to succeed in generating economic development in the region, we need a regional Eurostar service. I cannot imagine or envisage that the area in Yorkshire where I live will be denied this service. We must press the company at all levels to ensure that the promises that were made when we were discussing the then Channel Tunnel Bill are fulfilled.

There has been talk about people being cheated. I shall consider that my constituents have been cheated if the service is not extended into the area where I live. The rail paths are clear and a system is in place. We need an additional service and the trains that will provide it. There is a demand for the service and, along with my parliamentary colleagues, I plead for the service to come into the area of the Yorkshire region that I represent.

11.50 am

Ms Claire Ward (Watford): As someone who much appreciates the opportunity to travel on Eurostar at any time, I am particularly enthused by the prospect that I can get on the service at Watford and end up in Paris three and a half hours later.

The Select Committee has correctly identified that Watford is well placed to be an integrated transport hub. Indeed, the town is already on its way to becoming that. For example, the Silverlink service takes 20 minutes to get into Euston and there are Virgin services on the west coast main line. If the Government support the regional Eurostar scheme, there is the prospect of the Croxley rail link, which will bring tube links direct into Watford Junction.

I share some of the concerns of my hon. Friend the Member for West Bromwich, East (Mr. Snape). There are capacity difficulties on the west coast main line, even given the modernisation of that line. I recently held a rail summit, bringing together all the train operating companies that serve Watford and Railtrack. When we considered potential new services and regional Eurostar, it emerged that there is no capacity for any new or innovative services. That is the position now and, even with modernisation and upgrading of the west coast main line, there will not be much capacity for additional services. There will be only the improvement of existing services.

We may have real problems in extending regional Eurostar to other areas, and there is no doubt that the solution lies in Watford. The town can provide a real hub for trains coming along the west coast main line from all parts of the country and connecting with Watford. Watford has other good connections. It is very close to the M1 and the M25 and is only a short distance from Heathrow. A proposal was put forward by Anglia Railways Train Services to link Watford and Heathrow by rail. Unfortunately, that has been turned down by Railtrack because of capacity issues. I believe that the link could offer more opportunities for regional Eurostar services. As I have said, there is a tube link. Many people will be surprised to know that it extends as far as Watford. We hope that, eventually, it will be brought into the Watford Junction service.

There are cost issues. The Select Committee report correctly identifies that the costs involved in making Watford a base for regional Eurostar would be considerably less than those of extending the service much further beyond Watford. I understand that investment of about £2 million would be needed at Watford for new passenger facilities and for immigration controls. There is no doubt that the cost would be much lower than that of an extended service and it would be a much quicker alternative. It would ensure that we see Eurostar services extended beyond London. It would be much cheaper than extending them from Glasgow, for example.

I understand that other hon. Members are keen to speak in this debate and I do not wish to prolong my contribution. I merely say that my constituents would greatly welcome the extension of the regional Eurostar to Watford. The town can cope with such opportunities and provide much better onward travel links for anybody who wishes to come from Europe straight through into Watford. I hope that the Government will consider this option as soon as possible. I look forward to seeing Eurostar operating from Watford to Paris as quickly as possible.

11.55 am

Mr. George Stevenson (Stoke-on-Trent, South): The Select Committee report does not say that we want any delay in the construction of the high-speed rail link. It says specifically that we do not want that. For those hon. Members who seem to have written off the regions in terms of Eurostar, the report specifically does not say that we want to see empty trains running into the regions. I am disappointed that some hon. Members have made contributions that seem to write off the regions. I can only conclude that the Members responsible have not read the report. If they have—

Mr. Brady: Is the hon. Gentleman referring to me?

Mr. Stevenson: Yes, I am referring to the hon. Gentleman, who represents a constituency in the north-west.

Mr. Brady: Will the hon. Gentleman give way?

Mr. Stevenson: I do not have time.

I suggest that those who seem to have written off the regions should either read the report or read it again more carefully.

The report also states that the one assessment of, or piece of research into, regional Eurostar—it was carried out by Capital and Continental Railways—lacks credibility. That company was appointed by the Secretary of State in July 1998. It knew then that it would be appointed as the leader of the regional Eurostar consortium. It had made it clear that its preference was for Eurostar to be based at Heathrow.

Lo and behold, at about that time, British Airways took a 10 per cent. stake in the consortium. There we have it. That is why the Select Committee said that the research that was carried out by Capital and Continental Railways, or its assessment, lacked any credibility. Indeed, when the company gave evidence to the Committee, a number of us asked a specific question: "Which is your preference for the development of Eurostar services?" The answer was clear—Heathrow. The representatives of the company told us that their assessment of Heathrow was that, if they could develop a service there, they would take passengers away from Waterloo. Nevertheless, their preference was development in the south-east. That was all that they were interested in.

We were delighted when my right hon. Friend the Secretary of State announced that he was not completely satisfied with the outcome of the assessment by Capital and Continental Railways. He decided that there should be another inquiry with different terms of reference. Crucially, they include economic benefits to the regions,

[Mr. Stevenson]

something which was not included in the terms of reference of the first inquiry. The credibility of the first assessment, on which some hon. Members have based their opinions, must be treated with great caution. We are delighted that the Secretary of State has recognised that. We are delighted also that there will be a further investigation. I ask my hon. Friend the Minister to ensure that the next inquiry is conducted as speedily as possible but consistent with a thorough job being done.

I have no doubt—I think that the majority of members of the Select Committee, if not all of them, equally have no doubt—that, when the next inquiry takes place, with the terms of reference that my right hon. Friend the Secretary of State has laid down, very different conclusions will be reached about the need and demand for, and the essential nature of, regional Eurostar services.

11.59 am

Mr. Graham Brady (Altrincham and Sale, West): I sorry that the hon. Member for Stoke-on-Trent, South (Mr. Stevenson) did not give way, having referred to me in his contribution. I understood that that was a normal courtesy in the House. As a point of correction, I ought to make it clear at the outset that it was his hon. Friend the Member for West Bromwich, East (Mr. Snape) who referred to empty trains. I do not see anything wrong in that—the hon. Gentleman made a sensible and intelligent contribution to the debate.

Like the hon. Member for West Bromwich, East, I feel that the important question about regional Eurostar services is not whether there is outrage and anger on one side or another, or whether it is fundamentally right that there should be rail services from the regions to Europe, but simply whether there is a demand for those services.

I speak with some care and caution on the matter, as I am aware that my constituents are fortunate in numerous respects, but particularly fortunate with regard to transport. They are well connected for motorway transport, reasonably well connected by rail, and extremely close to Manchester airport, which is a major regional hub airport. In terms of time taken to travel from one place to another, they are therefore on the other side of the debate from the constituents of some of the other hon. Members who have spoken.

Mrs. Louise Ellman (Liverpool, Riverside): Does the hon. Gentleman accept that residents of the north-west living in Liverpool, Lancashire, Cumbria and elsewhere are many miles away from a suitable airport, and that, in any case, the existence of an airport in no way obviates the need for rail links to the channel tunnel—a need which was identified by the north-west chamber of commerce and manufacturing industry in the north-west?

Mr. Brady: The hon. Lady makes a valid point. Of course, she has an airport in Liverpool, and it would be nice if it were used more than it is at present, perhaps with a greater variety of services. She makes a sensible point, and one that I was trying to develop.

There are parts of the regions where there may be demand, which may lead to full, rather than empty, trains. However, in most circumstances, my constituents would recognise that it would be a more sensible choice for them to fly, rather than to take a regional train service, were it available.

The matter must be addressed in a commercial sense. By that I mean not that the profit element should be put first, but from the perspective of demand for the service. The hon. Member for Carshalton and Wallington (Mr. Brake) referred to the environmental benefits of train travel over aviation travel. That may well be true if the train is full, but not if the train is empty or nearly empty.

I shall not detain the House for long, as I know that there is little time. I want simply to bring the House back to the sensible contribution from the hon. Member for West Bromwich, East, who sought to focus the debate on whether demand exists. There may well be demand in West Yorkshire, Stoke-on-Trent, Carlisle and Liverpool. I have no difficulty with that possibility, but the debate should focus on the real question of whether there is demand and whether the services will be used, not whether people feel angry or let down. That may be a legitimate feeling, but it should not be the motivation for creating a new rail service.

12.3 pm

Ms Jenny Jones (Wolverhampton, South-West): I am pleased to have been called to speak in the debate. I am not a member of the Select Committee, but Eurostar regional services are a matter of great interest to my constituency and my region.

I have a copy of the front page of the Wolverhampton *Express and Star* on 9 December last year, the day after the announcement about the feasibility or otherwise of Eurostar services. The headline states:

"Rail link for the chunnel hits buffers—midlands route to Europe shunted into siding".

The article goes on to reflect accurately the frustration and disappointment with which people in Wolverhampton and the surrounding region greeted the news that the long-expected services might not take off.

The other reason why I pointed out the article is that there is great interest in the regions. People are following the debate, and we should not underestimate that.

The key recommendation in the report is that the Government should carry out a review of the economic and social impact of a regional Eurostar service on the regions. The report acknowledges the alternative of upgrading Watford and running passenger links to Watford. I believe that that would be a good alternative.

My hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody) was spot-on when she said that the issue was the economic development of some of the regions. It is not just a matter of how profitably or otherwise passengers can be shunted round the rail service to Europe. It is a matter of economic development. I shall use Wolverhampton as an example.

Wolverhampton is the rail gateway to Staffordshire, Shropshire and Wales. In the 1980s, its economy collapsed. It has worked hard to restructure its local economy, but there is no doubt that a decent transport infrastructure is vital to its future growth. People who want to travel to Paris and Brussels have the choice of Birmingham airport or a complex and time-consuming

journey involving several other modes of transport. The midland motorway system is so congested in parts that it is a liability, rather than an asset.

The business community of Wolverhampton wants the rail link. More than half of the new firms moving into Wolverhampton since the 1980s recession are from the European Union. They form the economic base of the town, and European trade is vital. The business community is asking for a direct rail link into mainland Europe.

Wolverhampton is a visitor centre. It has 3.5 million visitors a year, which may come to some people as a surprise. Wolverhampton has a growing tourist industry, but it needs a rail link into mainland Europe to realise the full potential of attracting visitors to the town.

A Eurostar link or a link through Watford would be a major asset in attracting inward investment. New companies that want to relocate to the area have pointed out that the congestion on the M6 north of Birmingham is a major barrier to economic development in Wolverhampton and the surrounding region. An alternative direct link to mainland Europe would be a significant factor in the economic regeneration of Wolverhampton and the region.

Finally, the report states that the regions have been cheated. They most certainly have. They are being cheated out of realising their full economic potential. As a matter of some urgency, the Government must carry out a review of the economic impact of regional Eurostar services. I point out to my hon. Friend the Minister that the majority of people living in this country who are likely to use those services live south of Scotland, east of Wales and north of the Watford gap.

12.7 pm

Mr. Bernard Jenkin (North Essex): First, I apologise to the House for arriving a little late for the debate.

The Minister for the Regions, Regeneration and Planning (Mr. Richard Caborn): Rail problems?

Mr. Jenkin: I cannot blame the train. The hon. Member for West Bromwich, East (Mr. Snape) fairly had a dig at my slightly late arrival, so perhaps I may reciprocate and wonder where he has gone, as he does not seem to be in the Chamber to hear—

Mr. Caborn: I shall say why.

Mr. Jenkin: Perhaps the hon. Gentleman's apologies will be conveyed by the Minister.

I congratulate the Select Committee, under the chairmanship of the hon. Member for Crewe and Nantwich (Mrs. Dunwoody), on the report, which raised issues of concern to all parts of the House. When her Committee, which was unanimous, says that it feels cheated, we should all feel that.

It is not just a matter of the important emblematic issues involved. The fact that the promise was made to the regions and to Scotland but not delivered rather reinforces the unfortunate impression that the south-east does not care about the rest of the country. That is a sad indictment of the accretion of economic forces in the south-east.

There are important strategic issues for areas such as Wolverhampton, which were described by the hon. Member for Wolverhampton, South-West (Ms Jones). It is not the great volume of people who will use the service, but the key decision-makers who need access to the continent for their business. They need to be attracted to places such as Wolverhampton, Manchester and ultimately to Glasgow and other parts of the United Kingdom. They attract the business, so they are crucial for economic development. We share those concerns.

I shall keep my remarks as short as possible, as the House deserves a comprehensive reply from the Minister—*[Interruption.]* I shall do my best. I take the House back to the statement about the channel tunnel rail link on 3 June last year, when the Deputy Prime Minister said:

"I can assure the House that LCR remains under an obligation to provide the infrastructure for regional Eurostar services. The trains for those services are currently lying idle. I have therefore asked the consortium to review urgently the feasibility of such services, and to put proposals to me before the end of the year. I shall inform the House of the outcome of that review in due course."—[*Official Report*, 3 June 1998; Vol. 313, c. 369.]

The Deputy Prime Minister did not promise to make an announcement before the end of the year, but there was a clear impression that the matter was urgent. However, those trains have been lying idle during the two years in which the Government have been in office. No decisions have been made and, understandably, people are becoming frustrated.

The first point that I ask the Minister to address is why, in the 1997 bidding process for the Eurostar services that included the regional services, did the Government accept the consortium bid when it was subsequently announced that that bid did not include an obligation to run the regional services? The alternative—the original Virgin bid—seemed to be—

Mr. Caborn: That was the situation that the Conservatives left us.

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. The Minister must not reply prematurely from a sedentary position.

Mr. Jenkin: It gives me nothing but satisfaction to have riled the right hon. Gentleman already. However, that is not my intention; I genuinely want an explanation. Virgin was firmly under the impression that it was bidding with a clear obligation to run regional services. The consortium bid was accepted, and the Government then announced that regional services were not an obligation.

There was a second red herring in relation to running services to London Heathrow when, technically, that will not work. We have all seen the picture in *Rail* magazine of a Eurostar train standing at a platform at Heathrow, but the only way to get that train to that platform to take such a picture would be to alter the platform or to remove bits of the train. That service is not a viable option until terminal 5 is constructed; that is some way off—too far off for most Members of the House.

Thirdly, what have the Government done since last year's statement on the channel tunnel rail link? We have received the reports of Mercer Management Consulting Ltd. and of the Transport Sub-Committee, and the Government have now commissioned another independent

[Mr. Jenkin]

review. That looks suspiciously like a stalling exercise. However, during that period there has been another offer from Virgin. As the hon. Member for Watford (Ms Ward) pointed out, there are great virtues in Watford acting as a hub for regional services and in starting a service from Watford through the channel tunnel to Paris. The Waterloo service takes three hours; the Watford service would take three hours and 20 minutes.

As my hon. Friend the Member for Altrincham and Sale, West (Mr. Brady) said, there may be problems about the viability of services running as far north as Manchester and Glasgow. However, that does not apply to Watford. The tracks and the train paths are in place. I understand that Virgin has even discussed with Eurostar (UK) Ltd. the possibility that Virgin should run such services. Virgin's real interest is in adding critical mass and viability to its services running into Watford and down the west coast main line. I want to correct the hon. Member for Carlisle (Mr. Martlew), who said that it is not viable to run Eurostar services up the west coast main line. I understand that it is viable to do so and that that is Virgin's intention in the fullness of time.

Mr. Martlew: I said that Virgin's proposals are to run trains from Glasgow and Edinburgh down the east coast line—not down the west coast line from Carlisle.

Mr. Jenkin: I may have the wrong information; I am prepared to stand corrected on that point. However, the question whether those trains could be used to improve the services on the west coast main line is not in doubt. At present, the trains are sitting idle—that might be the information to which I referred.

In paragraph 21 of the Government's response to the report, they half accepted the key recommendation of the Committee, but have merely handed the matter back to the British Railways Board. Paragraph 22 states that the board

"should prepare a plan stating measures which ought to be taken by any person in the United Kingdom or France with the aim of securing the provision or improvement of international through services serving various parts of the United Kingdom."

We want a decision from the Government. Have they merely put the matter into the box labelled "Too difficult"? Transport Ministers come and go; I remember that there was some criticism that were too many Transport Ministers under the previous Conservative Government. The same disease seems to afflict the Labour Government. Perhaps the officials in the Department of the Environment, Transport and the Regions hope that the Minister will not have time to grapple with the matter before he moves on and they can start on the education of a new Minister. On the other hand, perhaps the Government are imprisoned by their interest—the financial stake that they have taken in the Eurostar consortium. They have a 10 per cent. stake, a 35 per cent. share of the profits and a potential 35 per cent. share of the sale proceeds. Has the Treasury told the DETR that the viability and the profitability of the existing Eurostar service should not be compromised because the Treasury has made a financial investment that is tied to the channel tunnel rail link deal?

One of the reasons why the services are in doubt is that there is no obligation on the company running the channel tunnel rail link to build phase 2. We are left with a most unsatisfactory situation. I want to leave one final thought with the Minister, although I realise that he is not the Minister of Transport, but has responsibilities for the regions. Any solution would be better than the present situation. That is a plea. We share the difficulties that he faces in resolving the situation, but it is absurd that seven good train sets should be lying idle. The right hon. Gentleman's Government have been responsible for that during the past two years; we are anxious to give him any possible assistance and support in resolving it. It is time that the Government took some decisions instead of setting up more and more reviews.

12.16 pm

The Minister for the Regions, Regeneration and Planning (Mr. Richard Caborn): First, Mr. Deputy Speaker, I apologise for the sedentary intervention that I made earlier. It was not becoming to a Member on the Treasury Bench.

I congratulate my hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody) on initiating this important debate. Although the hon. Member for North Essex (Mr. Jenkin) said that I was not the Minister of Transport, I was a member of the Committee when the Channel Tunnel Act 1987 passed through Parliament. I remind the hon. Gentleman that the Labour Opposition at that time forced the Conservative Government to include section 40 of the Act. Labour forced that Government to take on board our belief that the asset of the channel tunnel rail link should be for the whole nation and not merely for part of it. The nature of the Bill was such that financial responsibility could not be placed on its sponsors, so we had to deal with the matter by including section 40. That measure dealt not only with passengers, but with freight as well. It was an extremely important section of the Act that dealt with the well-being not only of the English regions, but of Scotland and Wales.

The inquiry held by the Transport Sub-Committee and its report echoed the views expressed by hon. Members today. The Committee's recommendations have been invaluable in informing the review that the Government are commissioning. We have already announced that we intend the review to be wide ranging. Its terms of reference were drawn up in the light of the Sub-Committee's thinking and encompass a broad range of issues—including consideration of routes, stopping patterns, operational issues, demand for services, impact on the construction of the channel tunnel rail link and, of course, the wider socio-economic benefits of such services. That is set within the broad context of section 40 of the Channel Tunnel Act 1987.

My hon. Friends were the main participants in the debate, which shows the interest of Labour Members in the regions and in Scotland and Wales. Some of that information about the origin of passengers, for which my hon. Friends asked, is confidential, but I assure my hon. Friends that it will be available to the consultants. The consultants' report will take into account Railtrack's modernisation programme for the west coast main line. Services for Watford and the Watford hub will also be considered by the review. My hon. Friend the Member for Crewe and Nantwich made a number of points and I hope that they will also be factored into the review. We want to factor in all those matters, but we want to ensure that there is no delay in the work of the review.

As the House will know, on 12 April, we announced that we had invited five firms to bid for the appointment as consultant to undertake the review. Those firms are Arthur D Little, Booz Allen and Hamilton, Colin Buchanan and Partners, PricewaterhouseCoopers and WS Atkins. The bids were received today, and we expect to make the appointment in June. We shall instruct the successful firm to undertake the broad-ranging study that I have outlined. I hope that that report will be with us by the end of the year. The hon. Member for North Essex shakes his head, but he knows that we inherited one hell of a mess in respect of the financing of the channel tunnel rail link. As my hon. Friend the Member for Crewe and Nantwich said, we hope that the taxpayers and the travelling public are in for a nice surprise, because the first surprise that we gave the taxpayer was to unravel the mess that the Conservatives had left. We would not be having this debate had the channel tunnel rail link itself failed, and that was a high possibility because of the give-away mentality of the previous Government. We had to get a better deal for the taxpayer by unravelling the mess and making sure—

Miss Anne McIntosh (Vale of York): Will the Minister give way?

Mr. Caborn: I shall not give way to hon. Members who, having only just come into the Chamber, decide to intervene. Only Members who have sat through the debate are entitled to intervene.

Mr. Jenkin: We are entitled to point out that the forecasts for the financing proposals for the original channel tunnel rail link were thrown out of kilter by the fire—[HON. MEMBERS: "Oh!"] Oh yes. To be fair to LCR, it should be emphasised that, until the fire, the company was broadly on track in financial terms, but the financing arrangements were thrown off by the fire.

Mr. Caborn: I shall not respond to that intervention, except to say that I think that the hon. Gentleman is being slightly economical with the truth. I shall let hon. Members arrive at their own judgment.

We are determined to ensure that the review takes proper account of the views of all interested organisations. We shall therefore instruct the firm of consultants appointed to consult, among others, the Local Government Association, the regional development agencies, and the Fast Tracks to Europe Alliance, to ensure that the views of the regions are properly represented.

There has been concern about Eurostar's reported plans for the regional trains sets and the drivers whom Eurostar employed to operate regional services. The Government understand and share the disquiet that has been expressed about Eurostar taking decisions that might pre-empt the Government's review. However, I assure the House that, although the trains are owned by Eurostar (UK) Ltd. and decisions on their use fall to the company, the Government have agreements in place that prevent assets from being used outside the Eurostar business without the consent of the Secretary of State. That power may well be used.

The Eurostar business is defined as the operation of international passenger services. We have made it clear to Eurostar that any plans it has for alternative uses of the regional train sets must be within the terms of the agreements that it has with Government and that it must not pre-empt the Government's review. Eurostar clearly understands that.

One alternative use of the regional train sets that I understand Eurostar is considering is their lease to domestic train operators—a point made by several of my hon. Friends. That option was encouraged by the Sub-Committee in its report, and I understand that Eurostar has already approached Virgin, Great North Eastern Railway, Connex, South West Trains and GB Railways to see whether they would be interested. As I have said, under the agreements we have with LCR, the lease of the regional rolling stock to domestic rail operators would be subject to the Secretary of State's consent. However, I can say now that if Eurostar can come up with a commercial arrangement that would enable the stock to be put to use on the domestic network, pending the outcome of the Government's review, my right hon. Friend the Deputy Prime Minister would not stand in their way.

Decisions on the deployment of Eurostar drivers are, of course, a matter for the management of Eurostar (UK) Ltd. However, I have been assured by the company that its action in no way prejudges the outcome of the review. I understand from the company that, as a result of the delay in the introduction of a regional Eurostar service, it is incurring costs estimated to be about £250,000 per month—getting on for £3 million a year. To ameliorate those costs, the company has decided to offer a voluntary—I repeat, voluntary—severance scheme to the 32 regional Eurostar train drivers.

That decision was taken following consultation with the regional drivers themselves and with their unions. Eurostar tells me that 12 drivers have now accepted the offer of voluntary severance, at a cost to Eurostar (UK) Ltd. of £266,000. Those costs will not be met by the Government; they are rightly the responsibility of Eurostar.

As I have mentioned, the Government are keen to ensure that actions are not taken that might prejudice the outcome of our review. We have therefore asked Eurostar's management whether the loss of those drivers would affect the company's ability to run regional services, should that be decided. I am glad to say that we have received an unambiguous assurance from Eurostar (UK) Ltd. that, in the event that our review leads to a decision to start regional services, any requirement for additional drivers could be met and would not delay the introduction of those services. The professionals estimate that it would take only two to three months to recruit and train a driver to run a regional Eurostar train.

I know that many hon. Members remain concerned about the time that it is taking for the regional train sets to be cleared to operate on the west coast main line and east coast main line. I understand their concern. However, Eurostar regional rolling stock is technically complex, because it must be able to draw from four different traction current supply systems. Early testing revealed significant electro-magnetic induction problems when regional train sets interfered with the operation of track circuits. In lay person's language, that could affect all the signalling on the tracks, which would be extremely dangerous. Neither the Government nor Eurostar will act until we have clear confirmation that it is safe to use the

[Mr. Caborn]

rolling stock. We hope that clearance can be given sooner rather than later, but uppermost in our mind is passenger safety.

Several hon. Members raised the question of regional Eurostar trains carrying domestic passengers, and I am happy to confirm that security is not a bar to Eurostar running regional services. The Government have always said that, provided procedures are in place that satisfy security requirements, there would be no problem with regional Eurostars carrying domestic passengers, and that remains the case. The Government's review will include consideration of the costs and benefits that might be incurred by Eurostar if domestic passengers are carried.

The decision to abandon European night services was made in 1997 by European Night Services Ltd.—not by the Government—following a commercial review of the services. ENS is a joint venture company comprising Eurostar (UK) Ltd and several European railways. The reason the Government became involved was because the lease agreed by ENS and Metro Cammel in 1992 was underpinned by a Government guarantee, given by the Conservative Government. ENS took the view that it would cost too much to complete the building of the stock; and, as there were no plans to use it, the company decided to leave the partially built stock with the manufacturer and allow the lease to terminate. The lease automatically terminated as none of the rolling stock had been delivered to ENS by the manufacturer.

The problem was that, at that point, LCR, which owns Eurostar (UK) Ltd., had just told the Government that it could not continue with the channel tunnel rail link project, and Eurostar did not have sufficient money to fund its portion of the lease termination costs. Payment would have led to the insolvency of Eurostar (UK) Ltd., which would have caused the collapse of the channel tunnel rail link project. The Government decided to allow the guarantee to be called and, on 1 June 1998, the Department of the Environment, Transport and the Regions paid out £109 million for the security left to us by the previous Administration. However, the Government are entitled to recover the payment as part of the restructuring deal agreed with LCR, the owner of Eurostar (UK) Ltd.

Although the rolling stock is now the responsibility of the manufacturer, Metro Cammel, part of the deal in allowing it to keep the trains involves a profit-sharing arrangement if they are sold on. ENS will get a 50 per cent. share of the profits if Metro Cammel—

Mr. Deputy Speaker: Order. Time is up for this debate.

Primary Schools (Bury)

12.30 pm

Mr. David Chaytor (Bury, North): I am grateful for the opportunity to introduce this debate. It is the first time in parliamentary history that the town that I have the privilege of representing has had a debate to itself in this place. I had hoped that my hon. Friend the Member for Bury, South (Mr. Lewis) would be here to share it, but urgent business has prompted his return to his constituency. However, my hon. Friend and I speak with one voice about all education matters in Bury.

The purpose of this debate is essentially twofold. First, I want to draw attention to the excellent performance of primary schools in Bury, whose reputation is growing as time passes. Secondly, I want to draw attention to the other noticeable feature of education in Bury: chronic funding inadequacies. That is not a recent phenomenon. If time allows—I know that this is a short debate—I shall give some feedback to my hon. Friend the Minister from teachers in Bury whose views I canvassed recently during a series of visits to primary schools.

Let me outline the nature of the local authority and the schools in Bury. The local education authority, which serves a population of a little more than 180,000, is one of the smallest in the country. Therefore, it has a proportionately small education budget that does not allow for the economies of scale common to larger authorities. It has a little over 60 primary schools and a coherent 11-to-16 system of secondary education, which feeds into two highly regarded colleges—a general tertiary college and a Catholic sixth form college. Although this debate focuses on primary schools, I also pay tribute to the performance of Bury's secondary schools, which are equally well regarded. Their performances to GCSE, in terms of passes at A to C, and particularly A to G, feature at the top of the annual league tables.

The local authority was inspected by Ofsted last year and its report was published in the first week of this year. I shall comment briefly about some of the remarks in it. The chief inspector of schools—whose comments I would not necessarily always quote with such gratitude—described Bury as an authority that

"delivers . . . without rhetoric and fuss".

He said that the schools are doing very well and getting steadily better and that the authority

"makes highly effective use of money achieving high levels of service efficiency . . . plans well . . . supports literacy and numeracy, behaviour and attendance very well".

Following that report, the Secretary of State referred to Bury's schools in his speech to the north of England conference on 8 January, praising Bury's effective use of the performance data and baseline assessment to help identify the development needs of individual pupils. More recently, the Department for Education and Employment has particularly praised Bury's educational development plan, saying that it reveals an exemplary process of establishing targets for the LEA and for individual schools.

The message is that the local authority and its schools are regarded highly. I pay tribute to the teachers in Bury's schools, without whose skill and dedication those results would not have been achieved. I pay tribute also to

the governors. Being a school governor is a thankless task in many respects, but Bury is fortunate in having a large group of dedicated and experienced governors who support their schools particularly effectively. That has enabled the schools to develop and advance on a wide range of fronts, particularly in their literacy and numeracy strategies, the use of the national grid for learning investment and in many good examples of community involvement.

The facts relating to performance in Bury's primary schools are straightforward. At key stage 1 last year, in all aspects assessed—reading, writing, spelling and mathematics—Bury's primary schools were about 2 per cent. above the national average. By key stage 2, it is significant that Bury was rated as the second highest scoring metropolitan district and the eighth highest scoring local authority in the country. That is because the scores of pupils achieving level 4 and above were 8 per cent. higher than the national average.

In that context, I shall mention some individual schools from my constituency—if my hon. Friend the Member for Bury, South were present, I am sure that he would quote many good examples from his constituency. I must draw attention to the results achieved at Hollymount school, where 100 per cent. scores at level 4 and above in maths and science were achieved as well as scores of 93 per cent. in English, and at Greenmount, St. Mary's, Lowercroft and Our Lady of Lourdes school, which also achieved 100 per cent. in one subject.

Those schools serve catchment areas that are comfortable and, in many cases, very affluent. However, I also draw attention to schools such as Sunny Bank and Guardian Angels, which serve mixed areas, whose scores in English and maths were exceptionally good. I draw attention also to East Ward school and St. Thomas's school, which serve some of the most deprived wards in Greater Manchester. Both those schools obtained results of about 95 per cent. at level 4 and above in science. Some exceptional work is being done in schools that serve very deprived communities: the message is that there have been enormous improvements in various primary schools from key stage 1 to key stage 2.

Having cited the league tables and scores as evidence, I should add a note of caution. Teachers, head teachers and school governors in Bury are a little sceptical about the way in which league tables operate. They know that a small difference in the number of pupils taking the tests each year can result in a disproportionate difference in the end results. They know also that the league tables as currently published reflect mostly the nature of the school's catchment area rather than the value added by an individual school. I plead with the Government to move as quickly as possible—I know that the Minister is aware of this point—to introduce a value-added concept into the league table system. Nevertheless, the fact remains that Bury's primary schools have out-performed schools with similar catchment areas that serve similar local authorities and similar populations in other parts of the country and have shown particular progress between key stages 1 and 2.

On finance, Bury local authority has suffered historically from a low standard spending assessment. That is particularly evident in the impact on education. The aggregated schools budget per capita spend is £100 below the national average for primary schools and £150 below the national average for secondary schools. That is despite the fact that, based on population, Bury comes in the middle of the social and economic indicators that are used to describe local authorities. The effect on a large primary school of 400 pupils is a deficit of about £40,000 a year and the effect on a small secondary school—a typical 11-to-16 school in Bury—is about £120,000 a year.

The SSA for primary education in Bury is £2,200 and £2,800 for secondary education. That contrasts markedly with the London SSA—I do not want to reopen the debate about SSA differentials between London and the rest of the country, but I must make this point—of about £2,800 for primary schools and about £3,600 for secondary schools. If we compare Bury and London—we all accept that London has special needs and difficulties—we find that a primary school in Bury is worse off to the tune of about £250,000 and a secondary school is worse off by about £640,000.

I know that Ministers at the Department of the Environment, Transport and the Regions are highly conscious of the inequities of the SSA system. I know also that a considerable amount of work was done on that last year and that a change to the children's social services criteria was introduced which benefited some of the poorly funded authorities such as Bury. However, I again draw attention to the fact that we must wait a further three years for the next review of SSAs. The contentious issues of the area cost adjustment and the additional educational needs criteria remain to be resolved. In those three years, Bury and other small local authorities will continue to be funded by a system that is widely regarded as being unjustified and methodologically unsound.

For many years, Bury spent about 11 per cent. above its SSA, which was a measure of the local authority's commitment to education. Unfortunately, that could no longer continue because of the severe budget cuts by the previous Government in 1996-97 which forced the local council to impose cuts of £12 million on the authority. That is not a large sum compared to the budgets of some local authorities, but for a very small authority such as Bury, it is huge. The effect on the education service was cuts of about £5.5 million, of which more than £3 million came directly out of school budgets.

The teachers in Bury's schools, the parents and the local authority welcome the new investment that my Government have introduced since 1997, particularly the total of about £4 million from the standards fund and about £1.8 million from the new deal for schools. That has enabled our primary schools to reduce almost all their infant class sizes—which, before 1997, were among the highest in the country—to 30 or below by the end of the forthcoming school year. That investment has also enabled primary and secondary schools in Bury to start a long-overdue programme of repair and new build.

I thank my hon. Friend the Minister for the interest that he has taken in education in Bury, following his recent visit to Holy Trinity primary school, and his particular interest in the local authority's attempts to get funding through the new deal for the East Ward primary school. I must now declare an interest because that is the school which I attended, but more importantly, it has operated on a split site for 40 years. It serves one of the most deprived areas in Greater Manchester, and the local authority's project for developing the school on one site is part of a

[Mr. David Chaytor]

much wider community regeneration project, which can now proceed as a result of the funding under the new deal for schools.

The failure to make significant changes to the SSA system this year means that even the 5 per cent. annual increase projected for the next three years will barely restore the core level of funding to that which applied before the cuts made during the previous Government's last year in office. The difficulty is that even though the SSA will now increase year by year, part of the additional funding received by the local authority must be set aside for the matched funding that it hopes to receive from the standards fund. Even though Bury passports to the schools all the funding that it can, the amount of money that goes to the schools is inevitably reduced.

I do not say that Bury is unique, because I know that many other local authorities in metropolitan districts and shire counties have a similar struggle, but I am not sure that schools in Bury can wait for another three years before there is comprehensive reform of the SSA system. I know that the system is not my hon. Friend's responsibility and that DETR Ministers must grapple with it, but it seems to me that there is now a powerful argument for using the funding that the DfEE has at its disposal—the standards fund and the new deal—to compensate for the inadequacies of the core funding from DETR. There is a powerful argument also for establishing the concept of a minimal level of core funding, below which no local authority and no school should fall.

The 5.4 per cent. increase in Bury's SSA this year was higher than the average increase for metropolitan districts, but that average was lower than the average increase in SSAs for inner and outer London. We welcome this year's increase for Bury and the 5 per cent. increase next year, but for small local authorities, percentage increases serve simply to increase the cash differential. That is why small authorities need a cash injection to compensate for the inadequacies of the percentage increase.

Will my hon. Friend monitor closely the financial situation in Bury, particularly in primary schools, and make representations to his colleagues at DETR about the reform of SSAs? Will he find out whether there are ways in which the standards fund and the new deal for schools can be used to support local authorities, particularly small ones with the lowest levels of funding?

I have been fortunate enough to be able to visit about two thirds of primary schools in my constituency. The messages from teachers, governors and head teachers are clear.

First, the continually low funding makes it difficult to maintain the high standards that have been achieved in Bury. Secondly, the local authority has set demanding new targets to which the schools, after some arm-twisting, have agreed. I should point out that the literacy target for primary schools in Bury is now set at 90 per cent. of pupils by 2000, which is 10 per cent. above the national average target. The numeracy target is set at 80 per cent. of pupils by 2000, which is 5 per cent. above the national average target. It is disproportionately difficult for schools and local authorities that are already performing extremely well to achieve that extra increase. If only 20 or 30 per cent. of pupils are obtaining level 4 or above, it is relatively easy to increase that number by 5 or 10 per cent. The higher the starting point, the more difficult it is for schools to attain those final few percentage points. There is, therefore, a concern about the demanding new targets.

There is concern also about the proposals to reform teachers' pay and the way in which that will be linked to pupils' performance. If the budget is cash-limited, what are the implications for schools that already have a high level of pupil performance? Will they sweep up a disproportionately large share of the overall budget, or will there be discrimination between teachers who, by any national standards, are performing extremely well and wish to go through the threshold?

There is continuing concern about future funding, but there is massive support for the Government's actions through the standards fund, particularly on pupil improvement strategies and the national grid for learning, and the extra investment from the new deal. There is also a welcome for the Government's other initiatives, particularly the numeracy and literacy strategies, but there is concern about the pace of change, especially on the literacy strategy. Having gone through that process, however, most teachers feel well equipped to take on the introduction of the numeracy strategy from this September.

I repeat my point about league tables, about which schools are concerned. Schools at the top of the league tables in Bury express the most concern because they know that their position is due not only to dedicated, skilled teaching staff, but to their privileged catchment area.

I shall summarise my points about Bury's schools. The first related to high performance. The success that has been achieved, particularly in primary schools, between key stages 1 and 2, has been bought at the human cost of stressed, exhausted teachers. There is a question mark over how much more teachers in those schools can give. According to socio-economic data—whether we are comparing levels of unemployment, numbers of single parent households or other indications of poverty—Bury is always somewhere in the middle of the list, yet our funding is always in the lower quartile. The Government need to think of interim measures to help the local authorities with the lowest funding prior to completing the next review of SSAs.

I want to focus on the need to recognise high performance not only in Bury's schools but in those of other local authorities. How will the Government reward and recognise those schools and, in particular, what can be done to help to disseminate that good practice?

That brings me to my final point, which relates to the recent Ofsted reports on other local authorities. We have all read the reports on Hackney and Islington, and I imagine that we shall all read that on Liverpool. It seems odd that, when there is such expertise in certain parts of the state sector, we have not used it in the past to help those parts of state education that are not performing as well.

I am not suggesting that Bury should take over the schools of Islington, Hackney or Liverpool, but the expertise that exists in the schools in my constituency, that of my hon. Friend the Member for Bury, South and in other primary schools across the country could be used to help our colleagues in Islington, Hackney and elsewhere. I should be grateful if my hon. Friend the Minister commented on that.

12.50 pm

The Parliamentary Under-Secretary of State for Education and Employment (Mr. Charles Clarke): I congratulate my hon. Friend the Member for Bury, North (Mr. Chaytor) on securing the debate; I had not realised that this is the first time that the affairs of Bury alone have been debated in the Chamber.

Everyone in the House knows of the personal commitment, energy and expertise that my hon. Friend brings to bear on behalf of his constituents and the children in his constituency's schools. As he said, I was fortunate enough to visit a school in his constituency where I met people from the local education authority and many teachers and discussed many of the issues that he has raised. I know that he has accurately reflected the feelings of his constituents and I congratulate him on continuing to prosecute his case.

The first issue raised by my hon. Friend, and the one with which he concluded, was the Ofsted LEA inspection report for Bury. As he said, that report was very positive. Ofsted held a press conference to announce the report's publication, and to give an example of what LEAs can achieve and how well they can support their schools. Bury's report says that the education service has shown itself to be a highly effective organisation which is providing excellent support for schools and value for money. It is well led and has good relationships with its schools. It provides excellent support for literacy, performance data to support target setting and strong support for pupils with educational and behavioural difficulties.

My hon. Friend the Minister for School Standards wrote on behalf of the Government to commend Bury on that inspection report, so I am happy to associate myself with my hon. Friend's positive remarks about the role played and contribution made by the teachers, governors, pupils and officers of his local LEA in the metropolitan borough of Bury. That outstanding achievement deserves public recognition, which he has secured today.

I believe that LEAs across the country can learn many things from Bury, which is one reason why Ofsted publicised the report. I am not sure that that goes quite so far as taking over the schools of Islington and Hackney, although we will examine with great interest the suggestion that that might happen; it is a new twist on the suggestion that what Greater Manchester does today, the rest of the world does tomorrow.

As my hon. Friend will know, our specialist schools initiative, our beacon schools initiative—another of which was announced recently—and our approach show our strong commitment to disseminating good practice in every aspect of the delivery of educational services. I heard what he had to say about Bury's achievement in key stage 2 results, which have been outstanding.

On league tables, which my hon. Friend mentioned, I agree that one should not interpret them too precisely in their various respects. They must be set in context, and we always do that, but the data to which he referred help to motivate target setting and drive educational standards upwards. They should be publicly available, not kept in some secret garden away from the public, so that will inevitably lead to their publication. My only health warning is that the league tables should always be set in context.

I note my hon. Friend's particular point about the need to develop value-added statistics for the league tables and I agree about their importance. As he knows, the Government are setting about that task. We have introduced a number of pilot schemes to see how that data might best be collected and it is our declared intention to include value-added data, as long as we can be sure that they are reliable. Reliability is a key point, because people rest judgments on league tables and must know the facts.

My hon. Friend made a range of points about funding and resources. He was fundamentally right in his description of the situation; Bury is 130th out of 150 LEAs in funding per pupil—towards the bottom end, as he said. It receives about 7 per cent. per pupil less than the national average, despite, as he rightly says, being nearer the centre of the various tables on socio-economic indices. I therefore accept what he said about the SSA formula, as will my colleagues across the Government as they consider the issues that we are addressing. My hon. Friend's comparisons with London were, as always, interesting; my LEA in Norfolk makes exactly the same point. His comparisons are not only on the record, but will be heeded by Ministers in my Department and across the Government.

Since 1997, Bury's education SSA has increased by £8 million and its primary school SSA has increased by 11.6 per cent. I commend the authority on passing on in full the increase in SSA to education, and we are keen to establish that practice across the country. As my hon. Friend said, the standards fund has made a major contribution to improving the situation in Bury and I was glad to hear about the teachers' welcome for it. I also acknowledge his point about the difficulties that can arise over matched funding.

On class size, since 1997, Bury has received £1.7 million to provide additional teachers and £1.4 million is available for additional classrooms. As a result, Bury has achieved a major reduction in the number of five, six and seven-year-olds in large classes and, from January 1998 to January 1999, that number fell from 3,326 to 460. I congratulate the LEA on a robust plan for reducing class sizes, its speedy implementation and achieving good value for money.

On literacy, as my hon. Friend correctly pointed out, the national target is 80 per cent., but Bury has set the more challenging target of 90 per cent. We have allocated £302,000 from the standards fund to raise primary literacy standards in Bury. On numeracy, the national target is 75 per cent., but the target in Bury is 80 per cent. Again, I congratulate the LEA on driving those targets forward. Bury received £196,000 to raise primary numeracy standards.

On other standards funding, the total amount available to Bury is more than £3 million, including the funding to which I have referred and funding for the national grid for learning, school security and a range of other issues. Those resources are significant and important, and we are delighted that they are being used to such good effect in Bury. I have heard, and my right hon. Friend the Secretary of State will hear, my hon. Friend's remarks about the possibility of using the standards fund to target resources on areas of greatest need. That is precisely what we have done through capital funding.

The new deal for schools, to which my hon. Friend referred, is specifically targeted on schools with the most serious defects to ensure that they are properly addressed.

[Mr. Charles Clarke]

That is why Bury has received a total capital allocation of almost £6 million since the Government were elected, £2 million of which is in respect of the new deal for schools. An additional £2.4 million has been made available through advance capital grant and grant to voluntary-aided schools.

I hope that my hon. Friend agrees that that major improvement on past funding has enabled him to set about overcoming, with his characteristic energy and enthusiasm, many of the serious problems that he inherited when he became Member of Parliament for Bury, North.

I understand the points that my hon. Friend has made. I have listened to what he said about the contribution of parents, teachers and governors, and I congratulate the LEA on its work. The Government will continue to support education in Bury with substantial resources, working in partnership with everybody involved to raise standards. We will consider most carefully the specific points that he reported in the debate. I am delighted to have been able to highlight them, because they reveal my hon. Friend's commitment and that of his colleagues to drive forward the improvement in educational standards in Bury. The Government share that commitment.

Primary Schools (Admissions)

1 pm

Mr. Steve Webb (Northavon): Few things matter more to parents than their child's education. As a parent with a three-year-old child, I well understand parents' concern about the choice of primary school and about the need to get that right. It should be right for the family and right for the child. My reason for securing this debate is my concern that, in their entirely laudable desire, which I share, to reduce infant class sizes, the Government have introduced legislation that has proved to be unduly rigid in its application and that may be to the detriment of some of the very children that it aims to support.

I shall give a specific example, which prompted the debate, and I shall then consider the more general situation in South Gloucestershire council and in other local authorities. I should like to draw the House's attention to the case of Chloe, who is three and will be four next month. Her parents recently moved back to the village of Elberton in South Gloucestershire. Elberton does not have a school of its own: the children of the village walk to the school in Olveston, which is a popular village school. Parents buy houses in the village to make sure that they get their children into the school. I live in Olveston, and in due course I hope that my children will go to that school. To be honest, I do not need to declare an interest, because if my argument is successful I may prejudice my children's chances, but I shall leave that on one side.

The parents of Chloe Wilson applied to Olveston school, which is their local school. They also applied to Almondsbury school, which is another popular local school. Because Olveston school is popular, it is full: 30 children already have their names down to go there. Almondsbury is also full. The local authority wrote to the Wilsons to say that it regretted that their child could not go to their preferred school, and that she could go to St. Helen's school in Alveston.

I do not want to criticise St. Helen's school in Alveston, which is a good school. The question is whether it is the right school for Chloe Wilson. Without going into too much detail about this individual case, I have good reasons for thinking that it is not the right school and that Olveston would be the best school, partly because the children from the village all go to the same school and partly because it is within easy walking distance and the family have an older child with Down's syndrome whom they have to drive to a special school. Those reasons make the case of Olveston school.

Chloe goes to a nursery and she has for the first time begun to talk to other children. She is a chatty girl at home, but out in company she has been reclusive and has only just started to talk to children. The cohort of children who attend the nursery and will go on to state primary school will go to Olveston.

In previous years, the parents would have appealed, and the appeal panel would have made its judgment and may well have decided—we cannot be sure—that a 31st child at Olveston would be of great benefit to the individual child and would not unduly prejudice the other children already there. That is not longer possible, and an appeal is likely to be unsuccessful because of the rigidity of the new rules.

Chloe's parents have put her on a waiting list for Olveston, and every week they hope that the phone call will come and one of the 30 pupils will have been withdrawn so that Chloe can go to the school of her choice. Her friends from the village are visiting the school to see what it is like, meeting the teachers and buying the uniform, but Chloe can do none of that. Chloe and her family are torn, and the situation has created uncertainty.

I am sure that the Minister would not have wanted that to be the product of the legislation. Indeed, I have had the pleasure of discussing education in South Gloucestershire with her, and I know of her concerns. I should be grateful if she would tell me what to say to Mr. and Mrs. Wilson when I go back to my constituency later in the week. What can I say to them that will persuade them that the legislation was right? Better yet, how can I reassure them that future Chloe Wilsons will not be put in this difficult position? Is there any way in which the desirable goal of lower class sizes can be achieved with greater flexibility?

We obviously cannot overturn the whole of the Government's admissions policy for one child, but there are wider problems in South Gloucestershire. As the Minister would expect, primary and infant schools across the area are setting the standard number for admission at 30 or multiples of 30. That is already creating problems for some schools. The schools that have reduced the standard number to 30 are very popular—Crossways in Thornbury and Raysfield infant schools to name but two—and more parents have applied to send their children to those schools than the 30 that will be accepted.

The director of education in South Gloucestershire provided me with a briefing note for the debate. It says:

"The key impact of the infant class size reductions this year relates not to the reductions in standard numbers but to the process of appeals."

He thinks that up to 20 schools could be affected by the new regime. Appeals that might otherwise have been heard and considered on their merits now face a blanket ban. Parents tell me that they have a good case for their child to go a particular school and say, "Surely they will listen to us." I have to explain to them that the authority has a prior claim, and that they may not even have a hearing.

Why do not the schools in the area build more classes? The education department has funded extra classes in South Gloucestershire to enable class sizes to be reduced to 30. However, not all the bids that the authority believed it needed to provide the extra places have been accepted. It has had to put in an extra £600,000 to ensure that it complies with the legislation.

Mr. Don Foster (Bath): My hon. Friend refers to the schools in his local area, but the picture that he is painting is not unique to his local authority. Bath and North East Somerset council has similar problems. Newbridge St. John's infants school is very popular and has an intake this year of 87 pupils. Its two requests to the Department for Education and Employment for additional funds for new buildings have been turned down. As a result, the standard number will drop to 60, so that next year up to 27 parents will be denied their choice. The policy is reducing parental choice.

Mr. Webb: I learned of that case only today. I am concerned about such a dramatic swing from one year to the next, which is a direct consequence of a rigid law from central Government that is not backed up by the necessary funding to implement it.

Capital funding has been inadequate. My authority says that the figure of £85,000 per classroom is not always adequate. Some of the problems are in rural areas where there is only one village school and children cannot be shuffled around between three or four neighbouring schools. The village school may be an old Victorian building, and adding an extra classroom may not be cheap, because planning regulations have to be adhered to and it must be made with the right stone. The authority has found that the amount of money per school has been inadequate. It is not crying wolf. It has built the classrooms—brick is being laid on top of brick at the moment—so it knows that £85,000 is not enough. It has had to find the money from other parts of the education budget and from other parts of the council's budget.

Not only has capital funding been inadequate; there is also a problem with revenue funding and the rigidity of the rules. The authority dare not breach the requirement for class sizes of 30. One school is expecting 93 infants to start in May. History shows us that by September three or four of them will have dropped out—that is quite common. However, the authority is not permitted to plan on that basis, because if four do not drop out it will be in breach of the law in two years' time when those five-year-olds become seven-year-olds. In the school with 93 pupils, the authority has had to create not three but four classes. Obviously, I have no problem with four classes of 23, but that additional funding may have been better spent elsewhere in the education budget, for example to keep junior class sizes down. The rigidity of the legislation is not helping local authorities to use their scarce resources rationally.

One of the biggest problems identified by South Gloucestershire LEA is that the rigidity of the rules is forcing schools, against their will, into mixed age teaching. St. Mary's in Thornbury is a popular local school with a typical intake of about 35. It achieves superb Ofsted results, and parents want to send their children there, even though the class size is 35, because they believe that the school achieves great things. The school, however, will not be able to accommodate them, because it is going to have to move to mixed-age classes.

I am no educationist. I do not know whether it is better for a child to be taught in a single-year class of 35, perhaps with additional teacher support, or for that child to be taught in a mixed-age class of 30. I am not convinced that the answer is obvious: I am not convinced that it is obviously and automatically true that to have a class of 30 is better than avoiding mixed-age classes. I should be grateful for the Minister's comments.

It is fairly clear that the knock-on effect of the focusing of resources on children aged five, six and seven is to the detriment of those aged eight, nine, 10 and 11. The Minister has said that that should not and will not happen, but it is happening. The number of children in South Gloucestershire who are being taught in large junior classes is rising.

Mr. Don Foster: And nationally.

Mr. Webb: Yes, nationally as well.

My local authority already spends substantially more than its standard spending assessment on education. It is already taking money from other areas on which the

[Mr. Webb]

Government think it should be spending in order to support education, yet it has had to increase junior class sizes.

The director of education wrote to me:

"I do worry that, unless the Government is prepared to tackle the class size issue at KS2 also, the problems of KS2 are only going to be exacerbated".

The authority receives good reports from the Office for Standards in Education for key stage 1, but is concerned about key stage 2. That may get worse, and I am not sure that such a development would do our children a service.

Having voted for the Bill that became the School Standards and Framework Act 1998, I must take a share of responsibility for its consequences. On Second Reading, my hon. Friend the Member for Bath (Mr. Foster) made the following prescient comment:

"I am genuinely concerned that there may be insufficient flexibility in the approach to class size reduction to take account of local circumstances. We shall still need to know how the Government expect a local education authority to deal with the arrival of the 31st child of a particular age group, hoping to attend a small village school. Will he"—

or she—

"be sent a long distance to another school to meet the requirements of the class size ban, or will there be some flexibility?"—[*Official Report*, 22 December 1997; Vol. 303, c. 701.]

My hon. Friend might have known the Wilsons, but he did not. In any event, he made his point to the Government, and—having looked at the record of the debate—I am not convinced that he received a response. I hope that, in replying to me now, the Minister will tell me what I can say to the parents of Chloe Wilson, and to other parents who say to me, "The rule is too rigid. It is denying our children a place at their local school. We support small class sizes, but must the rules be so strict? Can this rule be relaxed?"

It may not be possible for the rule to be relaxed by September, because plans have been made; but will other children have to go through what Chloe Wilson has had to go through? Can the Minister reassure us that she is aware of the problems, and intends to do something about them?

1.13 pm

The Minister for School Standards (Ms Estelle Morris): Wednesdays are becoming a time for regular meetings between Liberal Democrats and me—and so they should be: education is an exceptionally important issue. I feel that I am getting to know the constituency of the hon. Member for Northavon (Mr. Webb) quite well, as this is certainly not the first occasion on which we have exchanged views.

I know that the Liberal Democrats support our policy on reducing class sizes, and that they were as cross as we were when, under the last Government, the number of children in classes of not 30 but 40 rose and rose. A generation of primary school children have suffered because that Government were not prepared either to act or to commit money. That is, I think, a common starting point between Labour and the Liberal Democrats.

On the whole, the Liberal Democrats have supported not only the extra resources that we have put into key stage 1, but the determination with which we have approached the policy. According to our own criteria, we will meet our targets early.

I acknowledge that the admissions issue is incredibly difficult. All that matters to parents is their children, and long may that continue, because if the parent does not bat for the child, the system often will not do so. The system has to provide education for all the children in the hon. Gentleman's constituency. This may sound harsh, but when he returns to his constituency at the end of the week, what he must say to Mr. and Mrs. Wilson is what I have to say to a bundle of my constituents who are currently not getting their children into first-choice schools.

By coincidence, this morning I signed three letters to constituents whose 11-year-old children had not got into their first-choice schools. As all hon. Members will know, at this time of year our postbags are heavily laden with letters from parents who have not secured their first choice. We are torn: we know that we cannot deliver to all those parents, but we know the importance to them and their children of securing the first choice. The hon. Gentleman will have to explain the situation in the same way as he has had to explain it every year since he has been a Member of Parliament.

I say that because, when we are talking about children not getting into the schools of their choice, we must not—I must not—allow class-size policy always to be the reason for that. I accept that it is the reason in this instance, but there are many other reasons why people do not secure their first preference. I do not think that we do our constituents a service by allowing them to latch on to that one reason.

Let me give the context of the progress that has been made in class size policy. It is ironic that the hon. Member for Northavon should say that there is not enough money, given that his hon. Friend the Member for Bath (Mr. Foster), his party's education spokesman, keeps saying that we spend more than we said we would spend. They cannot have it both ways. *[Interruption.]* I know that the Liberal Democrats always want it both ways, but my logic tells me that that is not possible.

We have spent more than we said we would. In fact, the cheapest option is to fill up the empty schools. We have adopted the more expensive option for two reasons. One is speed: we will fulfil our pledge 18 months ahead of time. The other is our wish to guarantee parental choice.

We have provided 12,000 extra places at popular schools. The places may not be in the constituency of the hon. Member for Northavon, but they are real places in real schools that are currently oversubscribed. In many cases, especially in rural schools, that has meant the introduction of two classes. If the figure of 23 had been achieved, rather than 30, rural schools could probably have taken more children.

In deciding class size policy, I have sometimes made expensive decisions in order to prevent a child from having to travel what I consider to be an unreasonable distance. That is why our policy has been more expensive. In all our allocations, we have tried—within what it is reasonable for any Government to do—to accommodate particular pressures, and the wishes that parents may have.

Mr. Don Foster: The Minister will recall that, during the Committee stage of the School Standards and Framework Bill, she made a number of pledges—as did her right hon. Friend the Member for Tyneside, North (Mr. Byers), who is now Secretary of State for Trade and Industry. She is right to say that a number of additional

places have been made available, and that is welcome; but in some parts of the country parental choice is being reduced. My hon. Friend the Member for Northavon (Mr. Webb) has given examples, as have I, and many hon. Members on both sides of the House could do so as well. I hope the Minister will agree that it is not good enough to say that overall there have been additional places, when in many parts of the country choice has been restricted and the situation is worse than it was under the last Government. That is totally contrary to the promise that was made during the passage of the Bill.

Ms Morris: I will come to that. It is an important point: indeed, it is almost the crux of the argument. There are 12,000 extra places in popular schools, but it is true that some parents who might have obtained not a 31st but a 35th or 36th place will now not obtain that place. This is about hard political decisions. We were determined to implement the policy and make it work, and, to some extent, to change the culture.

Year after year, numbers have crept up. The figure of 31 sounds fine; for Chloe to be the 31st child sounds fine; but what will the hon. Member for Northavon say when he returns to his constituency next Friday, and Mrs. Smith tells him that she wants her daughter to be the 32nd? Over time, the numbers have ratcheted up, because parents see the needs of their children. Eventually, there will come a Friday when the hon. Gentleman has to explain to 37 constituents why there are now 38 in a class, whereas when they first applied there were only 30. That is the problem: parental choice is also about the right of other parents to demand reasonable class sizes.

As well as 12,000 extra places, we have given a cast-iron guarantee to all parents—millions of people—who have an infant-aged child that their child will not be in a class of more than 30. Those are not the parents who write to us or go to advice bureaux: they are people whose children will be brought up under a Government who have said that class size matters—a Government who take the flak in Adjournment debates such as this but who have made it happen. That is what we are determined to do.

I now refer specifically to South Gloucestershire. Hon. Members will be pleased to know what our guiding aim has been. Although we have been prescriptive over the class size limit because we are accountable to the electorate for that, we have tried to allow local authorities to plan their provision as they see fit. Let me run through the figures. We have made available £1.5 million to take on 48 extra teachers and £704,000 to build nine extra classrooms.

The hon. Member for Northavon says that some places on the plan have not been funded. Since I announced the latest round of class size plans, we have gone back to local authorities where there have been complaints and talked to them. We want to make the system work, but as reasonably as possible. There of course comes a time when our money is spent, but I have been careful to ensure that we are open to reasonable argument.

South Gloucestershire, which I gather is now Liberal Democrat controlled—having gone from no overall control—will be able to say by September 1999 that, whereas in September last year, 3,391 children were in classes of over 30, this year, the number will be 326. That is cause for celebration.

Mr. Webb: The hon. Lady gave me those figures, or corresponding ones, a little while ago in a written answer, but the other half of the written answer was on junior class sizes in South Gloucestershire. Does she accept that they have gone up? Can anything be done about that?

Ms Morris: What I do know is that the teacher:pupil ratio has fallen for the first time in 10 years nationally. I cannot not give the figures on that ratio for South Gloucestershire, but, nationally, they have fallen for the first time in 10 years. As I have said before, when we have approved class size plans, we have ensured that there will be no consequences for key stage 2 class sizes and that extra money is going to local authorities to accommodate key stage 2.

The hon. Member for Northavon asked—and we could have another interesting debate about this—whether 35 with a teacher and an assistant was not better than 31. That is a point that the Tories make. Once they are in train, the 20,000 extra classroom assistants—I do not put it forward as a better alternative—will mean that there will be a better adult:pupil ratio within key stage 2.

Mr. Don Foster: Will the hon. Lady give way?

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. May I say to the hon. Gentleman and to the House that the half-hour Adjournment debates are the property of the Member who introduces them, who is guaranteed a ministerial reply. They are not general debates. They are certainly not platforms for exchanges between those on the Front Bench.

Ms Morris: Thank you, Mr. Deputy Speaker. I will cheer up the hon. Member for Bath. Let me go back to the point about our willingness to listen and to try to get it right for local areas. Since we announced the first round of extra money, we have gone back to areas where there have been complaints. I have asked officials to talk, to look at builders' reports, to visit the schools, to measure classrooms and to come back; we want to get it right. As a result, we were able to give £110,000 extra to Warmley primary school.

I am delighted that, today, I have written to the hon. Member for Bath to say that I have made available £73,925 for Newbridge St. John's infants school, a Church of England school, which shows that the case that it made, following our decision not to privatise, was a good one. The reason why it did not get the support first time round had to do with something in the paper application not ringing true. Sometimes, figures do not match up, or the school has not made the case on paper sufficiently.

Where local authorities have come back and said, "You have got it wrong," over the past few weeks, I have been asking officials to talk to them. That is why there is extra aid in the South Gloucester area and in Bath and North East Somerset. At Castle primary school, £17,265 has been made available.

I hope that hon. Members will accept not only that we are determined to deliver our pledge to the electorate, but that the line of accountability is important to us. We will deliver the pledge early—by the time of the next election, but we want to do it as sensitively as possible.

Chloe is Mr. and Mrs. Wilson's second child. I know that their eldest child has special needs and that the education of that child will have been of paramount

[Ms Morris]

concern to them; they want to ensure that that child receives the support that is needed. I understand that it is disappointing for Chloe that other children in her village are going to the school of her choice. What is ironic is that, had the family moved in before 23 October, class size policy would not have stood in their way. Chloe lives close enough to the school and most children in the village get a place. What is happening is that people who live further away are taking those places because of late entry.

I say as gently as I can that that is a consequence of the family having moved in since admissions closed in October last year. It is a matter for local decision. The local authority has taken a decision that the school that 2.65 miles away that is offering a place is of good standard and is not so far away that it makes life impossible for Mr. and Mrs. Wilson and Chloe. If it had not been of good standard and would have made life impossible, I feel sure that the local authority would have come back to us and asked for an extra teacher at the school, even at that stage. It did not.

Locally, the solution to the problem of Mr. and Mrs. Wilson and Chloe was to offer a place in a good-quality school that was 2.65 miles away. I accept that that is a disappointment, but I hope that, when she starts in September, Chloe will settle down and succeed. I hope that, in years to come, the family will look back at this time as one that was traumatic for the children, but made no difference to what I hope will be a happy and fulfilling career for Chloe.

Boundary Walls (Scotland)

1.27 pm

Mr. Brian H. Donohoe (Cunninghame, South): I am grateful to be given the opportunity to speak on this subject. The situation started with a dispute between Mr. Thom and his neighbour, Mrs. Hetherington, who are both constituents of mine, concerning the single brick boundary wall between their respective properties. I have represented Mr. Thom for many years, and the case was raised on the Adjournment on 13 March 1996.

The case went to the Court of Session, where it hinged on whether the wall was jointly owned by both parties, more commonly known as "common property", or whether each party owned half of the wall up to the mid-point, which is known as ad medium filum. The court decided to opt for the ad medium filum option, meaning that Mr. Thom lost his case. However, there were two conflicting lines of legal theory and precedent, and the matter was thus referred to the Scottish Law Commission. The subsequent handling of the case is at the crux of Mr. Thom's complaint. At all points, the SLC has taken a long time to resolve the matter. Nine and a half years passed from the original referral to a report finally being produced.

The commission issued a discussion paper, to which Mr. Thom made lengthy submissions, pointing out that the decision by the court was irrational as there was no way in which to divide a single brick wall and, thus, the ad medium filum approach was inoperable. The same would be true if a fence were used, rather than a boundary. That much was conceded by the commission, which declined Mr. Thom's invitation to visit such sites as it was instead convinced by written and verbal representations.

Since the matter was first referred to the SLC, its composition has changed radically, and a committee of three has been set up to investigate the situation.

One new member of the committee was a Professor Reid, who had written the article on boundary walls for "The Laws of Scotland Stair Memorial Encyclopaedia". In that article, he stated that the law was clear and that the ad medium filum approach was correct. As my hon. Friend the Minister should know, the Stair encyclopaedia is treated as a definitive statement of the law. It was thus irresponsible of Professor Reid to publish such an article while the SLC was considering the matter.

The second new member of the committee was Lord Gill, who was at the time a judge in the Court of Session. It would be astonishing if he were to find that his colleagues were in disarray on the matter. It appears that there are clear conflicts of interest in both cases and that both men should not have taken their places on the committee as they could not approach the issue with an open mind.

Last year, the SLC issued a short, summarised report of four pages. A longer report was impossible as the SLC would have had to deal with Mr. Thom's objections, showing the deficiencies of the ad medium filum solution. The original commission put the matter out to consultation and received an informative range of replies. However, the new commission ignored those responses which did not agree with its own predetermined position. The commission claimed that the balance of legal opinion favoured the ad medium filum approach.

The majority of all opinion—and, crucially, the majority of the construction professions such as architects and surveyors—favoured common property. That view was ignored by the SLC, as it was not what it wished to hear. When the inevitably biased opinion of the Court of Session and the support for the court from academic sources—who partially make their living from slavishly following the court and writing about it—are stripped out, the decisive balance of legal opinion is in favour of common property.

The vast majority of opinion stated that the report should include fences. No mention of fences was made in the report, as it is impossible to consider fences and maintain the desired approach. Instead, the SLC has used the responses selectively to justify a conclusion that it has already arrived at. It has failed to engage in genuine consultation. The SLC believes that the law is now settled, and that the absence of further cases shows that. Mr. Thom has demonstrated that the law is not settled, and has submitted 16 different cases where the ad medium filum approach is inoperable. These have not been refuted by the SLC.

It is my belief that so few cases come to court because the public have a great deal more sense than lawyers, and realise that they are both responsible for boundary walls. As was indicated, the original commission refused the invitation to conduct site visits as it was convinced by Mr. Thom's arguments. The present commission has refused a similar opportunity to examine the situation at all. As the SLC concedes, the law rests on the decision in Thom *v.* Hetherington, although it admits on page 3 of the report that common property is more suitable for fences and thin walls.

Following representations to my hon. Friend the Member for Central Fife (Mr. McLeish)—a Scottish Office Minister at the time—it was made clear that the Government accepted the SLC report, and that the SLC had considered the problem of single brick walls and fences, but had decided that there was no problem, as such divisions rarely form the actual boundary between two properties. That is blatantly not the case. Thousands of title deeds specify that property ends at the appropriate division, which is either a fence or a single brick wall. One such example was the wall in the case of Thom *v.* Hetherington.

According to the SLC, single brick walls such as that in Thom *v.* Hetherington are rarely found in the boundary. We know that to be untrue. It says also that for thin walls and fences, a common property approach is the best option. The wall in Thom *v.* Hetherington was just such a wall, and the commission has been forced to admit that its judgment was less than perfect. The inoperability of the law in such cases—which are becoming more common as modern dividing walls are often indivisible—creates difficulties for insurance companies, as they do not know what insurance to offer. The problem has again been ignored by the commission.

It also means that title deeds that state that a single brick wall or fence forms the boundary between two properties are invalid and, as ad medium filum cannot be applied to such divisions, it is completely unclear what the legal situation is in such a case—although the law is supposedly based on Thom *v.* Hetherington. It is disappointing that the Scottish Office legal department has concurred with the SLC's work and appears to be no more willing to deal with the difficulties.

There is a clear failure of accountability in the SLC, whose standards as a public body on issues such as conflict of interest have been utterly ignored. This has led to an obviously flawed decision, which the Scottish Office and the SLC still support, despite the fact that the flaws have been pointed out. Neither the commission nor the Scottish Office is willing to answer queries about the report, leading to the obvious impression that they have something to hide.

Mr. Thom believes that the manner in which the commission has behaved is fundamentally dishonest. He feels that the commission and the Scottish Office have deliberately refused to deal with the matter on its merits. I would therefore ask the Minister to initiate a full inquiry into the way in which the matter has been handled. Clearly, throughout the case the SLC has not acted in the way in which a public body should.

Through its actions, and those of the Scottish Office, the commission has rendered itself effectively unaccountable. I would ask the Minister to look at the legal situation surrounding boundary walls and to make up his own mind on the basis of the evidence, instead of accepting the discredited report.

1.37 pm

The Parliamentary Under-Secretary of State for Scotland (Mr. Calum Macdonald): I am grateful to my hon. Friend the Member for Cunninghame, South (Mr. Donohoe) for raising the issue of the ownership of boundary walls in Scotland. I am conscious that this is an issue which his constituent, Mr. Thom—and, indeed, my hon. Friend himself—has pursued over a number of years with great energy and application. Mr. Thom succeeded in having the matter considered by the Scottish Law Commission, and the judgment in Mr. Thom's original case stands as the modern authority in this area of law.

As my hon. Friend is aware, neither the court nor the Scottish Law Commission has been persuaded of the need to reform this area of law. Ministers have accepted the conclusions of the Scottish Law Commission report, which was presented to the House in March 1998. I appreciate that my hon. Friend and his constituent continue to disagree with those conclusions, but this matter has received the fullest consideration.

As my hon. Friend has explained, this issue came up as a result of a case brought in the Court of Session by his constituent, Mr. Thom. Mr. Thom objected to a fence that was erected by his neighbour and attached to the boundary wall between their properties. He was unsuccessful in that litigation. Put briefly, the court took the view that such walls are owned by each neighbour individually up to the centre line, and each may do as he or she pleases with his or her own half of the wall, so long as the integrity of the wall is not damaged. In Mr. Thom's case, the court did not accept that his neighbour's action had in fact damaged the structure of the wall. If it had, it would have been open to the court to order redress.

Mr. Thom took the view that the court, in the person of Lord Jauncey, had got its law wrong, and that boundary walls were more properly considered as belonging collectively to both parties. There seems to have been some discussion in the course of the case as to the proper terminology for these two views, and the court ultimately adopted the term "mutual property" for the idea of individual ownership up to the middle line, but with a shared interest in the integrity of the wall, and "common property" for the collective ownership model.

[Mr. Calum Macdonald]

Mr. Thom, with admirable persistence, and with the very proper and energetic assistance of my hon. Friend, has continued to argue that the common ownership approach is preferable, raising the matter regularly with Ministers of both the previous and the present Government. As a consequence of his representations, the Scottish Law Commission agreed to consider that area of law, complementing a much larger review of the law of the tenement.

In a 1990 discussion paper on the law of the tenement, the commission said that it was minded to recommend that shared walls between buildings should be commonly owned, but with special provision for the right to make minor alterations so that neighbours would not have to get agreement before putting up shelves or perhaps even hanging a picture. Following that train of thought, in 1992 it published a consultation paper that tended to favour a similar common ownership approach to boundary walls, but in both areas of law it concluded, after consultation, that the mutual ownership model was to be preferred.

The commission published its final report on boundary walls in March 1998, taking the view that the current common law of Scotland on the matter is clear and not in need of statutory restatement, and that, as a matter of legal policy, the mutual ownership model is not in need of change. It accepted that the approach is not without some drawbacks, but concluded that those were fewer than in the alternative approach.

Ministers considered and accepted the commission's recommendations. Following further representations from my hon. Friend, a meeting was held at which he and Mr. Thom were able to press their points with the Minister who was then responsible and with Scottish Office officials. The Minister considered the detailed representations presented at that meeting, but saw no reason to depart from the decision to accept the commission's recommendations.

Let me deal briefly with the arguments that persuaded the commission that a change in the law was not needed. The existing approach of mutual ownership gives both parties the maximum freedom to make reasonable use of the wall bounding their property, as long as they do not disturb the stability of the wall as a whole. The owner of a property could, for example, fix a trellis or other support for climbing plants to the garden wall without having to seek his neighbour's permission as co-owner. At the same time, the neighbour's interests in the wall are safeguarded, as the owner is under a restraint preventing him or her from damaging the stability of the wall, and under a positive obligation to maintain his or her own half of the wall.

The commission recognised that no solution is perfect and that the existing law is less readily applicable to thin walls or fences. The report fairly draws attention to that and to the fact that the final views diverge somewhat from those in the discussion paper, primarily because of the obvious difficulties involved when, for example, two neighbours are each theoretically obliged to maintain one half of a wire fence, or of a single thickness of brick, up to the middle line. In practice, that simply means that maintenance of the whole is a common responsibility.

The commission, in evaluating the response to its consultation, had to weigh up two conflicting bodies of opinion. The construction industry favoured the common ownership approach, but the legal profession, including the judges of the Court of Session, considered that the existing law had been helpfully clarified in the case of Thom *v.* Hetherington and needed no change. The commission was not made directly aware of any significant practical difficulties with the present law other than those raised by Mr. Thom in his submissions. In other words, no one else was pursuing the matter with either the commission or the Scottish Office.

It is a further advantage of the existing approach that the law on boundary walls is consistent with that proposed by the commission for adjoining walls between dwellings. In reviewing the law of the tenement, it concluded that individual ownership up to the halfway point, constrained by obligations to one's neighbours, was the best solution, and that is reflected in its report on the law of the tenement laid before the House in March 1998.

I know that my hon. Friend's constituent has some worries about the Scottish Law Commission and the way in which it went about its task. It may be helpful for me to respond to the points that he made. The commission is an independent body which exists to advise the Government on the need for, and context of, reform in the law of Scotland. It brings together considerable expertise in the law, from both practice and academic lawyers, and is chaired by a Court of Session judge, currently Lord Gill.

The Lord Advocate appoints to the commission leading experts in particular fields. Those commissioners are experts precisely because they have studied and written extensively on the areas of law that they have to address. Mr. Thom's concern about conflict of interest or lack of impartiality is misplaced because the commission is not that kind of body: it is a body of experts, not a neutral panel of adjudicators.

The commission is not in any sense a court or tribunal. In reaching its conclusions it consults widely, as it did in this instance, and the contributions of those who respond are greatly valued, but it is the content of the arguments that carries weight; the commission does not operate by counting votes, one way or the other, from those consulted.

Given Mr. Thom's concerns, as reported by my hon. Friend, it would be opportune to make it clear that, in every report produced by the commission, including the one on boundary walls, the recommendations are arrived at after detailed debate among all its members. The conclusions and recommendations do not represent the views of one commissioner or group of commissioners. They are presented to Ministers and to Parliament as the recommendations of the commission itself. We are perfectly satisfied that that process was followed for the boundary walls report, as for others. I emphasise how highly Ministers value the work done by the commission.

My hon. Friend has also expressed concern about the time taken by the commission to consider the issue. It is important to remember that during that period it addressed a range of pressing issues and produced a number of weighty reports. The issue was not accorded priority over other issues then being considered. That was explained in correspondence to my hon. Friend and to Mr. Thom. When Lord Gill took over as chairman there was a review of the work in hand and the matter of boundary walls was accorded greater priority. This led to the report being published in March 1998.

The Government are free to accept or reject the commission's recommendations in the light of such other advice as may be available. In this case, we have received no representations, other than from Mr. Thom, against the commission's approach, so we have accepted its report. Nevertheless, as my hon. Friend knows, the matter is one which the Scottish Parliament could reopen at some time in the future were it minded to do so. I suspect, however, that for the issue to become a matter of priority on the Parliament's agenda, concern would have to be expressed by others, such as the construction or insurance industries.

I hope that I have been helpful to my hon. Friend. I know that his constituent may be disappointed, but I do not think that it would be proper to reopen the issue at this time. I admire the way in which my hon. Friend has taken up the issue and the persistence of his constituent.

It being before Two o'clock, the motion for the Adjournment of the House lapsed, without Question put.

Sitting suspended, pursuant to Standing Order No. 10 (Wednesday sittings), till half-past Two o'clock.

NEW WRIT

Ordered,

That Madam Speaker do issue her warrant to the Clerk of the Crown to make out a new writ for the electing of a Member to serve in this present Parliament for the borough constituency of Leeds, Central in the room of the right hon. Derek John Fatchett, deceased.—*[Mrs. Ann Taylor.]*

Oral Answers to Questions

CABINET OFFICE

The Minister was asked—

Publications

1. **Mr. Tom Clarke** (Coatbridge and Chryston): What progress has been made in providing Her Majesty's Government's publications in readable form for people with sight impairment and other disabilities. [83639]

The Minister for the Cabinet Office (Dr. Jack Cunningham): Arrangements have now been put in place to enable people with visual impairment to obtain key Government publications in suitable alternative formats, including braille, large print and audio formats.

Mr. Clarke: Is my right hon. Friend aware that organisations which deal with people with sensory impairments are keen to encourage the Government to provide first-class information from Departments? Those organisations have praised the Department of Trade and Industry, but have expressed some disappointment that the recent White Paper "Modernising Social Services" was not available to them. Will my right hon. Friend encourage all Departments to walk that further mile to make information available, especially in braille and on tape, to that important group of people?

Dr. Cunningham: Yes, I will do that. The recent White Paper "The Future Management of Crown Copyright" stated that, in future, when Departments contract for the publication of their work, they will be encouraged to make provision for the publisher to supply data in electronic form and in a form suitable for translation into other forms. The "Modernising Government" White Paper is certainly so available. As my right hon. Friend will know, the Royal National Institute for the Blind has a copyright licence, issued free of charge, to reproduce all Crown and parliamentary texts in braille, audiotape and braille-coded floppy disk formats.

People's Panels

2. **Mr. Desmond Swayne** (New Forest, West): What steps he is taking to evaluate the work of people's panels. [83640]

The Parliamentary Secretary, Cabinet Office (Mr. Peter Kilfoyle): It is for the individual organisations that have set up people's panels to evaluate them. The Cabinet Office will carry out an independent evaluation of the people's panel.

Mr. Swayne: I find that answer extraordinary. Will the Minister undertake, in this age of open government, to publish a list in the Library of those policies that have been changed as a consequence of the deliberations of people's panels? Will he also undertake to ensure that, on Second Reading of Bills, Ministers will report to the House how any provisions have been altered as a consequence of the intervention of the people's panel?

Mr. Kilfoyle: The hon. Gentleman may have found that an extraordinary answer, but it was an extraordinary question. First, it was not clear whether he was referring to the people's panel or to the current trend for establishing people's panels, or citizens' panels, by local government around the country. That is the distinction that I tried to make. Secondly, the deliberations of the people's panel do not dictate policy: policy makers decide policy and the people's panel merely informs their considerations. Thirdly, if the hon. Gentleman has a specific question for any of the people's panels that have been set up, it is the responsibility of the organisation that established them.

Charter Mark

3. **Jacqui Smith** (Redditch): What plans he has for the promotion of the charter mark scheme. [83642]

The Parliamentary Secretary, Cabinet Office (Mr. Peter Kilfoyle): The Government are committed to developing and expanding the charter mark. At least 80 per cent. of applicants secure better performance from applying. We shall continue to promote it through a dedicated seminar programme, targeted contacts with the public sector and the use of local, trade and technical media.

Jacqui Smith: May I tell my hon. Friend that the departments of Redditch borough council and Alexandra hospital which achieved the charter mark have been encouraged by it? Meanwhile, I am often struck during meetings with voluntary organisations by the extent to which they provide high-quality services and work in partnership with public sector organisations. Does my hon. Friend agree that it would make sense to encourage those organisations to apply for the charter mark, and to extend eligibility criteria so that they may do so? Will he outline the Government's plans, or any action that they have taken, to promote the charter mark among voluntary organisations that work with the public sector?

Mr. Kilfoyle: I join my hon. Friend in congratulating Alexandra hospital, two units of which have applied for the charter mark and learned from the experience. From 2000, any voluntary sector organisation that provides a public service and that receives more than 50 per cent. of its funds from public sources will be eligible to apply for the charter mark.

Public Appointments

4. **Mr. Graham Brady** (Altrincham and Sale, West): If he will make a statement on the maintenance of political balance in public appointments. [83643]

The Minister for the Cabinet Office (Dr. Jack Cunningham): All appointments are made on merit. Political affiliation is not a criterion for appointments, except on a very small number of bodies that include cross-party representation.

Mr. Brady: I thank the right hon. Gentleman for his response. He will be aware that I have had cause to raise

a concern with the independent Commissioner for Public Appointments about the large number of Labour councillors appointed to health trusts and authorities. Given that the Nolan report and the Neill report recommended that appointments should be made from lists held by the independent commissioner, not Departments, when do the Government intend to put that recommendation in place? When will the commissioner control the list, rather than the Minister and his right hon. Friends?

Dr. Cunningham: It is not surprising that local councillors of all political persuasions play a part in local health authorities and other organisations. The attitude of the hon. Gentleman and his colleagues betrays the fact that they engaged in the systematic appointment of their friends and cronies when the Conservatives were in office. That is not our approach. The Government accept the Nolan principles, and we abide by them.

Mr. Derek Wyatt (Sittingbourne and Sheppey): As Members of Parliament, we are asked to comment on bishops and health chief executives, but we are not always asked about regional development agency chairmen or chief executives. Where is the consistency in that?

Dr. Cunningham: Anyone can nominate anyone for a public appointment. Indeed, anyone can offer himself or herself. The process is perfectly open and straightforward, but if my hon. Friend has a particular complaint, I should be happy to discuss it with him.

Mr. Robert Maclennan (Caithness, Sutherland and Easter Ross): I welcome the Government's acceptance and implementation of the Nolan proposals. The Minister said that Members of Parliament sometimes play a useful role in encouraging people of suitable qualification to go forward for public appointment. However, will he take on board the fact that the responses of different Departments are extremely variable? It may be helpful if the Government went beyond merely signalling adherence to the Nolan principles by indicating that they would be willing to accept such advice and help as is offered.

Dr. Cunningham: Yes, we are open to advice and help from all Members of Parliament from both sides of the House. I have recently encouraged colleagues in the north-west to put up suitable candidates for nomination for appointment to the Bench in the Duchy of Lancaster area for which I have responsibility as Chancellor.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich): Will my right hon. Friend take great care to consider the political balance of many existing lists? Some of us are increasingly concerned by the number of Liberal Democrats, Conservatives and, in particular, ex-members of the Social Democratic party who now sit in the other place who are being appointed to positions of considerable importance. It worries some of us very much indeed.

Dr. Cunningham: It just goes to show that you can't satisfy all of the people all of the time. In the Duchy of Lancaster, it is important to achieve political balance not only on the Bench but in the membership of the advisory committees for appointments to the Bench. I am pursuing that agenda with the appropriate people.

Sir Patrick Cormack (South Staffordshire): But in an attempt to satisfy some of the people some of the time, will the right hon. Gentleman place in the Library, and tell me when he has done so, a list of all those who have been appointed to public office since 1 May 1997, together with their known political affiliation? May we also have a list of those who have not been reappointed, with their affiliation?

Dr. Cunningham: By definition, all names of people appointed to public office are already in the public domain. I am not sure that I intend to go to extraordinary, costly, bureaucratic lengths to republish all their names. The reason people are not reappointed these days is either that they choose not to continue or that, according to the Nolan requirements, their time is up.

Sir Patrick Cormack: What does the right hon. Gentleman have to hide? Why can we not have the political affiliation of these people? Their names may all be published in various places, but can we not have a list of them with their political affiliations?

Dr. Cunningham: We have absolutely nothing to hide. The appointment of people to public positions since May 1997 is far more open and balanced than it ever was in the 18 years of Conservative Governments.

Better Government

5. **Mr. Ben Chapman** (Wirral, South): If he will make a statement on the progress made by the ministerial group on better government. [83644]

The Minister for the Cabinet Office (Dr. Jack Cunningham): We set up the ministerial group on better government to develop and implement the Government's programme for public service reform. The group oversaw the work leading to publication of the "Modernising Government" White Paper, and will oversee the implementation of the whole modernising government agenda.

Mr. Chapman: NHS Direct is a fine example of a public service that has been modernised using information technology. Does my right hon. Friend propose to apply that example to other public services, and ensure that they are similarly modernised and that people have access to them 24 hours a day, seven days a week?

Dr. Cunningham: Yes, we shall do that. As the "Modernising Government" White Paper makes clear, we have set ourselves targets. By 2008, we intend that all Government services will be accessible using information technology. Where there is a demand, let us say to fill in self-assessment forms for the Inland Revenue, people should have access to services via their own equipment at home. Similarly, small businesses and others should be able to complete their VAT returns at their leisure and send the information electronically to the appropriate Government Department.

Sir George Young (North-West Hampshire): When the ministerial group on better government next meets, will it

reflect on the plea for pay restraint made last night by the Chancellor? Will it reconsider the huge increases that Ministers have given to their special advisers—increases far more substantial than those same Ministers have given to teachers or nurses?

Dr. Cunningham: I have already published the figures for the average increase in specialist advisers' pay. In the current financial year, special advisers have not yet been paid their annual increment, let alone had any regrading. I advise the right hon. Gentleman not to believe everything that he reads in the newspapers.

Service First Programme

6. **Mr. David Amess** (Southend, West): What recent representations he has received on the service first programme. [83645]

The Parliamentary Secretary, Cabinet Office (Mr. Peter Kilfoyle): We have received no representations, but there has been a great deal of interest in and support for the service first programme, which is an important part of our modernising government initiative.

Mr. Amess: Now that the service first programme can be seen for the public relations exercise that it is, amounting to a lot of codswallop, will the Minister tell the House how many of the 5,000 people on this ridiculous panel are my constituents? How will his policy improve services? It seems to me that ever since we have had this dreadful Government, services have got much worse, especially services from Ministers.

Mr. Kilfoyle: I hope that the hon. Gentleman will reflect on the fact that Southend council is one of the councils interested in networking in the better government for older people pilot network, which is part of the service first unit. I hope that he will reconsider the position before he tells his local council that the process is, to quote him, a load of codswallop.

Public Appointments

7. **Fiona Mactaggart** (Slough): What progress he has made in ensuring that people from a wider range of backgrounds are appointed to public office. [83646]

The Minister for the Cabinet Office (Dr. Jack Cunningham): The Government are committed to ensuring that public appointments are open to candidates from all backgrounds. We are making progress in increasing the numbers of women and ethnic minority people who hold appointments.

I am also taking forward work to mainstream equality of opportunity issues into all Government policies.

Fiona Mactaggart: I thank my right hon. Friend for that reply. I am glad that progress is being made on appointing more women and more members of ethnic minorities to public bodies. However, I am still concerned about the appointment of young people to public bodies. The most recent report of the independent Commissioner for Public Appointments revealed that in the year before the election of this Government there had been no appointments of anyone under 38 years of age to a public body. I was struck by a report published last week by Demos and Save the Children Fund, which showed the degree to which young people feel alienated from a political system that they feel has turned its back on them. Is my right hon. Friend able to do more to appoint young people to public bodies?

Dr. Cunningham: My hon. Friend raises an important point. She is right to say that it is a recurring weakness in the system. We can do much better than has been done in the past. I assure my hon. Friend that we shall be devoting some time and attention to trying to make better progress in the aspect of public appointments to which she has referred.

Mrs. Virginia Bottomley (South-West Surrey): Does this approach extend to the appointment of special advisers, and has the Minister discussed it with the Lord Chancellor?

Dr. Cunningham: I certainly will not make any public comment about the impending court case involving my right hon. and learned Friend the Lord Chancellor. As the right hon. Lady and some of her hon. Friends, especially the hon. Member for Chichester (Mr. Tyrie)—incidentally, he was a special adviser for six years and was one of the architects of the boom and bust policies of the previous Government—have had much to say about special advisers, I would point out that, in the last two years of the previous Conservative Government, Ministers and their special advisers spent far more on travel abroad than has been spent by Ministers in the first two years of this Government.

Mr. Peter L. Pike (Burnley): Is it not a fact that for 18 years we saw public appointments filled by Tory lapdogs? In the past two years, have not the present Government made appointments based on merit, involving people living in the local community who use services such as the local NHS?

Dr. Cunningham: Yes, indeed. It is because of the abysmal performance of the Conservative Government that we have the Nolan principles and the Neill committee report on these matters.

Drug Misuse

8. **Mrs. Ann Winterton** (Congleton): If he will list the initiatives taken by the anti-drugs co-ordinator over the past 12 months in relation to reducing the level of drug misuse in prisons in England and Wales. [83647]

The Minister for the Cabinet Office (Dr. Jack Cunningham): The prison drugs initiative, launched in May 1998, operates within the framework of the Government's anti-drugs strategy. The comprehensive spending review for anti-drugs activities included £76 million between 1999 and 2002 for the implementation of the prison drugs strategy in England and Wales. The Prison Service is taking forward the implementation of the strategy.

Mrs. Winterton: The Minister will be aware that, last year, 88,304 mandatory drug tests were conducted

on prisoners and that 20,152—almost a quarter—tested positive. Does the right hon. Gentleman agree that although some prisoners may have been tested more than once, these figures illustrate the severity of the drug problem in prisons? Will he suggest to the Home Secretary that if we are to assess the true position more accurately, mandatory drugs tests should be carried out on the entire prison population in selected prisons when least expected, perhaps, for example, during or after a weekend? Without more accurate statistics, the effectiveness of the measures undertaken cannot be gauged. Will these matters be covered in the drugs co-ordinator's first annual report, and when may we expect publication of it?

Dr. Cunningham: I hope to make a statement on the first annual report on drugs shortly. The hon. Lady is certainly right to say that the baseline information throughout this aspect of policy is exceedingly fragile. Some of it, as she implied, is not particularly reliable. That is why we are using some of the money in the drugs programme to create databases in which we can have confidence. With the £76 million that the Prison Service has been allocated, as I mentioned earlier, it is working closely with the Home Office, the probation service and the police to try to improve the situation in prisons. The hon. Lady is right to say that we need to do much better than we have done in the past.

Mr. Robin Corbett (Birmingham, Erdington): Although every step should be taken to deter staff and visitors to prisons from bringing in drugs, does my right hon. Friend agree that the problem starts earlier, at ports of entry? How does he react to complaints that those manning controls at our ports have neither enough staff nor the right equipment to do that job as effectively as they would wish?

Dr. Cunningham: My hon. Friend is right to say that Customs and Excise is an important part of our defences against the importation of illegal drugs. It is a matter of record that between 1989 and 1996, 500 front-line members of Customs and Excise were cut from the service. When we came to office, we took action to prevent a further reduction of 300 Customs and Excise officers. In the comprehensive spending review, my right hon. Friend the Chancellor of the Exchequer provided an increase in support for Customs and Excise, precisely because it has such an important role to play in these matters.

Mr. Humfrey Malins (Woking): The Select Committee on Home Affairs is conducting an inquiry into drugs in prisons. We recognise that it is an extremely serious problem. A number of prisons are doing some good work. Will the right hon. Gentleman comment on three possible remedies—first, sniffer dogs in all our prisons; secondly, the appropriate equipment for screening all staff and visitors to prisons; and thirdly, suitable punishments for all visitors who are found to be bringing drugs into our prisons?

Dr. Cunningham: Prison governors are taking new initiatives and introducing new measures to control a serious problem, as the hon. Gentleman points out. I will study the recommendations of the Home Affairs Committee with interest, but principally it will be for my right hon. Friend the Home Secretary to respond. I will consider with him the specific issues that the hon. Gentleman raised.

Electronic Information

9. **Mr. Andrew Mackinlay** (Thurrock): If he will make a statement on progress in increasing the amount of Government information available to the public by electronic means. [83648]

The Parliamentary Secretary, Cabinet Office (Mr. Peter Kilfoyle): The "Modernising Government" White Paper restates the 25 per cent. target for electronic service delivery set by the Prime Minister for 2002. We have also set a new target of 50 per cent. by 2005 and, subject to limited exceptions, 100 per cent. by 2008. We will publish six-monthly progress reports against these targets, and the first report will be published shortly.

Mr. Mackinlay: In the interests of candour and in a spirit of openness, will the Cabinet Secretary arrange to put on the internet on each working day details of the hopes and aspirations of the Government for that day, together with their likes and dislikes, instead of imparting that information to the clandestine Lobby briefing from which we, as elected Members, are excluded? As part of that exercise, will he issue a communiqué on each day that the Cabinet meets, setting out the information that would otherwise be imparted to that Lobby briefing, or the sultans of spin—namely, what has been discussed and the duration of each Cabinet meeting?

Mr. Kilfoyle: I cannot speak for the Cabinet Secretary, but, as the Parliamentary Secretary, Cabinet Office, I shall relay my hon. Friend's wishes to the Cabinet Secretary. I shall certainly relay my hon. Friend's remarks to the Prime Minister's official spokesman who, in the estimation of virtually all Labour Members, does an estimable job in keeping the Lobby informed on a day-to-day basis of the hopes and aspirations of the Prime Minister and the rest of the Government.

Dr. Julian Lewis (New Forest, East): Does the Minister agree that one of the most deplorable releases of Government information by electronic means was the posting on the internet of more than 100 names of alleged officers of the Secret Intelligence Service? Although those names were posted by the convicted US fraudster and fantasist Lyndon LaRouche, does the Minister know whether any links have been reported between LaRouche, Richard Tomlinson—the former SIS officer—the publicist Max Clifford and the egregious Mohammed Fayed? If any of them is within the jurisdiction of this country's courts, will the Minister take action?

Mr. Kilfoyle: No, I have no such knowledge, but I am not a conspiracy theorist. No one could expect me to comment on allegations that have been made on the internet—a notoriously difficult medium to control in any shape or form.

Public Services

10. **Mrs. Linda Gilroy** (Plymouth, Sutton): What steps he is taking to improve access to public services by older people. [83649]

The Parliamentary Secretary, Cabinet Office (Mr. Peter Kilfoyle): The Government have set up 28 pilots under the better government for older people programme to improve services. In March, we also launched a new network, which already involves more than 100 local authorities and central Government agencies. This month, we begin the first of our listening to older people events with a "virtual conference" of older people on the internet.

Mrs. Gilroy: I thank my hon. Friend for that reply. I believe that one of those pilot schemes is taking place in Devon. I greatly welcome my hon. Friend's points about the internet. Older people are often thought of as being less able and less willing to use the internet, but in fact they are one of the fastest growing age groups in their use of the internet. Will he tell us a little more about how the internet is being used to give convenient access to public services?

Mr. Kilfoyle: I happily agree with my hon. Friend that there is much misinformation about the facility with which older people take to the internet. Older people who use the internet are a fast-expanding group. Some of the pilot schemes that we have set up under the better government for older people programme enable older people to acquire internet skills to access local and national information. Last, but not least, I entirely agree with my hon. Friend about Devon county council's participation in the pilot studies, which involve a broad range of urban and rural areas, different sizes of local government units and different cities. There is a wide geographic spread.

Mr. John Bercow (Buckingham): Given that the Cabinet Office has an interest in the co-ordination of the range of Government policies, and that it has an interest in the progress—or lack of progress—of Government policies in respect of public services, can the Minister tell the House what proportion of those people who have been waiting for hospital treatment for more than 12 months are of pensionable age?

Mr. Kilfoyle: The honest answer is that I cannot; I shall have come back to the hon. Gentleman with that number. I do know that, because of the successful programme that was set up by my right hon. Friend the Chancellor, we are able to allocate an extra £21 billion this year to ensure that those waiting lists are further reduced, so that we can maintain all 177 manifesto commitments that we made.

Chancellor of the Duchy

11. **Mr. Gordon Prentice** (Pendle): In what circumstances the Chancellor of the Duchy's flag is flown on public buildings. [83650]

The Minister for the Cabinet Office (Dr. Jack Cunningham): The Duchy banner is flown on a variety of occasions, including when the Vice-Chancellor is sitting in the Crown courts and during the installation of a Duchy high sheriff.

Mr. Prentice: Is the Minister proud or slightly embarrassed that he is the only member of the Cabinet with his own flag? Does that not dramatically underline what a terrible anachronism the Duchy of Lancaster is? *[Interruption.]* Splendid though the Minister is, he should not be responsible for the appointment of magistrates, for example. Such appointments should properly lie with the Lord Chancellor.

Dr. Cunningham: This year, as my hon. Friend knows, is the 600th anniversary of the Duchy's link with the Crown. It is a bit presumptuous to suggest that the banner is mine; it is the Duchy banner. Unlike one of my Conservative predecessors, I have not tried to insist that the pennant be flown on my car as I go about my ministerial business.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1. [83669] **Mr. Andy King** (Rugby and Kenilworth): If he will list his official engagements for Wednesday 19 May.

The Prime Minister (Mr. Tony Blair): This morning, I had meetings with ministerial colleagues and others. In addition to my duties in the House, I shall have further meetings later today.

Mr. King: As Slobodan Milosevic continues his campaign of terror, genocide and ethnic cleansing in Kosovo, is not our first priority to care for those refugees who have been forced from their home; and our second to ensure that they can return home in peace and safety to rebuild their lives?

The Prime Minister: That is precisely what the refugees want, and having been to one of the camps yesterday only redoubles my determination to ensure that they are allowed back. Each and every one of the stories that are now being told by the refugees and all the evidence that is being compiled by the United Nations and the UN High Commissioner for Refugees are appalling—tales of the most terrible acts committed inside Kosovo, of families divided, young men disappearing, young women being raped and whole villages being razed to the ground. The NATO campaign will go on until our basic demands are met: that Milosevic's troops go out, our troops go in and the refugees go back.

Mr. William Hague (Richmond, Yorks): On that subject, the whole House agrees that what we have seen in Kosovo is a humanitarian disaster, and that we cannot and must not walk away from that, but must now do everything in our power to redeem the promises that we have made to the refugees. Does the Prime Minister share

our concern about newspaper reports in recent days which have alleged that there is division between our Government and that of the United States—reports that are damaging to NATO and can only provide encouragement to Milosevic? Will he take the opportunity to deny those reports, and specifically deny that he and the Government want to use ground troops to fight their way into Kosovo, when the American President has decided that he does not?

The Prime Minister: There is absolutely no difference. As was made clear by the President of the United States yesterday, all options are under review; that is what he has always said. I know the President well and I know that he will always do the right thing by America and by the world. He is as committed to this campaign as anybody else. The NATO demands and NATO's unity behind those demands are absolute and will remain.

Mr. Hague: I thank the Prime Minister for that reply. May I also ask him about the comments made earlier today by the German Chancellor, who, after talks at NATO headquarters in Brussels, insisted that any change in current strategy would require unanimous agreement, and that Germany would never back sending in soldiers before a ceasefire? Do those comments place any restriction on the development of NATO policy in future?

The Prime Minister: No. As we have said before, the Secretary-General of NATO is tasked with planning and updating all assessments. The German Chancellor is right to say that the air campaign is working, for there is no doubt that Milosevic is weakening. There were reports yesterday of riots in Yugoslavia and reports today of desertion, and the fact that there has been huge damage done to the Serb military machine shows that the air campaign is working. However, as we have said and as we have tasked the Secretary-General of NATO with doing, we review all options.

Mr. Hague: We very much hope that the Prime Minister is right and that air strikes will succeed. However, if NATO is to achieve its objectives, as it must, the Government may soon face some extremely difficult decisions. The Government will have the support of the Opposition in making difficult decisions, provided they clearly justify them by having clear and militarily achievable objectives. We have made a lot of promises to a lot of people in a dire situation. With the pressure of time growing with every day, does the right hon. Gentleman remain confident that NATO is ready to face up to the very difficult decisions that may soon face it?

The Prime Minister: We have had to make difficult choices and I thank the right hon. Gentleman for his support in making them. However, the basic NATO demands have remained exactly the same throughout. They do not alter, and neither does our determination to achieve them. We demand that Milosevic withdraw his troops and his paramilitaries, that an international military force go in and that the refugees be allowed to return to their homes in peace and security. That is why we began this campaign, and we were right and justified in doing so. For the sake of the refugees, for the sake of NATO's credibility and for the sake of the safety of the outside world, we must continue until we succeed.

Q2. [83670] **Ms Sally Keeble** (Northampton, North): May I change the subject to welfare spending? Is my right hon. Friend aware that the proposed amendments to the Finance Bill would blow a £19 billion hole in public finances before the next general election, wiping out my right hon. Friend's plans for extra spending on the national health service? Given that those proposed amendments emanate from the Tory Front Bench, does my right hon. Friend agree that it shows that the Tories' claims to support Labour's plans for the NHS simply do not add up?

The Prime Minister: Of course, we have put the extra £40 billion into schools and hospitals precisely in order to ensure that we get that additional investment. However, it must be paid for, and we will not return to the huge borrowing requirements that we saw under the Conservatives. For the Conservatives to claim that they support our spending plans—which they used to call "irresponsible"—while tabling vast amounts of costly amendments to the Finance Bill, shows, I am delighted to say, that they are now behaving like an Opposition.

Mr. Paddy Ashdown (Yeovil): Is not the true situation in Kosovo simply this: only if NATO is prepared to use ground troops can we be sure of victory? If NATO is not prepared to use ground troops, it may have to be satisfied with compromise.

The Prime Minister: I could not have made it clearer in the past few weeks that there is no question of compromise in our basic demands. We have said—I repeated it a moment ago—that we keep all options under review. There cannot be any compromise in our demands, and I shall explain why. It is for the simple reason that, in the end, the Kosovar Albanians must feel safe and free to return to their homes. They cannot do that unless the international military force is credible and unless Milosevic's troops, who have done them so much damage, are withdrawn.

Mr. Ashdown: I have never wished to be wrong more enthusiastically than over my assessment of the necessity of sending ground troops into Kosovo. Is it not true that, by ruling out the use of ground troops at the beginning—as NATO did—we left ourselves with only one means of prosecuting the war: by bombing? If bombing does not succeed and if we now rule out ground troops, we will leave ourselves with only one means of prosecuting the peace. That is—whether the Prime Minister likes it or not—compromise.

The Prime Minister: I have just made it clear that we have all options under review. That was our position and it remains the position today. I believe the bombing campaign is working and is weakening Milosevic. As I said in my speech the other day, I have no doubt that we must do whatever is necessary to ensure that we succeed and that there is no compromise in our basic demands. That has been our position throughout and it remains our position. I do not know whether the right hon. Gentleman will be proved wrong, but I believe that I will be proved right and that NATO's demands will be met.

Post-16 Education

Q3. [83671] **Mr. David Chaytor** (Bury, North): What plans he has for reform of the funding mechanisms for post-16 education and training.

The Prime Minister: We have consulted widely with businesses, colleges, the voluntary sector and others. My right hon. Friend the Secretary of State for Education will announce his proposals for post-16 education and training in the summer. My hon. Friend the Member for Bury, North (Mr. Chaytor) will know that we want to increase the opportunities for young people and adults to undertake high-quality education and training that allows them and us to have a fully competitive work force for the 21st century.

Mr. Chaytor: I thank my right hon. Friend for that reply. The post-16 review is welcomed throughout the further education sector, as is the record investment of £700 million in further education due to commence next year. Is my right hon. Friend aware of the continuing problem of differential funding of further education institutions, whereby some institutions receive up to £1,500 per student more than others for an identical course? Will he assure the House that the post-16 review will resolve that problem once and for all and achieve a level playing field for further education?

The Prime Minister: My hon. Friend is right to say that we have backed our statement that we attach importance to further education with a record settlement of over £700 million over the next two years. The review aims to get value for money and make sure that we attach proper importance to education, including further education, and training. We shall do that in a way that does not disadvantage sixth-form colleges and people who are still at school. We are conducting the review, and the results will be announced soon, and my hon. Friend will then realise that his concerns have been taken into account.

Mr. Eric Forth (Bromley and Chislehurst) *rose—*

Madam Speaker: Order. This is a closed question.

Engagements

Q4. [83672] **Mr. Ben Chapman** (Wirral, South): My right hon. Friend will have seen the employment and unemployment figures, published today, which reveal that there are more people in work than ever. The claimant count reveals an annual national reduction of 72,000 and a reduction of 4,000 in my own region of the north-west. Is not that good news for, and a function of, the economy and is not it especially good news for those who are finding work? Do not those figures entirely repudiate the claims of the many merchants of gloom on the Opposition Benches who, since the election, have consistently and regularly tried to talk down this country's economy?

The Prime Minister: The figures published today are excellent news. They demonstrate that, since the election, more than 400,000 new jobs have been created. Just as important is the news that long-term unemployment has fallen by over 50 per cent. and youth long-term unemployment has fallen by over 60 per cent. That gives a great deal of hope to young people and the long-term unemployed. Of course, the Conservatives were predicting disaster and recession a year ago. Today's news may be bad news for them, but it is good news for the country.

Q5. [83673] **Mr. John Randall** (Uxbridge): The Prime Minister will no doubt remember that last week the Secretary of State for International Development promised that the Kosovan refugees who had family contacts in this country would be given priority among those who were given temporary leave to stay. The Prime Minister will not be aware that, for the past five weeks, I have been trying, on behalf of my constituent, Mrs. Merita Lumley, to get her father, mother, brother and sister out of Macedonia, where they are currently refugees. I have not yet received a single answer about that from any Department. Is not it time that action replaced rhetoric, or will this be just another empty promise?

The Prime Minister: First, I point out to the hon. Gentleman that we have done an awful lot for the refugees whom we have taken in. I am not aware of the individual case of his constituent; I shall look into that today and ensure that he gets a reply about it this evening.

Q6. [83674] **Siobhain McDonagh** (Mitcham and Morden): Will my right hon. Friend join me in welcoming the Labour party's victory in the Israeli elections? Does he agree that the results represent the best chance of a just and long-standing peace in the region? Will he use his best efforts to ensure that all parties agree on a speedy introduction of the Wye agreement?

The Prime Minister: I am delighted to endorse my hon. Friend's remarks. I spoke to Ehud Barak yesterday and gave him our congratulations. His victory offers the middle east peace process a chance to move forward, and I know that that will be done on the basis of the Wye River memorandum, which offers a tremendous opportunity for rebuilding the middle east on the basis of security for Israel and justice for the Palestinian people.

Mr. William Hague (Richmond, Yorks): Does the Prime Minister agree with the leader of his MEPs, Pauline Green, who said that we should abolish Britain's veto over asylum, immigration and every aspect of foreign and security policy?

The Prime Minister: No. We have set out clearly the position on the veto and we believe that it is important that we keep it for areas such as defence and taxation; but we do not agree with the Conservative party, which says that it is now opposed to any extension of qualified majority voting in any circumstances.

Mr. Hague: The leader of the Prime Minister's MEPs said on 12 January:

"We believe in the extension of majority voting on everything except changes to the treaty, the membership of new countries . . . and taxation".

Labour MEPs have specifically voted for majority voting on asylum, immigration and foreign and security policy. Should not we be arguing not for giving up Britain's veto,

but for maintaining it and—when the interests of the country are at stake, as with the withholding tax—using it?

The Prime Minister: The right hon. Gentleman has a little difficulty with that, because I have just been informed that his own Tory MEPs have voted for the Conservative Euro manifesto, which argues for exactly the same abolition of qualified majority voting. He should get his facts right first. We have made our position quite clear; I do not, however, accept that we should rule out qualified majority voting in any set of circumstances. I remind him that the largest ever extension of qualified majority voting was made by the previous Conservative Government.

Mr. Hague: The trouble with the Prime Minister on Europe now is that we cannot take him at face value. Sometimes his MEPs take him at face value; he told them to clean up Europe and one put a hoover and his dry cleaning on his expense account. For years, he has tried to have it both ways. He says he stands up for Britain, but he wants to diminish the veto. He says he loves the pound, but he wants to abolish it. He says he is against a federal Europe, but the socialist manifesto that he has launched today prepares for a federal Europe. Is not it true that the veto is vital for Britain and his party cannot be trusted to keep it safe?

The Prime Minister: First, in relation to the veto, as I have pointed out to the right hon. Gentleman, the party that surrendered the veto more times than any other party in government was his. It is, however, entirely sensible, in certain areas, to have qualified majority voting—we would not have got the beef ban lifted and we would not get the single market completed without it. People have a simple choice at the European elections—one Government party with one manifesto or two Tory parties with two manifestos. After the lack of influence and weakness in Europe to which his party reduced us, I believe that people should stick with the Government and the party that knows what it is doing in Europe.

Dan Norris (Wansdyke): On average, 40 children are abused before a paedophile is convicted. What can the Government do to address that problem and will they consider changing the burden of proof to ensure that those awful people cannot harm children in the way that they currently do?

The Prime Minister: As my hon. Friend will know, the Protection of Children Bill makes a number of significant advances in that area, particularly in the way that we vet criminal records and make sure that the people who are looking after children are only suitable people. We of course look at all other potential aspects of that, but I believe that the work that is being done now to provide, for the first time in a Government, a cross-departmental view of how we look after, nurture and protect children and provide them with proper education is the best hope for the future our children have.

Q7. [83675] **Mrs. Virginia Bottomley** (South-West Surrey): We have become accustomed to the Prime Minister bypassing the House of Commons. On how many occasions this year has he cancelled Cabinet or delegated chairmanship to a colleague? Does he still believe in collective responsibility and accountability to Parliament?

The Prime Minister: In relation to Parliament, I did a little bit of research on that the other day. I have answered more parliamentary questions in my first two years than my predecessor answered in his last two years. I have spent more time at Prime Minister's questions than he did. I have made double the number of statements to the House on which I can be questioned. Those are the facts. As for Cabinet, recently—and obviously, with the war on—I have not been able to attend the two or three Cabinet meetings to which the right hon. Lady refers, but I believe in collective responsibility. What is more, and unlike the Cabinet of which she was a member, I have my Cabinet behind me.

Dr. Nick Palmer (Broxtowe): Returning to the topic of the European Parliament, does the Prime Minister agree that it is important that the British and other European Governments press for increases in the democratic accountability of the European Parliament and for it to be shown that expenses are being met according to what people spend? Is he concerned about the fact that Conservative MEPs last week rejected the reform package that would have greatly increased confidence in the European Parliament?

The Prime Minister: We support the independent auditing of accounts and expenses. We also support the new European statute that introduces far greater transparency. My hon. Friend is absolutely right that the Conservative party has refused to support the package that would give us the best opportunity to ensure that we root out fraud and inefficiency in the European Union.

Q8. [83676] **Mrs. Angela Browning** (Tiverton and Honiton): Will the Prime Minister confirm that the total salary paid to an individual who is a Member of the House, a Member of the National Assembly for Wales, and is also Secretary of State for Wales and First Secretary of the National Assembly for Wales is £187,122?

The Prime Minister: I have just been informed that the hon. Lady is wrong about that figure, and the individual does not get the amount to which she referred.

Q9. [83677] **Mr. Graham Stringer** (Manchester, Blackley): This morning, the Select Committee on Culture, Media and Sport published an excellent report on the staging of international sporting events. It gave the organisers of the next Commonwealth games a clean bill of health. Its recommendations went further: it said that if this country is to get the most out of the next Commonwealth games, there will have to be direct ministerial involvement and more resources. May I thank my right hon. Friend for his support for the Commonwealth games, and ask him to consider those recommendations with a view to giving a positive response?

The Prime Minister: I welcome the report of the Culture, Media and Sport Committee. We shall carefully consider its recommendations. The Manchester

Commonwealth games is a tremendous opportunity for Manchester and for the country, but it is evident that questions of resources must be given careful consideration.

Q10. [83678] **Mr. Oliver Letwin** (West Dorset): A little while ago the Prime Minister told the House that it would be his particular pleasure—I think those were his words—to introduce legislation to implement Lord Neill's recommendations on the fair funding of referendums. Why is he intending to ask his troops—as we understand—to kill off tomorrow the Bill proposed by my hon. Friend the Member for Blaby (Mr. Robathan)?

The Prime Minister: We are about to introduce our own draft Bill, which implements the Neill committee recommendations. The hon. Gentleman should remember that the Labour party set up the Neill committee on party funding when the party that he supports refused to have any inquiry into the matter.

Ms Beverley Hughes (Stretford and Urmston): One in four men aged between 60 and 65 are currently in receipt of incapacity benefit. Does my right hon. Friend agree that it is inconceivable that such a proportion of men in that age group are incapable, and that that figure reflects the extent to which incapacity benefit was used under the previous Government to keep people off the unemployment register? Would not it be fairer and better if incapacity benefit reverted to the purpose for which it was intended, if people who can work were helped to find it, and if really disabled people, adults and children, got a much better deal than they currently get?

The Prime Minister: Everybody knows that in the 1980s the Conservatives used invalidity benefit to transfer people off unemployment benefit. That is the truth of what happened. We now have triple the numbers on incapacity benefit. There are more people on it than on unemployment benefit. Conservative Members are now complaining about that. Last week the Leader of the Opposition said that he wanted welfare spending to be cut to deliver tax cuts, but the first opportunity the Conservatives have for proper welfare reform they refuse it. Instead, the Government are taking the money that is saved and getting it to people who really need it. Those people who talk about welfare reform should have the courage to see it through.

Constituency Visit

Q11. [83679] **Mr. David Amess** (Southend, West): What plans he has to visit Southend, West.

The Prime Minister: I have no plans to visit Southend—and I rather think that the hon. Gentleman did not either, until he saw the writing on the wall in Basildon.

Mr. Amess: There you are, Madam Speaker. Labour has never got over the fact that we kept Basildon for the Conservatives—and today half my old constituency is still represented by a Conservative. Anyway, it is just as well that the Prime Minister is not going to visit Southend, West, given the anger that is felt there about the way in which he has broken up the United Kingdom.

If the Prime Minister did visit my constituency, however, he would learn at first hand about the effect of reducing class sizes to 30 and under. That policy means that parental choice will be ended this autumn. Why do the Prime Minister, his party and his Liberal partners in crime despise working-class people so much that they want to prevent them from having the choice that he and his colleagues have as a result of their power and money?

The Prime Minister: The hon. Gentleman says that working people in Southend will not support the Government's policies. I believe that they support the statutory minimum wage introduced by us, the 20 per cent. rise in child benefit introduced by us and the £40 billion of investment in schools and hospitals introduced by us—and they certainly support the lowest interest rates for more than 30 years.

Engagements

Q12. [83680] **Mrs. Cheryl Gillan** (Chesham and Amersham): Why should a Member of the House of Commons who has a Scottish seat and represents some 52,000 people be paid the same as a Member of this House who has an English seat and represents some 100,000, given that after 1 July, when the Scottish Parliament starts to act, the Member with a Scottish seat will have only half a job? Is that the Prime Minister's idea of fairness at work?

The Prime Minister: I do not agree with what the hon. Lady says. I think that it would be wrong to have two classes of Member of Parliament. When Stormont was sitting in the 1960s and before, we had precisely the same arrangement in relation to Northern Ireland. The argument used by a then Conservative Prime Minister is the argument that I use now: it is in the interests of the United Kingdom that we have devolution, it is fair that we have devolution, and to have two classes of Members of Parliament would be wrong.

Mr. Peter Bradley (The Wrekin): Given the Government's pledge in advance of the election to reduce class sizes for every five, six and seven-year-old in the country, will my right hon. Friend join me in congratulating Telford and Wrekin council and Shropshire county council, which have delivered on that pledge to infants in my constituency—not on schedule, not one year ahead of schedule, but, because of Government funding, two whole years ahead of schedule?

The Prime Minister: The fact that more than 130,000 five, six and seven-year-olds are now in classes of under 30 who would not be otherwise, and the fact that the size of primary school classes is falling for the first time, underscore this Government's commitment to education. Once again, every single one of those measures has been opposed by the Conservative party.

Q13. [83681] **Mr. Tim Boswell** (Daventry): Is it all right to lift the beef-on-the-bone ban in one part of the United Kingdom, but not in another?

The Prime Minister: That, of course, is what devolution provides for. I hope that that was a statement of support from the hon. Gentleman.

We introduced the ban because of the advice of the Chief Medical Officer. The reason why the issue of any ban on British beef has arisen is, of course, BSE—and the hon. Gentleman will know who was responsible for introducing BSE. That is, I am afraid, an outstanding example of the rare combination of incompetence and financial profligacy that was the true legacy of the last Conservative Government.

Jury Trial

3.30 pm

Mr. Douglas Hogg (Sleaford and North Hykeham) (*by private notice*): To ask the Secretary of State for the Home Department whether he will inform the House as to his proposed restrictions on trial by jury.

The Parliamentary Under-Secretary of State for the Home Department (Mr. Mike O'Brien): My right hon. Friend the Home Secretary sends his apologies. He has a longstanding commitment to speak at the Police Federation conference. I am sure that hon. Members would want him to keep that commitment.

In response to a written question that appeared on Tuesday's Order Paper, the Home Secretary has announced—*[Interruption.]*

Madam Speaker: Order. I am sorry to interrupt the Minister. I ask Members who are leaving to do so less noisily. We still have business to do here.

Mr. O'Brien: Thank you, Madam Speaker.

The Home Secretary has announced that the Government propose to change the way in which the mode of trial is determined for those cases that are triable either way.

In 1993, the royal commission on criminal justice and, more recently, the 1997 Narey review of delay in the criminal justice system recommended that defendants should not be able to choose to be tried in the Crown court in either-way cases where magistrates have indicated that they would be content to hear the case.

We have considered that recommendation, along with the responses to the consultation paper that the Home Secretary issued on 28 July last year. Today's answer to the parliamentary question indicates that we will be introducing legislation, when parliamentary time allows, to abolish the ability of defendants to decide for themselves whether to be tried in a magistrates court or the Crown court in either-way cases. Magistrates should decide whether the trial should properly take place in the Crown court.

Some believe that to remove the defendant's veto on the magistrates' decision that they should hear a case would erode fundamental individual liberties that were established in the middle ages, if not by Magna Carta itself. However, although trial by jury is ancient, a defendant's ability to choose to be tried by a jury rather than by the justices was introduced in 1855.

The Government agree that jury trial is right for certain sorts of case. The question is whether it should be available on demand by a defendant, or whether it should be restricted to business that objectively warrants it. In the same way as defendants do not have a choice of which magistrate, judge or jury hears their case, we believe that defendants should not be able to choose where their case is tried. In Scotland, there is no ability to elect for trial. Indeed, the prosecution decides the venue. I know of no other country in which such an ability to elect is allowed on this scale.

The majority of cases in which the defendant elects for Crown court trial result eventually in guilty pleas, but only after greater inconvenience and worry to victims and witnesses, and at considerable extra cost, sometimes using up valuable police time to little effect. Home Office research shows that nine out of 10 people who elect to be tried in the Crown court have previous criminal convictions. It is clear that some persistent offenders are abusing the system of election. The Government's proposal will end the practice that many rightly regard as a manipulation of the criminal justice system: defendants demanding Crown court trial for no good reason other than to delay proceedings and the evil day when they should be sentenced.

There will be safeguards for those of good character. When determining the mode of trial, magistrates will be required to have regard not only to the defence's representations, but to such features as the gravity of the offence and the complexity of the case, as legislation already requires. There will be an added safeguard, in that the effect of conviction and the likely sentence on the defendant's livelihood and reputation should be taken into account.

In addition to the automatic right of appeal to the Crown court against conviction, defendants will be given an extra safeguard—a right of appeal to the Crown court against the magistrate's decision on mode of trial. We believe that our proposals will ensure that justice is delivered in a fair, just and efficient way.

Mr. Hogg: I thank the hon. Gentleman for his response. Does he understand the concern in this House that the Home Secretary should have failed to make a statement in this House with regard to a matter of this magnitude, but rather preferred to announce it outside on the radio this morning, and—as I understand it—in a speech this afternoon? I hope that proposals of this importance will be made the subject of a White Paper and, thereafter, that a Bill will be published early and then referred to the Special Standing Committee procedure.

Is it true that the proposals are motivated primarily by considerations of finance, not by considerations of justice? Will the proposals apply to persons of previously good character? If so, does the Minister understand the real concern that will be felt in the House? In respect of the right of appeal, will the hon. Gentleman confirm that any proposals to that effect will give the trial judge an unfettered discretion in the matter of the decision of the magistrates court, that there should be no presumption in favour of that decision, and that the trial judge should have a right to take into account the damage to the reputation and good name of the defendant?

Finally, will the hon. Gentleman tell the House precisely the class of offences to which the present proposals relate?

Mr. O'Brien: As for the way in which the matter was announced, the right hon. and learned Gentleman will be aware that the Home Secretary has a reputation for being scrupulous about the prerogatives of the House. He certainly intends no discourtesy and would regret it if anyone believed otherwise. The Home Office consults on a wide range of issues, and normally reports the results—if there is a wide-ranging series of conclusions—in a statement. However, a more narrowly based statement of a broad intention is often given in a written answer, as it was today. In due course, perhaps a consultation paper or a White Paper on the detail might be the time for a statement.

In the meantime, my right hon. Friend the Home Secretary was to speak to the Police Federation conference. The right hon. and learned Gentleman will know that the Police Federation conference—like party conferences and other events—is a place where broad-based statements can be made. My right hon. Friend was anxious to be scrupulous about the way in which he dealt with the House. He wanted to be sure that a parliamentary answer was given today, before he made the statement, so that he could be sure that the House was aware of the situation—even though all the detail was not in this statement.

During yesterday afternoon, it became clear that the press had been alerted by a question on Tuesday's Order Paper, and was making inquiries of the Home Office press office. I am assured by the press office and officials at the Home Office that they did not actively brief, but reacted to inquiries in broad terms. However, there was a concern this morning that some of the press might mislead in their reports, so the Home Secretary decided to clarify matters on "Today". However, he is scrupulous in the way in which he deals with this House.

The change is not motivated primarily by finance: it is a recommendation of the royal commission and the Narey report. There will be safeguards for people of previous good character, as I set out in my original reply. There will be a right of appeal on venue, and the judge can take into account the effect on the reputation of a person of good character. That will apply to either-way offences.

Mr. Chris Mullin (Sunderland, South): What evidence is there that the existing arrangements are widely abused? My hon. Friend says that many people who have elected for a jury trial plead guilty at the door of the court. Is not that in many cases because the charges have been substantially reduced?

Mr. O'Brien: My hon. Friend is right: some defendants seek Crown court trial for all sorts of reasons. I have already said that Home Office research shows that nine out of 10 are not persons of previous good character. People choose Crown court trial to apply pressure on the Crown Prosecution Service to reduce the seriousness of the charges, as he suggested, and they think that it is less likely that prosecution witnesses will attend, because of the elapse of time—which could also make memories more vague—and because those witnesses may be fearful of the Crown court. They also do it simply to put off the day of sentence, so that they can be held in a local prison, perhaps close to their friends and partners in crime, enjoying the privileges of being unconvicted prisoners for a longer time.

Sir Norman Fowler (Sutton Coldfield): I join my right hon. and learned Friend the Member for Sleaford and North Hykeham (Mr. Hogg) in protesting at the way in which this announcement has been made. Over the past two weeks, we have had important announcements on refugees from Kosovo, on privatisation of the Tote, on the Macpherson leak inquiry, and now on trial by jury, and in not one of those cases has the Home Secretary volunteered a statement to the House. Indeed, he is not even here to offer a response today.

There will be a strong feeling among Government as well as Opposition Members that that is an entirely wrong way to treat the House. Does not the Minister realise what resentment is caused throughout the House when self-evidently important announcements are first leaked and then announced outside Parliament?

Does not the Minister feel that there is a particular obligation on the Home Secretary to volunteer a statement when, as in this case, he has totally reversed the position that he set out two years ago? Is not it a fact that on 27 February 1997 the Home Secretary spent half his response to the statement by my right hon. and learned Friend the Member for Folkestone and Hythe (Mr. Howard) on criminal justice attacking the very proposals that he is now making? Did not he say on that occasion that time was needed to see whether the Criminal Procedure and Investigations Act 1996 improved the position? In so doing, he put his finger on one of the reasons why we will oppose the proposals.

Do not the Crown Prosecution Service figures given to my hon. Friend the Member for Hertsmere (Mr. Clappison) show that, whereas in 1988 46 per cent. of those charged with an either-way offence elected for trial in the Crown court, the figure for 1998 was down to 28 per cent.? On the radio this morning, the Home Secretary suggested that some other European nations regard the English and Welsh system as unusual, but surely the view of other countries is not remotely the deciding factor in changing our law. By and large, our system of justice has worked well; above all, it has the confidence of the majority of the public.

The Home Secretary made his announcement to the Police Federation conference in Blackpool, where I was yesterday. Many will feel that if he wants to tackle crime effectively, he should concentrate on strengthening the police rather than changing the jury system.

Mr. O'Brien: I have already dealt with the way in which the announcement was made. I gave a full explanation, and I will not take the synthetic anger that the right hon. Gentleman displays, after everything that we have seen in the House from his party over the years.

The Home Secretary properly gave a written answer to a question, so as to give notice of a view that he had taken following a consultation. He did that in the proper way, and I do not think that the right hon. Gentleman's criticisms are justified. However, my right hon. Friend does not wish anyone to think that he is less than scrupulous in his approach to the House. He always seeks to do things in the proper way, which is why the question was tabled.

The right hon. Gentleman talked about people changing their minds, but the Conservative Government were committed to taking away the right to jury trial. They made an announcement to that effect, without putting in the safeguards that my right hon. Friend now wishes to see included.

Mr. James Clappison (Hertsmere): Wrong.

Mr. O'Brien: It is true that my right hon. Friend changed his mind. He has considered the evidence, and the possibility of other safeguards that were not proposed by the previous Government.

Those safeguards include a right of appeal to the Crown court on venue, and the fact that magistrates will have to consider the issue of reputation before deciding at which venue the trial will take place. My right hon. Friend

[Mr. O'Brien]

believes that, with those safeguards, the proposals of the royal commission and the Narey report should be supported.

Mr. A. J. Beith (Berwick-upon-Tweed): Is there not something seriously wrong when the Home Secretary does not even recognise that this issue is sufficiently important to require a Minister to appear before the House and answer questions? Is there not also something seriously wrong with arguing that a right that has been an important principle of the justice system of England and Wales should be removed simply because it does not apply in other countries, however different their jurisdictions may be? In Scotland such cases are tried before a professional judge, not by magistrates, so that comparison is not appropriate.

Will the Minister confirm that the consultation elicited many expressions of concern about the proposal, not least from representatives of the ethnic minorities, who had particular fears about its effect? What will be the grounds on which people can appeal against magistrates' decisions? Will there be legal aid for such appeals? Does the Minister not realise that the Government will create a new bureaucratic complication, just to take away a right exercised only by a limited and falling number of people?

Mr. O'Brien: I am sorry that the right hon. Gentleman dismisses with such cavalier disregard both the report of the royal commission on criminal procedure and the Narey report. Those reports fully considered the issues surrounding the right to choose the venue, and dealt with the arguments in a sound and reasoned way. We should have due respect for the views of the royal commission and of Mr. Narey.

There have been some suggestions that the ethnic minorities will have concerns, yet according to the statistics, ethnic minority defendants tend to be given longer sentences, partly because disproportionate numbers of them elect for Crown court trial—and following conviction, Crown courts can give longer sentences.

The Lord Chancellor is engendering greater confidence in the magistrates courts among ethnic minorities by appointing more magistrates from ethnic minority communities. That process is under way; we are also putting in additional safeguards to help to build confidence among ethnic minorities. Not only will more magistrates come from such communities, but they will be able to consider the impact on the reputation of a person within those communities before determining the venue.

There will be a right of appeal on venue to a Crown court, where all those issues can be considered, if necessary. There will also be an automatic right of appeal to the Crown court on a sentence or a finding of guilt. Those safeguards will be sufficient to ensure that ethnic minorities are satisfied with the way in which the decision has been made.

Mr. Robert Marshall-Andrews (Medway): May I say, with a heavy heart, that I agree immediately with the observations made by my right hon. and learned Friend the Member for Sleaford and North Hykeham (Mr. Hogg), who asked the private notice question? The way in which this fundamental matter has been brought before the House is a disgrace, and shows contempt for hon. Members on both sides.

I shall make one or two observations and ask questions in respect of the matters that my learned Friend—or rather, my hon. Friend—raised. First, does he not understand—from his experience, or anecdotally—that the vast majority of people elect for trial by jury on advice because they believe that they will thereby obtain a better standard of justice in a more judicial arena?

Secondly, does my hon. Friend seriously advance the proposition that those of bad character—that is to say, those who have had the misfortune, probably justly, to have been convicted in the past, and sentenced and punished—should now be rewarded with the further penalty of the loss of their rights in perpetuity to jury trial?

Thirdly, and while we are on the subject of saving money—because we may suspect that the proposal is Treasury driven—how will it save money to have three hearings instead of one? If the proposal is adopted, a Bench of magistrates will have to decide whether someone has a right to be heard in the Crown court. That Bench of magistrates cannot later try the trial, because they will have heard all about the defendant's antecedents. The trial will have to go to another Bench of magistrates, but before that it will have gone to the Crown court on appeal, no doubt on legal aid, for the benefit of the profession.

If a person with a string of previous convictions is convicted in the magistrates court, he will be sent back to the Crown court because that is the only place where he can be sentenced. That would make four hearings instead of one. How much research has been done into how many people would arrive at the Crown court in any event but will now, under this procedure, spend so long getting there?

Mr. O'Brien: My hon. and learned Friend is a lawyer, and he is obviously concerned that the issues that the legal profession holds close to its heart are safeguarded. I, too, am a lawyer and like him I have represented people who sought to go to the Crown court merely to delay the point at which they would have to go to prison. They wish to remain on bail for longer, or to remain on remand for longer with the privileges of remand prisoners. I find it difficult to believe that he has not had clients who have taken that view and pleaded guilty at the door of the court, because throughout they have sought to abuse the system of election for trial. That has unduly wasted the time of prosecution witnesses and the police, and given rise to costs for the Exchequer.

Police time would be better spent on catching criminals than on sitting outside a court door waiting for barristers and their clients deciding to plead guilty after all. It is about time it was recognised that nine out of 10 defendants who elect to the Crown court have previous convictions and many are simply abusing the system.

Several hon. Members *rose—*

Madam Speaker: Order. I felt as if I was in court during the last questions. Now may we have brisk questions, and only one from each Member?

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy): Quite apart from the bizarre way in which the matter

was announced, the Minister has overstated his case. More than 90 per cent. of criminal cases are already dealt with in the magistrates courts. Are not those people the Minister describes as manipulating the criminal justice system exactly the people who will appeal each and every time and clog up the Crown court with needless appeals?

Mr. O'Brien: No, we do not believe that there will be needless appeals. The hon. Gentleman is right that most people who are accused of offences are dealt with in the magistrates courts. Indeed, when given a choice, most people of previous good character choose to be dealt with in the magistrates courts.

There is much hot air and theory, particularly among some lawyers who believe in an ancient view of the protection of the right to election. Once we cut away from the stories and fairy tales about the right of election, we get down to reality. The magistrates courts are capable of delivering efficient and effective justice. We have had faith in them for many years—since the middle ages, indeed—and we should continue to have faith that they will be able to deal with appropriate cases and that matters that should be referred to the Crown court will be referred there.

Audrey Wise (Preston): I listened with interest to my right hon. Friend the Home Secretary on the radio this morning when he implied that some new evidence had emerged that had caused him to change his mind. Exactly what new facts have emerged in the two and a half years since we heard my right hon. Friend give his statement, to great approval from the Labour Benches? Will my hon. Friend also accept that some of us are less than enchanted with the idea that we are going back only 150 years rather than to the middle ages?

Mr. O'Brien: My right hon. Friend the Home Secretary said that he had re-examined the issue and considered whether new safeguards could be introduced which the previous Government had not suggested when they supported change. My right hon. Friend had felt that there were insufficient safeguards for defendants, but now takes the view that an additional requirement that magistrates should look at the reputation of a person who is convicted and the impact on his or her livelihood would provide an extra safeguard. A right to appeal to the Crown court on the issue of which court—venue, as the lawyers call it—the case should be tried in would provide the additional safeguard that would allow my right hon. Friend to support the views of the royal commission on criminal procedure and the Narey report into dealing with delays in the criminal justice system.

Mr. Edward Garnier (Harborough): Is not the protection afforded by the right of appeal illusory when one considers that magistrates will have the discretion to make a decision and that appellate courts rarely interfere with the discretion of the lower courts? While the Minister may pump up his story about the protection of the appeal, there is no such protection in reality.

Mr. O'Brien: I am sure that magistrates will exercise their judgment in a considered and proper manner. If there is no such due and proper consideration, a Crown court will, on appeal on the issue of venue—a new procedure—be able to make an alternative decision if appropriate. That is a good and effective safeguard.

Ms Bridget Prentice (Lewisham, East): Having been a magistrate rather than a criminal lawyer who might benefit from cases taking a much longer time, I very much welcome my hon. Friend's statement. He is right to say that nine out of 10 of those who elect to go to Crown court are people with previous convictions. In my experience, the vast majority of the people who turn out to be innocent want their trial to take place as quickly as possible. The adage that justice delayed is justice denied is one that hon. Members on both sides should consider carefully.

Mr. O'Brien: My hon. Friend is entirely right and her welcome for the proposals is justified. I suspect that constituents of Members on both sides will feel that our proposals are about delivering a system that puts the criminals where they ought to be while safeguarding the rights and interests of the individual.

Mr. Richard Shepherd (Aldridge-Brownhills): Has the Minister no shame at having to give the House a preview of what seems to be a Queen's Speech, at seeming to defend clauses in a Bill that the House has not seen and at arguing for something that we will address in due course, perhaps next year? Is this the Queen's Speech? Will he publish the draft Bill so that we may read it? Will he accept that for many of us, the constant tilting at the interests of the innocent—those whose interests are the first that our system was designed to defend—is deeply disturbing? The Government, in their bureaucratic rigour, are increasingly squeezing out some of the classic freedoms of this country.

Mr. O'Brien: The hon. Gentleman rather overstates his case. A majority of the people who elect for crown court trial plead guilty. They are not innocent; they plead guilty. Nine out of 10 are not of previous good character. The hon. Gentleman has to be careful about over-egging the pudding. The matter has been the subject of a royal commission, a report, and a consultation paper. We are merely announcing now the results of the consultation. The hon. Gentleman is just overstating things.

Mr. Desmond Browne (Kilmarnock and Loudoun): As my hon. Friend said in his answer, there is no right of election in Scotland. Before I became a Member of Parliament, I practised for 20 years in that system. The choice of forum—as we call it in Scotland, not venue—lies with the prosecutor. Only 2 per cent. of criminal cases in Scotland are prosecuted before juries. It is instructive that the system in Scotland has enjoyed the consistent support of both the House and the Scottish people. Does my hon. Friend believe that the system of criminal justice in Scotland is inherently less fair than the system in England and Wales?

Mr. O'Brien: The system in Scotland is not inherently less fair. As my hon. Friend says, there is broad support among the Scots people for the criminal justice system. It does not include the right of election, which some criminals have been able to abuse. We are now cleaning up some of the problems in our legal system. Far from

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undermining public support for our legal system, I suspect that we shall restore confidence among the English and Welsh people in our criminal justice system.

Mr. Patrick Nicholls (Teignbridge): I shall put to one side for the sake of brevity what has already been said about the way in which this announcement has been handled—I agree with those remarks. I have been in precisely the same business as the hon. and learned Member for Medway (Mr. Marshall-Andrews), probably for the same number of years. I urge the Minister to reject comprehensively everything that he said.

The Minister has referred on four occasions now to the effect that a court case can have on reputation, and he has said that reputation will be an aspect of his proposals. If a thief with a long criminal record were convicted of the theft of £100, his conviction would make little difference to his lifestyle or his reputation in his community. However, if many people, including the Minister or me, were convicted of stealing just £10, our careers would be wrecked and destroyed for ever.

I do not ask for a definitive reply to my question, but will the Minister at least consider that, where a person of previous good character is tried for the first time for an offence in which there is an essential ingredient of dishonesty—in which dishonesty is the mens rea—there should be not just a discretion to allow that person to elect a Crown court trial but an absolute right to do so? Who knows?—the Minister may then find that support for his "disgraceful" proposals is rather wider than he thinks.

Mr. O'Brien: The hon. Gentleman makes a point that will no doubt be the subject of debate when the matter comes before the House as a Bill in due course. We currently intend that magistrates will have to consider the impact of conviction and sentence on the reputation of a person of previous good character in their community, and perhaps on their livelihood too. We believe that magistrates are able to make an informed and reasoned decision and to make the best judgment as to where the case can be dealt with.

Mr. David Lock (Wyre Forest): I did not intend to speak this afternoon, but having heard protestations on behalf of what I can only describe as the lawyers' party rather than the party for which Opposition Members were elected, may I ask my hon. Friend to put the matter in context? Does he agree that someone who appears before a court accused of an offence as serious as assaulting a police officer, which could well carry a sentence of six months' imprisonment, has to be tried before magistrates; yet someone who steals a Mars bar from the corner shop has a right to trial by jury and can cost hundreds of pounds and many months of delay by making an election?

Mr. O'Brien: My hon. Friend is a distinguished lawyer and is well able to understand that the courts are able to deal with these issues effectively. The magistrates courts deal with many cases involving people of previous good character and many others in which people have many serious issues before them. The magistrates court adjudicates on these cases and is a perfectly good venue for dealing with them. My hon. Friend is right.

Madam Speaker: We shall now move on.

Points of Order

4.5 pm

Sir George Young (North-West Hampshire): On a point of order, Madam Speaker. This is not the first time important changes of Government policy have appeared in the press before they were announced to the House. That has the effect of undermining the role of the House and making it more difficult for Parliament to hold the Executive to account. What steps are open to you, Madam Speaker, perhaps in consultation with the Procedure Committee, to ensure that this insidious practice comes to an early end?

Mr. A. J. Beith (Berwick-upon-Tweed): Further to that point of order, Madam Speaker. There is a consideration that you might like to bear in mind. I have noticed that this practice tends to happen most often when the policy announcement to be made involves a reversal of the Government's previously declared policy. I wonder whether you would bear that sort of case in mind as one for which oral statements are particularly appropriate.

Mr. Norman Baker (Lewes): On a point of order, Madam Speaker.

Madam Speaker: Is it related?

Mr. Baker: Yes.

Madam Speaker: I did not call the hon. Gentleman in Question Time, so let me hear it.

Mr. Baker: Thank you, Madam Speaker. The explanation given for why the issue turned up on Radio 4 this morning and on the front page of the *Daily Mail* is pathetic. The wafer-thin explanation was that the newspapers telephoned and asked for an explanation, or for answers to their questions. I ask many questions of the Government and receive no straight answers from them. Why should the *Daily Mail* get a straight answer?

Mr. Quentin Davies (Grantham and Stamford): Further to that point of order, Madam Speaker. The Government have been caught red-handed in a particularly blatant case of abuse of Parliament. An attitude of slight contrition might have been rather more appropriate from the Minister, rather than one of defiance coupled with multiple and unconvincing excuses.

What can we do about this? What can you do about it, Madam Speaker? I am afraid to say that if nothing is done about this systematic abuse very soon, you will be seen in retrospect to have presided over a period of fundamental erosion of Parliament.

Madam Speaker: That is a very serious allegation.

Mr. Davies: It is no criticism of you, Madam Speaker. I am simply saying objectively—

Madam Speaker: Order. The hon. Gentleman will resume his seat. He must remember that I granted the private notice question today. The House knows that I deprecate statements that are made in the written press or in the media before they come to the House. I do so very

much again today. I have been asked by right hon. and hon. Members to do whatever I can to ensure that the leaks or information given to the media cease. I have been involved in this for very many months and I shall continue to use my best endeavours.

Mr. Dale Campbell-Savours (Workington): Further to that point of order, Madam Speaker. So that we have a little balance in these matters, will you confirm that there were similar practices hundreds and hundreds of times under the 19 years of the previous Government?

Madam Speaker: Yes, I am aware that Governments of all colours tend to use the media when they feel that it is to their advantage to do so. I am quite wise to what happens in the House; I have been a Member for a quarter of a century.

Bells on Pedal Cycles

4.8 pm

Dr. Palmer: I beg to move,

That leave be given to bring in a Bill to require the Secretary of State to make regulations on the fitting, maintenance and use of bells on pedal cycles.

Among the Bill's virtues is simplicity, and I will take 10 seconds rather than 10 minutes to describe it. The current law permits the Secretary of State to require bells to be fitted on bicycles. The Bill simply amends the law to make it mandatory, thereby restoring the position as it was until 1983.

The Bill has generated considerable interest, not least because the Government are currently brooding on the results of a consultation exercise. In May 1997, Baroness Hayman informed another place that the question was being considered with priority. In August 1997, the Department of the Environment, Transport and the Regions wrote to the Lakes parish council, which has campaigned on the issue for some years, to say that an announcement was expected "in the near future". In September the Department wrote to the Lakes parish council again, stating that a decision was anticipated "very soon". In April 1998 the Government completed a consultation exercise in which 150 responses were collected, and said that they hoped to make an announcement "soon". The baby seems to be somewhat overdue.

The Bill is intended to stimulate the debate and encourage an early, favourable decision. I am aware that the black hand of Bromley and Chislehurst will close its clammy grip on the Bill, as it has on so many others, but I hope to influence the Government's decision.

The originator of the initiative was a constituent and newly elected councillor in Broxtowe, Janet Thorley, who typifies the indomitable spirit of so many poorly sighted people. When her guide dog was hit by a bicycle, her response was to organise a petition for the restoration of bells on all cycles, for which she amassed no fewer than 2,487 names, including those of my hon. Friends the Members for Erewash (Liz Blackman), for Luton, South (Ms Moran), for Denton and Reddish (Mr. Bennett), for Sheffield, Hillsborough (Helen Jackson), for Bradford, South (Mr. Sutcliffe), for St. Helens, North (Mr. Watts) and myself. I shall present that petition, by leave of the House, this evening. I was delighted to receive support from Maureen Colloquhon, whom many hon. Members will remember from her time in the House.

I am extremely grateful to all those who have written to me, in particular the environmental campaign Sustrans, which sells more cycle bells at £3 than any other product and warmly supports the proposals, and the Royal National Institute for the Blind, which has given me strong support in the context of a major new transport and mobility campaign, which it is launching this week.

It is important to stress that all the organisations supporting the Bill are also strongly in favour of cycling. The Bill is not a veiled criticism of cyclists, as we recognise that only a small proportion of road accidents are due to cycling. We are seeking to achieve a reinforcement of cycling's image as a safe, environmentally friendly form of travel that threatens no one.

The RNIB's briefing notes that bells will also help cyclists to avoid collisions with each other, as well as the injuries incurred in collisions with pedestrians. I am

[Dr. Palmer]

encouraged that whereas in 1984 nearly all cycling organisations opposed the idea, on this occasion the Bicycle Association has no strong view against bells being fitted.

Is there a real problem? In 1997, the Royal Society for the Prevention of Accidents reported that there were 329 cyclist-pedestrian incidents, in which there were 427 injuries. Fourteen cyclists and 86 pedestrians were seriously injured, and three cyclists and three pedestrians were killed.

The RNIB notes that accidents and near-misses are frequent enough to be a factor in discouraging poorly sighted people from going out. A survey of 500 active blind and partially sighted people showed that 73 per cent. were worried about cyclists, and that that was the strongest reaction on transport issues in the survey.

It is, of course, possible to shout instead of ringing a bell. Sometimes that will be the best action in an emergency, as the highway code points out. However, shouts tend to be intimidating and cause poorly sighted people to freeze, whereas a bell gives a clear directional indication that can enable the pedestrian to step out of the way.

The figures mentioned are dwarfed by those for car accidents, but they are sufficient to suggest that there is a problem. If a £3 add-on to bicycles will make a useful difference, should we not take that step?

In summary, the Bill will help to reassure elderly and blind people, the cost to individual cyclists will be minimal, and the image of cycling will be enhanced. If, as we all hope, cycling becomes increasingly popular in the years to come, interaction with pedestrians will increase further. The measure will help to preserve good relations between the cycling and pedestrian communities, to the benefit of all. I commend it to the House.

4.14 pm

Mr. Ben Bradshaw (Exeter): It gives me no pleasure to speak against the Bill, and I am sure that my hon. Friend the Member for Broxtowe (Dr. Palmer) brings it to the House with the noblest of motives. I should declare an interest in that I am chairman of the all-party parliamentary group on cycling, which now has a record membership. I cover about 200 miles a week by bike, both in my Exeter constituency and in London.

Although the Bill is well intentioned, I speak against it because I do not think that forcing people to fix bells to bikes is the most effective way either to improve pedestrian safety or to reduce accidents. My hon. Friend has already mentioned that the number of accidents between pedestrians and cyclists is remarkably low; in fact, bicycles are involved in only 0.07 of accidents in which pedestrians are injured. That is seven in 10,000.

My other objection to the Bill is that anyone who knows about bicycle bells knows that they are extremely unreliable and rather quiet. Indeed, my hon. Friend pointed out that it is often much more effective to shout. In my experience, on occasions when a bell might be useful—for example, when one is cycling along a road and a pedestrian is about to step off the pavement without looking, or when a pedestrian is meandering across a cycle path where he or she should not be—in fact it is worse than useless, especially in urban areas. Pedestrians cannot hear a bell. I find it far more effective to give a loud shout or a scream as a warning. The pedestrian can hear that. In the unfortunate case involving my hon. Friend's constituent and her guide dog, I am not sure how the guide dog's movements would have been affected by the rather quiet tinkling of a bicycle bell.

I do not believe that the Bill will improve the atrocious behaviour of a small, but regrettable, number of idiotic cyclists, who will disregard it—as they already disregard far too many of our traffic laws. To burden responsible cyclists and the parents who are trying to encourage their children to use bikes with even more requirements and legislation will be a deterrent. Cycle use is extremely low and the Government are committed to doubling and redoubling cycle use in this country by 2012. The Bill would be yet another impediment to achieving their admirable aim.

Our aim should be to improve the behaviour of all road users. The most effective way of protecting pedestrians is to concentrate on the proper separation of pedestrians and cyclists. In recent years, there has been a regrettable move to encourage pedestrians and cyclists to share the same pavement space. That is not the way forward and I am glad that the Government are not practising that system.

In conclusion, I regret opposing the Bill; it is well intentioned, but it will not help pedestrians and it might deter cyclists.

Question put, pursuant to Standing Order No. 23 (Motions for leave to bring in Bills and nomination of Select Committees at commencement of public business), and agreed to.

Bill ordered to be brought in by Dr. Nick Palmer, Mr. Andrew F. Bennett, Mr. Andrew Dismore, Mr. Kelvin Hopkins, Ms Margaret Moran and Mr. Alan Simpson.

Bells on Pedal Cycles

Dr. Nick Palmer accordingly presented a Bill to require the Secretary of State to make regulations on the fitting, maintenance and use of bells on pedal cycles: And the same was read the First time; and ordered to be read a Second time on Friday 23 July, and to be printed [Bill 105].

Opposition Day

[13TH ALLOTTED DAY]

European Union Fraud

Madam Speaker: We now come to the main business of the day. I have selected the amendment in the name of the Prime Minister.

4.18 pm

Mr. Francis Maude (Horsham): I beg to move,

That this House notes that for four successive years the European Court of Auditors has declined to provide assurance that the transactions underlying payments from the European budget are legal and regular; regrets the failure of the UK Presidency to achieve any concrete measures to tackle fraud and mismanagement in the EU budget; congratulates Mr. Paul Van Buitenen on his courageous action in exposing the incompetence and unwillingness of the European Commission to tackle fraud; condemns the action of Labour MEPs, urged on by the British Government, in seeking to protect the Commission from censure; notes that, despite the vote in the European Parliament to censure the Commission, no Commissioner has yet left office; believes that confidence will only be restored if all existing Commissioners are replaced forthwith; and calls on the Government to ensure that genuine and effective measures to tackle fraud in all of the institutions of the European Union are taken as a matter of urgency.

The debate falls only five months after the Chancellor unveiled his plan for a head of fraud investigations. At the time, the Government said that the proposal was well received. That may have been the case, but the proposal was speedily buried. Each year, according to the Court of Auditors, 5.5 per cent. of the European Union budget mysteriously disappears. That is about £3 billion this year; by coincidence, it is equivalent to the United Kingdom's annual net contribution. It is about £53 for every person in this country.

It is now absolutely clear that there have been cases of mismanagement, wastage and outright fraud, which increase each year as the budget grows. That scandal will not solve itself. For the fourth year running, the Court of Auditors has refused to clear the EU's accounts. It describes the incidence of substantive errors affecting payments as "unacceptable".

Fraud against the EU budget is daily defacing the European Union, which is why it must be a major issue in the European Parliament elections. It is significant that today it is we, the Conservatives, and not the Government who have decided to focus on fraud. The debate gives us a chance to scrutinise the Government's record, because Labour's posturing on fraud in the EU is a matter that, to be frank, it would prefer not to expose to closer scrutiny.

Mr. Derek Twigg (Halton): If the Conservatives intend to make fraud an issue in the European elections, will the right hon. Gentleman tell us with what record on stopping fraud the Tories can go to the electorate?

Mr. Maude: We have a consistent record of putting forward coherent proposals, which began to make a difference—indeed, I did so myself. We secured some improvements in the Maastricht treaty, which my signature adorns, as Ministers are always keen to remind the House. I am glad to be able to assure the House that that treaty ensured the taking of some steps, albeit not enough, to improve scrutiny. One of the crucial elements, which is just beginning to bear fruit, is the elevation of the Court of Auditors to the status of a proper institution; that was a Conservative Government initiative.

Mr. Dale Campbell-Savours (Workington): May I tell the right hon. Gentleman that one of the great speeches of my 20 years as a Member of the House of Commons is one made in 1985—nearly 15 years ago—by my right hon. Friend the Member for Blackburn (Mr. Straw), now Home Secretary, on the issue of fraud in the EU? Nothing happened as a result of that speech, and every year thereafter, for the next 10 years, we had conversations about how so little was happening. Only since the election of the Labour Government has the issue gone up the agenda.

Mr. Maude: It is not especially kind of the hon. Gentleman to draw attention to the lack of influence wielded by his right hon. Friend the Member for Blackburn (Mr. Straw), who was not present to answer questions on the private notice question earlier today. It is also significant that, yet again, the Chancellor has failed to come to the House of Commons to answer for the conduct of his Department.

The issue is not only one of securing better management of the EU's finances.

"It is becoming difficult to find anyone who has even the slightest sense of responsibility"

inside the Commission—not my words, but those of the independent experts who were eventually given the task of investigating the allegations raised earlier this year by Mr. Van Buitenen.

Mr. Geraint Davies (Croydon, Central): Will the right hon. Gentleman give way?

Mr. Maude: No. I want to make some progress. We were late in starting the debate and many of my right hon. and hon. Friends want to speak on this important issue.

We want to tackle fraud head on, by dealing with the vacuum of responsibility that originates in the fundamental lack of accountability within the Commission. That absence of responsibility was illustrated by the auditors' discovery that certain Commission officials working overseas had used the interest accrued on their budget funds, in the PHARE programme—Poland and Hungary Aid for Reconstruction of the Economy—to buy themselves 26 new cars. It is that lack of responsibility which breeds arrogance and carelessness. Where else can one find Commissioners who, two months after having been dismissed, have yet to clear their desks and leave? Where else can one find a development operation that left behind 1.3 million ecu in the National Housing and Savings Bank of Liberia—a sum that, after nine years, has yet to be reclaimed; or a 600,000 ecu budget for buying flagpoles?

Instilling a sense of accountability is the first, crucial step, but it is not surprising that it has not yet been taken. Is not the problem the Commission's ambitions, which constantly outreach its capacity, its endless drive to

[Mr. Maude]

arrogate more and more powers to itself, and its constant drive to do more but doing it worse? In its 1997 report, the Court of Auditors noted that

"the Commission committed at least 330 million ecu for operations which lacked a legal basis"—

which were not even legal—and that it overspent on its legitimate activities by 750,000,000 ecu. As the Select Committee on International Development observed:

"there are huge discrepancies between political priorities and administrative capacity"—

in other words, doing more and doing it worse.

No one has made that clearer than Mr. Prodi, the Prime Minister's personal choice for the new President of the Commission. He was brought in precisely to clean up the scandals and the fraud. What was Mr. Prodi's first great initiative? Was it a grand anti-fraud campaign, bringing in clean, new Commissioners or perhaps reinstating the man who blew the whistle and who was outrageously suspended on half pay while the sacked Commissioners kept their first-class seats? Did Mr. Prodi do any of those things? Forget it. His top priority was to expatiate on the absolute necessity of a European army. He is planning not how he can save our money but more ways in which to spend it. The Commission should be doing less, not more—and doing it better. It should not pursue a dogmatic, federalist agenda that taxpayers do not want, let alone want to pay for.

At every turn, there is evidence of an institution that is out of control and is over-reaching itself. For example, its Russian nuclear safety fund cannot account for £100 million of the nearly £600 million that it has spent since 1991. Its Mediterranean fund does not know where £40 million of its budget went in 1997. The European Community Humanitarian Office has already written off much of the £420 million it lent but failed to secure guarantees for. Not only is the Commission over-reaching itself, it is covering up its actions with impunity. Let us consider another example from ECHO, which is run by Commissioner Marin, who was also dismissed but is still there.

Dr. Stephen Ladyman (South Thanet) *rose—*

Kali Mountford (Colne Valley) *rose—*

Mr. Maude: No, I will not give way at this stage. I will give way later. The debate started late and many hon. Members wish to contribute.

"In some cases they even made financial allowance for people who don't exist. Here the Commission simply told us untruths."

That is not some scare story by *The Sun*, but a comment by the President of the Court of Auditors. Only under pressure, did the Commission release a document on its humanitarian projects—and, even then, it was so "heavily censored" as "to render it illegible". They are also the words of the President.

It seems that there is only one thing these days with which the Commission is economical: the truth. That is why we are pressing to introduce a new and fully independent anti-fraud office in Brussels. That is a positive commitment that contrasts with the Government's studied evasion of the issue. We are not alone in that call. There was widespread support among Members of European Parliament for James Elles's proposals for the reform of the Commission—except from one quarter, the European parliamentary Labour party. It did not want that. The Conservatives in the European Parliament raised the possibility of an independent fraud office early on, but, as usual, Labour came late to that debate.

Mr. Andrew Love (Edmonton) *rose—*

Mr. Maude: I will not give way as I must make some progress.

The Chancellor eventually got around to proposing something at the January ECOFIN meeting, but his proposals showed that he had not been paying attention. The Conservatives had campaigned for an independent fraud office precisely because Commission interference in corruption investigations had come to light. Labour just did not get it. Its so-called head of fraud investigations could not have fought his way out of a wet paper bag. He would work in a fraud office that was staffed by Commission officials and based inside the Commission, yet, according to the Prime Minister, he would be somehow independent. We all know the Prime Minister's definition of independence: about as independent as a Labour Back Bencher.

Mr. Mike Gapes (Ilford, South) *rose—*

Mr. Maude: The hon. Gentleman is getting very excited, so I will give way to him.

Mr. Gapes: The right hon. Gentleman has mentioned repeatedly an independent fraud office. Is he aware that the Commission and the member states under the German presidency have already agreed to establish such a body? It is not a Conservative proposal: it is already in the system.

Mr. Maude: That intervention illustrates vividly the hon. Gentleman's concept of independence. The proposed fraud office would be based inside the Commission and staffed by Commission officials. It would not be independent, as anyone outside the parliamentary Labour party would understand.

Mr. Geraint Davies *rose—*

Mr. Maude: No, I will not give way to the hon. Gentleman.

The fact is that Labour's cosy back-scratching relationship with the European Commission means that it will never take on the Commission. Our demands for an independent fraud office, which would have dealt with the problem, were therefore bypassed in favour of a pseudo-proposal, which would have done nothing to change the status quo.

In January, the Chancellor proclaimed proudly—he is not, of course, here to defend his remarks—

"We need to move quickly to tackle fraud in the EU."

Quickly? We have seen quicker snails. It is not as though the Government did not know about that fraud.

Mr. Love: Will the right hon. Gentleman give way?

Mr. Maude: No. Paul Van Buitenen, enraged by the complacent inertia around him, blew the whistle early

in January, explaining why he was speaking out. On 6 January, he said that he was

"disappointed about the attitude of the Socialist faction, and notably Mrs. Green . . . because she seems to support the Commission."

He continued:

"Perhaps they have a higher agenda in the Euro."

That is right. The socialists are going with the flow in Europe and they do not want to upset the Commission; it is mutual back-scratching.

The subsequent treatment of Mr. Van Buitenen differed considerably from that of the Commissioners, whose downfall his revelations precipitated. That is funny. He was smeared as a religious fanatic. I suppose that the definition of a religious fanatic is one who is able to tell right from wrong. He was suspended on half pay, whereas the Commissioners who were found wanting by the independent experts were left on full pay, full rations and a first-class return ticket on the gravy train.

Mr. Van Buitenen was not the only person to notice that Pauline Green was slow to get on the case. The budget spokesman for the Party of European Socialists resigned in protest at Pauline Green's dilatory stance on fraud. She was not the only one to find Mrs. Green's argument tortuously contrived. First, Mrs. Green tabled a censure motion on the Commission after a majority in the European Parliament agreed with the conclusions of the Elles report. She then declared that the Party of European Socialists would oppose the motion in a vote, since the only way to register confidence in the Commission was to call for censure and then vote against it. Only a trusty double negative would do for that stout upholder of Britain's interests.

How delightfully intimate it all was: the thumbs up; the celebrations, and Commissioner Kinnock gratefully kissing Mrs. Green's hand. It was not, therefore, too surprising that Mr. Santer announced proudly that the Commission's escape from censure amounted to a vote of confidence. Cover-ups, back-scratching and cosy deals to avoid the frightful embarrassment of being held accountable are the story of Labour's brave battle against fraud.

Let us consider the legendary Mrs. Cresson and her cosy ménage, including her live-in dentist, who is employed as an adviser. What did Labour do about that? It supported her. According to Mrs. Green, that was a principled stance—I suppose that, by her standards, it might have been—which helped

"to achieve a seismic change in the balance of power from the Commission to the Parliament".

Well, the earth did not exactly move under Mrs. Cresson that day. What a cop-out that was. Most of Labour's MEPs had not voted for the very report that described the problem of fraud in the first place. They did not vote for the motion withdrawing support from Mrs. Cresson two weeks after she and other Commissioners had resigned and after the independent experts had found her guilty of favouritism.

There has not been much evidence of Mrs. Green campaigning for a new Commission to be appointed, because that would mean the removal of the very people whom she hoped to protect. Her credentials on clean financial management took another tumble when it was revealed that, three years ago, she had—no doubt, coincidentally—arranged a conference outside the EU, in Cyprus, for a number of MEPs and their advisers in the same week in which her adviser was getting married on the island. We are utterly confident that the taxpayer was absolutely delighted to be helping with those travel expenses.

How sensible Mrs. Green was to send her driver out to Cyprus three days before the conference began. He said:

"We always go early to places, otherwise we get stopped in traffic".

He went three days early—that is some traffic jam, particularly as he flew there. *[Laughter.]* That's right, he flew there, and the taxpayer paid.

We do not even need to dwell on the complex affairs of Mr. Glyn Ford, which bring a new dimension to the phrase "money laundering". We assume that Labour has instituted an urgent inquiry into the extraordinary allegations made in today's edition of the *Daily Express*. No doubt the Chief Secretary will comment on that when he responds. We assume also that, pending that inquiry, Mr. Ford will be removed from his position at the head of Labour's list of candidates for the south-west region. After all, those at Millbank tower parachuted him in there. If they mean business, they will airlift him out.

Mr. Geraint Davies: Will the right hon. Gentleman give way?

Mr. Maude: No, I will not.

Labour Members' claim to be tough on fraud is pretty thin, and now they have admitted it. The Economic Secretary said

"we will continue to do everything we can to ensure that the Commission . . . take action".—[*Official Report, European Standing Committee B*, 24 February 1999; c. 6.]

She said that not once, but a further five times in all. We were all agog to know what the "everything" of which she boasted would amount to. Sadly, not very much, which the Minister of State, Foreign and Commonwealth Office, the right hon. Member for Gateshead, East and Washington, West (Ms Quin), was forced to admit only two weeks later. Days before the Commission resigned, she made the shameful admission that

"the Council has not formally discussed the way in which the Commissioners have performed their duties".

What did the Government do? What was the "everything" of which the Economic Secretary bragged? We know that there were no formal discussions, because that admission has been dragged out of the Government. Were there informal discussions—perhaps a little light conversation over lunch? What was said and what was done, or is the truth that, despite all their protestations, they did nothing and said nothing on this crucial matter? The only thing that they agreed was a cut in the anti-fraud expenditure of 16 per cent. in the 1999 draft budget when fighting fraud was meant to be at the top of their presidency wish list only a year ago.

In the European Parliament, Labour denies that a problem ever existed. In the Council of Ministers, Labour sits on its hands and stays stumm. Is that what Labour Members call leading in Europe? Unlike Labour, Conservatives mean what they say—

Mr. Derek Twigg: Will the right hon. Gentleman give way?

Mr. Maude: I am coming to the end of my speech, because this is a brief debate.

[Mr. Maude]

Unlike Labour, Conservatives mean what they say about fraud. People have a clear choice in the European Parliament elections. The Conservative party is determined to be in Europe, but not run by it; the Labour party is so committed to going with the flow in Europe that it is incapable of taking any real steps to combat the fraud that defaces the European Union. It is a simple choice. I commend the motion to the House.

4.37 pm

The Chief Secretary to the Treasury (Mr. Alan Milburn): I beg to move, To leave out from "House" to the end of the Question, and to add instead thereof:

"welcomes the efforts of the Government to work with fellow Member States and European institutions to crack down on fraud against the EU budget; notes the real practical progress made in this regard by the Government during the United Kingdom Presidency of the EU; welcomes the Chancellor's initiative for a strong head of fraud investigations heading an independent fraud prevention office; welcomes the role played by Labour MEPs in securing the establishment of the Committee of Independent Experts; joins the Government in calling for recent events to be used as an opportunity for root and branch reform of the Commission; calls on Romano Prodi, following his recent nomination as President-elect of the European Commission, to place the fight against fraud at the top of the new Commission's agenda; and believes that the only way of reforming Europe is the Government's strong leadership and constructive engagement rather than the Opposition's weak leadership, division and isolationism."

I always welcome the opportunity to debate Europe with Conservative Members and, before I come to the substance of my speech, I thank them for the contribution that they made to our general election victory by debating the issue in the campaign.

Today's debate is not only about the level of fraud in Europe or the fact that fraud is wrong and must be stopped—we can all agree with that. It is about how best we can go about tackling fraud. That takes us to the fundamental issue underpinning the debate: if we are to tackle fraud in Europe successfully, we must do so as part of a wider process of reform in Europe. That requires strong leadership and constructive engagement in Europe, and, unlike the previous Government, that is precisely what we are providing.

Sir Michael Spicer (West Worcestershire): On the subject of criminality, what is Government policy on corpus juris?

Mr. Milburn: I do not know the answer to that question, I am afraid.

Miss Anne McIntosh (Vale of York): I think the Chief Secretary used the expression "strong leadership in Europe". Is he aware that the leader of the Labour party in Strasbourg, Pauline Green, tabled a motion to sack the Commission in December 1998, which she withdrew in January 1999? Did Millbank ask her to do so? She then voted against the motion tabled by the centre-right parties. Does he agree that that is hardly strong leadership in Europe?

Mr. Milburn: If the hon. Lady will bear with me, I will come precisely to the sequence of events that led to the appointment of the committee of experts—the so-called committee of wise men—and to the subsequent resignation of the Commission and the President. The shadow Chancellor alluded to that in his contribution, and it is right and proper that I should respond.

If we are successfully to tackle fraud in Europe, we require strong leadership and constructive engagement. That is precisely what we, unlike the previous Government, are providing. That approach is delivering the goods for Britain: the lifting of the beef ban; the successful retention of the United Kingdom's abatement; an excellent deal for the regions of our country thanks to the Agenda 2000 negotiations; real progress on reform of the common agricultural policy, and the commitment in principle to join the single currency if it is in the British economic interest to do so. Those developments show that this Government, unlike the last, are a player rather than a spectator in Europe.

Those developments also show that the leadership that we are giving in Europe to tackle fraud and deal with other issues, and to drive forward the modernisation of European institutions, brings direct benefits to our country and our people.

Mr. Desmond Swayne (New Forest, West): The Minister may be paying a high price for some of his alleged achievements. May I return him to the question that he was asked a moment ago, and offer him a second opportunity to answer it? Does he agree that introducing corpus juris into our own system, alien as it is to habeas corpus, is far too high a price to pay for dealing with fraud in the European Union?

Mr. Milburn: According to my hon. Friend the Financial Secretary, who, as hon. Members can see, is whispering in my ear, some Conservative MEPs voted against what the hon. Gentleman is advocating. I shall develop that theme in a moment. What the Conservative party says in the Westminster Parliament is very different from what it says in the European Parliament. With the European elections coming up, it is important that we show unity and clarity on European issues.

The approach advocated by the Conservative party would jeopardise all the benefits that the Government have won for Britain in Europe. Weakness, division and isolationism are no way to get the best for Britain from Europe, and they are no way to win the war against fraud in Europe.

Mr. Geoffrey Clifton-Brown (Cotswold) *rose—*

Mr. Nick St. Aubyn (Guildford) *rose—*

Mr. Milburn: I shall give way to the hon. Member for Cotswold (Mr. Clifton-Brown) and then I shall make some progress.

Mr. Clifton-Brown: The right hon. Gentleman proudly lists the Government's achievements in Europe, but three of them have not yet been accomplished: they are the lifting of the beef ban, joining the single European currency and the final negotiations on the common agricultural policy, which will run into trouble with the World Trade Organisation. I hope that the Chief Secretary will tell the House what the Government have done—particularly when they held the presidency of the

European Union—to control fraud in the European Commission, as exposed by Van Buitenen, the whistleblower, given that the committee of experts will be abolished in October.

Mr. Milburn: I shall first deal with the common agricultural policy, and then I shall set out our record on winning the battle against fraud. I shall give a long list of achievements in that regard.

The negotiations in Europe on reform of the CAP produced the most radical reform in the policy's entire history. We wanted to go further, and we shall continue to press for that. I hope that Conservative Members will support the Government in that aim. We all know that the CAP is rotten and does not give a good deal for British taxpayers and consumers. The hon. Gentleman should not negate the achievements that we have managed to win, which have resulted in massive improvements in the CAP and a £65 gain for every consumer in this country. I hope that the hon. Gentleman welcomes that.

Let me make it perfectly clear that the UK Government take the issue of fraud extremely seriously. The current level of fraud is unacceptable. There should be zero tolerance of fraud wherever it occurs, whether it be in the European Union's budget or elsewhere. Taxpayers should be protected from fraud, and from those who perpetrate it. People who help expose it, such as Mr. Van Buitenen, deserve our congratulations.

That is all self-evident, or should be. The Government know that real actions rather than tough words are needed if we are successfully to prevent fraud. That is why we are taking a leading role in Europe in the establishment of a fraud prevention office, which will be strong and effective in fighting fraud.

Mr. William Cash (Stone): Will the Chief Secretary give way?

Mr. Milburn: I must deal with this point first. It consumed much of the shadow Chancellor's speech, and I want to reply in detail.

My right hon. Friend the Chancellor set out the key requirements for a fraud prevention office at January's ECOFIN meeting. His proposals were warmly welcomed by fellow member states. As a result of the initiative that this Government took—that my right hon. Friend the Chancellor took—the next ECOFIN meeting, at the end of this month, will, I hope, agree to the establishment of an office with a strong independent director, with statutory protection from dismissal, and appointed only after consultation with both the Council and the Parliament.

The director will be debarred from taking or seeking instruction from any Government or Community institution. The office will be able to open investigations on its own initiative. It will have access to buildings and documents, and it will be able to draw up reports, including recommendations for follow-up. The director will report regularly to the Council and the Parliament, and so will be able to alert those bodies if the office's reports are not being acted on. There will also be a supervisory committee, whose members will be appointed by common accord between the Commission, the Council and the Parliament, and which will give the director advice and support. If that is not independent, I do not know what is.

Mr. David Davis (Haltemprice and Howden) *rose—*

Mr. Cash *rose—*

Mr. Milburn: I will give way first to the right hon. Member for Haltemprice and Howden (Mr. Davis); then I will give way to the hon. Member for Stone (Mr. Cash).

Mr. Davis: Let me ask the Chief Secretary a simple practical question, which arose when my Committee went to Brussels. It seems to be being proposed that the head of the fraud prevention office should be up for reappointment after five years, for a potential two terms, which strikes me as a weakness in terms of the maintaining of his independence. Has the Chief Secretary considered that?

Mr. Milburn: As the right hon. Gentleman knows, I have the greatest respect for the Public Accounts Committee—not least because I used to have the pleasure of serving on it—and I listen carefully to what he has to say about this issue. I can tell him that the director can be appointed only after full and proper consultation with both the Council and the Parliament. This is not purely a Commission appointment. I hope that that will help to reassure the right hon. Gentleman and his fellow Committee members about the integrity and independence of the office.

Mr. Cash: Does the Chief Secretary agree with the assessment of the Economic Secretary, who has said:

"An independent institution"—

of the kind that the Chief Secretary has described—

"would have less understanding of how the Commission functions and would be likely to encounter barriers in obtaining information about possible fraud—it would not have access to 'inside information'".

Does the Chief Secretary not regard that as a bit thick?

Mr. Milburn: This is an important and interesting question. I think that there are advantages in the location of the director and the office. Let me draw an analogy, in order to reassure Opposition Members.

No hon. Member claims that the Comptroller and Auditor General is not independent, although he is responsible for auditing the procedures and accounts of the House, and although he is an official of the House.

Mr. Maude *rose—*

Mr. Milburn: No one claims that the CAG is not independent—unless the shadow Chancellor is about to produce a revelation.

Mr. Maude *rose—*

Mr. Milburn: I will give way to the shadow Chancellor in a moment. Let me finish my analogy first.

[Mr. Milburn]

In similar vein, the director and the office will be independent of the Commission, although they will be located within the body of the Commission, with all the safeguards that I have described.

Mr. Maude: The right hon. Gentleman is making precisely the wrong point in terms of his case. The Comptroller and Auditor General is accountable to the House of Commons—to Parliament—not to the Government. The Government's proposal, to which the right hon. Gentleman says ECOFIN is about to agree, is that the fraud prevention office will be based in the Commission, staffed by Commission officials. It will therefore not be independent. Indeed, the Economic Secretary's words, quoted by my hon. Friend the Member for Stone (Mr. Cash), suggest that the Government accept that it will not be independent in the way that we think it should be.

Mr. Milburn: The right hon. Gentleman continues to make those allegations. I have tried to set out in detail the various guarantees of independence that we have negotiated in proposing that new protection for taxpayers in Europe. I do not believe for a moment that I will satisfy the right hon. Gentleman because I suspect that, again, there is a triumph of ideology over the facts in the Conservative party.

Mr. Geraint Davies: Does my right hon. Friend accept that it would take a number of years to make the new fraud office institutionally independent owing to the requirement to change the treaty? The impact of that, alongside the impact of the office being outside the Commission, would be discontinuity of investigation and more fraud. The current proposal for the statutory independence of the director, along with the other changes that have been described, is the optimal course.

Mr. Milburn: I am grateful to my hon. Friend for those comments. He, too, is a member of the Public Accounts Committee.

Mr. Howard Flight (Arundel and South Downs) *rose—*

Mr. Charles Wardle (Bexhill and Battle) *rose—*

Mr. Milburn: I will give way in a moment or two. May I deal with one intervention at a time? Then I must make some progress.

I take precisely the points that my hon. Friend the Member for Croydon, Central (Mr. Davies) has made. I think that the position that we have reached, which I hope will be endorsed by ECOFIN, will get the balance right. Conservative Members are rightly agitated about the level of fraud in Europe. They want something done about it now, yet they rail against a measure that will allow us to do precisely that while maintaining the integrity and independence of those who will be charged with investigating fraud.

Mr. Flight *rose—*

Mr. Wardle *rose—*

Mr. Milburn: I cannot remember which hon. Member was first, but I give way to the hon. Member for Arundel and South Downs (Mr. Flight). I will then make some progress.

Mr. Flight: Transparency of information is crucial in stopping fraud. Where within the proposal is the mechanism for asking searching questions, as happens under our constitution? It is all very well having an auditor—we have an auditor already—but if one cannot get to the truth from outside, there is scope for continuing corruption.

Mr. Milburn: The hon. Gentleman has either not been listening or is determined not to listen to what I have said on the issue. The director of the office of fraud prevention will have all the powers that he wants. He or she will have the powers to demand documents, to enter buildings, to summon witnesses and to report independently. He or she will be accountable more widely than just to the European Commission, which is what the hon. Gentleman is so concerned about. On all those tests, the criterion of independence that the hon. Gentleman rightly seeks is satisfied.

In my and the Government's view, the changes are radical and will make a real difference in tackling fraud.

Mr. Campbell-Savours: Will my right hon. Friend give way?

Mr. Milburn: As it is my hon. Friend.

Mr. Campbell-Savours: I am sorry to interrupt my right hon. Friend.

I have sitting been through these debates for 15 years and they are very interesting. I presume that the director of the new office will produce an annual report. Will that annual report be presented to the House of Commons? Will it be presented at the same time as the report of the European Court of Auditors? Will we have an opportunity to debate the contents of the director's report?

Mr. Milburn: That is a good question. [HON. MEMBERS: "What is the answer?"] Amazingly, I do not know all the answers to all the questions, but I am happy to listen to what my hon. Friend has suggested. I am happy to listen to the Public Accounts Committee's views on the issue. I assure my hon. Friend that, when the director and fraud office undertake their work, they will report not just to the Commission but to the Council of Ministers and the European Parliament. The question that my hon. Friend asks about reporting to the Westminster Parliament is important. We shall explore it, if that is helpful.

Dr. Vincent Cable (Twickenham): Will the right hon. Gentleman give way?

Mr. Milburn: No. I will make some progress because many Members want to speak in the debate and it is right that they should have an opportunity to do so.

The publication of the report of the independent experts—and the subsequent resignation, rightly, of the Commission and the President—provides the opportunity for a more radical overhaul still of the style of Europe's institutions. The report of the committee of wise men was damning, revealing complacency, a lack of accountability and nepotism. It revealed, as the Prime Minister said, systemic failings in the Commission which had been tolerated for too long.

That brings me to an important issue. Before the Conservative party gets too high and mighty about the problem of fraud in Europe, it is worth remembering that it was in power and in government for 18 years. The Conservatives had the chance to act and failed to do so because, on Europe, they were weak, divided and isolated. All the tough words from the shadow Chancellor and in the motion count for precisely nothing because, in opposition as in government, the Conservatives remain weak, divided and isolated on the question of Europe.

Let us not forget that the man responsible for overseeing the chaos in the Commission, Jacques Santer, was the choice of the then Prime Minister, the right hon. Member for Huntingdon (Mr. Major). Indeed, Mr. Santer was the choice of the Conservative party. When he was a Treasury Minister, the shadow Chief Secretary, the right hon. Member for Wells (Mr. Heathcoat-Amory)—I note that he is not here today—said:

"we are happy with Mr. Santer and we wish him well. He shows every sign, based on his record, of running an efficient and effective Commission."

Mr. Cash: He was wrong.

Mr. Milburn: There were one or two exceptions, as always—but the party that now condemns Mr. Santer was responsible for putting him there in the first place.

This Government are getting on with the process of reform and modernisation. We have proposed root-and-branch changes to improve the Commission's financial management, accountability and transparency. We now look to Mr. Prodi to drive the reform process forward.

Our reform proposals build on the success that we have achieved to date in tackling fraud. The shadow Chancellor alleged that we have not achieved much. I have a long list which I will run through for his benefit and that of the House. During our presidency, we strengthened anti-fraud operations in Europe. For the first time, European Finance Ministers dealt with fraud in a concerted way. For the very first time, member states reported to ECOFIN on their responses to the Court of Auditors report as it affected their countries. That is a welcome development which we want to continue.

We have used the Agenda 2000 negotiations to push for more effective, better-managed expenditure, with tighter EU spending limits than ever before. On structural funds, the Government have supported the simplification to reduce irregularities and to improve project management. On the common agricultural policy, we have strongly supported moves away from market intervention in favour of direct support for farmers where that is necessary for social or environmental reasons. Each and every one of these reforms will help encourage sounder financial management. That is what the Conservative party appears, at least, to be so concerned about.

This Government have been delivering in the war on fraud in Europe. Nobody pretends it is easy—it is not. It will be a long and hard battle, but we are determined to protect the interests of UK taxpayers.

Mr. Andrew Tyrie (Chichester): The Minister made it clear a moment ago that he felt that it was quite right that the Commission, which had performed appallingly, should go. Do the Government support the fact that, several months later, the members of the Commission are still in their offices?

Mr. Milburn: The work of the Commission continues, and it is important that we have somebody who can take decisions. I hope that the hon. Gentleman will agree that it would be sensible this time round if we actually got the right people to do the job. It will take some time to secure the best candidates, as I am sure we will. Since the hon. Gentleman is so keen on transparency and accountability, I hope that he will recognise that it is important that the European Parliament has its say about the appointment of the new Commissioners. It is also important that Mr. Prodi, as the new President of the Commission, has a hand in shaping a team that will help drive forward the modernisation and reform programme that we all want in Europe.

Mr. St. Aubyn: Will the Minister give way?

Mr. Milburn: No, I will not give way for a moment. I have given way on umpteen occasions and I really must make progress.

The contrast with the record of the Conservative party when it was in Government could not be clearer. The Conservatives stood out against the introduction of qualified majority voting in the area of fraud prevention. To pretend, as the shadow Chancellor has, that fraud in Europe has somehow only just been invented flies in the face of the facts.

The annual statement of assurance by the European Court of Auditors shows that the level of substantive errors, including fraud, on EU payment transactions rose from 4 per cent. in 1994 to 5.4 per cent. in 1996. According to press briefings, it fell to 5.1 per cent. in 1997. Nobody pretends that such a level is in any way acceptable, but the figures give the lie to the claim sometimes made by the Conservative party, that the problem is not being tackled.

The shadow Chancellor alleged that spending on specific anti-fraud measures in the 1999 EC budget is falling. In fact, spending on those measures is about 4 million euros higher than in the 1997 budget, which was agreed when the Conservatives were in power. The Labour Government are putting our money where our mouth is on tackling fraud in Europe.

The Tories failed to tackle the problem of fraud when they were in government and their party is still failing to take a clear and concerted stand on the issue in Europe. Here I come to the question asked by the hon. Member for Vale of York (Miss McIntosh), and to the shadow Chancellor's allegations about the events leading to the resignation of the Commission and the President.

It is worth reminding the House of the real sequence of events. In early January, it was the leader of the European parliamentary Labour party, Alan Donnelly, who first

[Mr. Milburn]

proposed setting up an independent group of experts to make comprehensive improvements in financial management and accountability. It was Edward McMillan-Scott, the Leader of the Conservative MEPs, who refused Mr. Donnelly's invitation to take a cross-party approach to investigating fraud allegations in the European Commission.

When the European Parliament voted later in January to set up a committee of experts—the so-called committee of wise men—to investigate fraud and mismanagement, of the 17 Conservative MEPs, three abstained on the issue and 12 voted against.

Miss McIntosh: Will the Minister give way?

Mr. Milburn: No. The hon. Lady had her chance and she blew it.

What is more, after many months of detailed work by the Council of Ministers and the European Parliament, Conservative MEPs voted against a Members' statute with detailed rules on MEPs' pay and conditions. Only this month, they voted against a cut in MEPs' salaries and against MEPs having to provide receipts for expenses. The record of the Tory party on fraud in Europe, either in government or in opposition, does not stand up to scrutiny. The party is isolated in Europe, talking tough but failing to act in Britain's national interest. On fraud, as in so many other areas, the party says one thing to the people of Britain and does another thing in Europe.

Miss McIntosh: On a point of order, Mr. Deputy Speaker. I have a serious matter to raise. I put a question to the Minister, to which he was kind enough to listen. It was a very specific question, and I am worried that the House is being misled on the point. Pauline Green tabled a motion for resolution, calling for the resignation of all the Commissioners and—

Mr. Deputy Speaker (Mr. Michael Lord): Order. That is not a point of order for the Chair. It is a matter for debate.

Mr. Milburn: The Leader of the Opposition, perhaps in recognition of the chaos in the Conservative party on these issues, has called for what he describes as a mix-and-match approach to European policy. Mix-and-match it certainly is. Here in the Westminster Parliament the British Conservative party rails against fraud, yet in the European Parliament the Conservative party votes against taking action on fraud.

Mr. Love: I thank my right hon. Friend for giving way to me, and I hope that the House will not engage in the low politics that the Opposition spokesman adopted earlier, especially his refusal to allow others to respond to his comments. I want to draw my right hon. Friend's attention to the manifesto of the European People's party, which says:

"EU citizenship should be further developed as an expression of a sense of belonging to the Union. The European Union needs a constitution."

Does that contradict the policy of the British Conservative party?

Mr. Milburn: I am sure that the Opposition will be interested to hear what their colleagues in the European Parliament have signed up to. Perhaps it is worth reminding them that five Tory MEPs sit on the executive committee of the European People's party that drew up the manifesto. Two Tory MEPs are vice-presidents of that grouping, and one is its chief whip, so they can hardly disclaim the manifesto on which it will fight the European elections.

Today's debate is revealing. Nobody pretends that fraud in Europe is not an important issue. It is. But there are a host of other important issues in Europe that the Conservative party would prefer to avoid. It cannot debate the single European currency, it cannot debate social reform in Europe and it cannot debate economic policy in Europe—because the Tory party is split from top to bottom on Europe. It says one thing in Europe and another in Britain. It cannot agree on fighting fraud, it cannot agree on the single currency, and it cannot even agree on taxation policy.

The Conservative party in Britain is so extreme that it cannot even agree with its own European MEPs. It is no longer a party that engages with Europe but a party that opposes Europe. Such a party cannot deliver the goods for Britain in Europe, and all the tough talk from the Opposition Benches—

Mr. St. Aubyn *rose—*

Mr. Milburn: I am winding up now.

All the tough talk cannot disguise the fact that the Conservative party is weak and isolated, whereas the Government are strong and engaged. The Conservatives have no credibility on fraud or any other European issue. All their double-talk about cleaning up Europe fools nobody. The Tories cannot agree about waging the war on fraud because they are too busy waging war on each other. It is this party and this Government who are heading the fight against fraud in Europe. It is this Government who are now playing a leading role in Europe, and it is the Labour party that is shaping a new Europe that will benefit Britain and its people. I urge my hon. Friends to reject the Opposition motion and back the amendment.

5.8 pm

Dr. Vincent Cable (Twickenham): The motion invites us to condemn fraud and calls for stronger action against it. I am happy to support that, so far as it goes, whatever the original motives behind its being brought before the House. The fundamental issue at stake, which concerns many of us who are broadly in support of the European project—I think that that includes many Conservative Members, as well as Members from my party and the Labour party—is the fact that fraud is not merely undesirable in itself, but undermines the legitimacy of Europe.

We therefore demand that action against fraud be taken not only at the level of the lowest common denominator of European Governments and at the average level of enforcement, but that best practice should be followed. The Chief Secretary rightly used the phrase "zero

tolerance". That is exactly the philosophy that should inspire action against fraud whether in the Commission or in the Parliament, and we support it.

Mr. Christopher Fraser (Mid-Dorset and North Poole): It is ironic that the hon. Gentleman claims that his party thinks highly of Europe, but he is the only representative from his party present for this debate.

Dr. Cable: I expect that my colleagues are happy for me to carry the banner on their behalf. We strongly support a firm policy on fraud, but it should be put in context. Those of us who sit on European Standing Committee B see the work of the auditors, and I am always struck by the use of the phrase "fraud and irregularities" to describe malpractice in Europe. Some 90 per cent. of the cases that the Court of Auditors uncovers are irregularities—incorrect form filling and failure to follow proper procedure—and do not involve criminal fraud. Irregularities are of course unacceptable and financial procedures must be tightened up, but there is a big distinction between that and fraud. The headline figures for fraud and irregularities are frequently used to exaggerate the extent to which fraud exists in the European Union.

Much of the fraud in European budgetary activities takes place in member states. It is useful to compare the behaviour of individual member states with the behaviour of Commission institutions. Before the debate, I looked at the Customs and Excise figures on criminal fraud in the British system. Our estimates are that around 5 per cent.—or £2 billion a year—of the total domestic excise budget is subject to fraud, which is a similar figure to that for European budgets, especially on the revenue side. Therefore, there is nothing specifically European about fraud. The Conservatives are presumably aware of that which is why they have proposed cutting cigarette duty—one of the main sources of fraud.

Mr. Richard Page (South-West Hertfordshire): This country has an effective value-for-money unit within the National Audit Office. It is not only fraud that is pulling the European Union down, but the fact that money is not spent as effectively as possible to achieve its objectives. We should pay great attention to both aspects.

Dr. Cable: That is an excellent point. One of the issues on which my colleagues are campaigning in the election is that the role of the Court of Auditors should be enlarged to cover fraud and irregularities and value for money, in the same way as our Comptroller and Auditor General or district auditors. That is a helpful suggestion and I am glad that the hon. Gentleman has made it.

The level of fraud is important, but so is the trend. Some of the examples mentioned by the right hon. Member for Horsham (Mr. Maude) were rather antique. Mr. Marin's exploits should of course be brought to light, but the example cited took place in 1987 or 1988. The trend in fraud figures is more relevant today. The trend recorded by the Commission through its investigations in the "Fight Against Fraud" report, which is published every year, showed last year a decline of 13 per cent. in fraud and irregularities on the agricultural budget, and a 50 per cent. decline in fraud in relation to structural funds. Many of the actions being taken are beginning to bear fruit.

Miss McIntosh: The hon. Gentleman mentioned a Commissioner by name. Does his party support the Conservative proposal to name and shame individual Commissioners, such as Commissioner Marin and Commissioner Cresson, and to give the European Parliament the power to sack individual Commissioners? The Government are not minded to support that, but will the Liberal Democrats do so?

Dr. Cable: I thought that those Commissioners had already been named and shamed, and fired. It is not entirely clear what additional value would be gained from that proposal.

I wish to suggest what action should be taken, and I believe that we should build on proposals already made. One relates to the Court of Auditors, which performs an important role and should be enlarged. The key area is the independent fraud office, and we welcome its strengthening. I believe that it is now called OLAF, rather than UCLAF. The Chief Secretary listed many additional powers that OLAF will have, and that is welcome. It will be a more genuinely investigative agency.

I have one or two questions about OLAF that I hope the Minister will answer later. Will it have the power of criminal arrest? Can people suspected of fraud be arrested by OLAF? That is an important step, because it does not currently have those powers and is shackled by the lack of them.

Mr. Wardle: I can answer that question. OLAF does not have that power. It simply has the power to present a case to the prosecuting authority in the country concerned.

Dr. Cable: I thank the hon. Gentleman for that answer, but its implications are perhaps uncomfortable for some of his hon. Friends. If the independent fraud office is strengthened in the manner proposed—and in the manner many of us would like to see—it would be a considerable extension of supra-national authority to a European institution. The power to arrest in the hands of a European institution, even one with such unexceptional objectives as the avoidance of fraud, would be a considerable constitutional change. We would welcome it, but I doubt whether all Conservative Members have fully assimilated the implications.

Fraud is prevented not only by institutions but by the underlying policies. The point has already been made that because half of European spending originates in the agricultural budget, many of the problems are associated with agricultural reform. The Conservatives in government and this Government have argued for agricultural liberalisations. The Liberal Democrats regret that this year we settled for a weak compromise that achieved little on dairy farming and made small cuts in cereal prices. We are making slow progress in moving European agriculture to world prices and eliminating extensive subsidies, but there is a broad consensus about the need to do so.

I suggest that the Government should campaign in Europe to eliminate agricultural support for tobacco. Fraud is endemic in that area, but there is no justification

[Dr. Cable]

on economic—let alone health—grounds to subsidise that crop. The Government could usefully make policy innovations in that area.

There are specific problems associated with the workings of the Commission, at both Commissioner and official level. My colleagues in the European Parliament acquitted themselves well on that issue, and people from all parties have acted honourably in calling those responsible to account. I am delighted that tough action was taken and that the Commissioners have been asked to leave office. However, how do we ensure in the long term that the Commission works as the servant of the European public instead of being self-serving as it has recently been? The problem lies not so much with the Commissioners as with the European Commission officials, many of whom are appointed on the basis of connection with member state Governments and have a poor standard of public service. There is widespread abuse of expenses, but the officials are protected by Belgian trade unions, which operate restrictive practices that are unacceptable. The implications of reform go further than many people have yet accepted, and I am not sure whether all Conservative Members would be comfortable with the suggestion that the long-term solution is the creation of a professional international civil service that is chosen by competitive selection. That would require a high standard of professional honesty, such as obtains in our own civil service, which specifically precludes national Government interference in appointments and promotions. It would be a radical step forward. Officials would be accountable, through the Commissioners, to the European Parliament.

I hope that the Government are committed to that idea as it would greatly strengthen the credibility of the Commission and the Parliament vis a vis the Council of Ministers. We have long supported in principle evolution towards that position, although I am not sure that all the implications have been fully accepted by those who complain about the lax standards in the Commission.

Mr. Andrew Rowe (Faversham and Mid-Kent): Would it not be equally effective and a great deal better if the disparity of emolument between European and domestic civil servants were greatly minimised and if the career pattern of national civil servants included a period in the European bureaucracy that was seen as a means of securing advancement rather than, as is frequently the case at present, a backwater to which we can dispatch the type of civil servant who so worries the hon. Gentleman?

Dr. Cable: That is a perfectly valid point. Specific aspects of how the European Commission pays its staff—particularly expatriate allowances—seem incompatible with my idea of a proper European civil service recruited in much the same way that the staff of the World bank, whose approach to their jobs is much more professional, are recruited.

In addition to problems with the Commission, the Parliament is a wasteful institution. Points have been made about a particular Member of the European Parliament, and if he is guilty of malpractice, he should be dealt with appropriately. However, that case involves rather petty sums while rather large sums are wasted by the Parliament, primarily as a result of its operating on three sites. I hope that the Government will make it clear that rationalisation of the Parliament's operations should be a major strategic matter, which could save an estimated £100 million a year.

Mr. John Bercow (Buckingham): Does the hon. Gentleman agree that all the Commissioners who resigned in March should have ceased to hold office immediately and that none of them should be reappointed beyond his or her existing term? On the conduct of the Parliament, does he agree that it is wholly unsatisfactory that there is no record in the House of Commons Library of the declarations of interests of Members of the European Parliament? Does he agree that it should be possible to obtain a copy of the register of interests from the Library?

Dr. Cable: The latter point seems perfectly sensible. When it comes to the appointment of Commissioners, however, we should recognise that some of them acquitted themselves honourably and well, including Sir Leon Brittan and Mr. Kinnock. Whatever people's political standpoint, we should not tar them all with the same brush. Some selectivity should apply.

I endorse the thrust of the motion as it wishes to be tough on fraud, but I accept that considerable action has been taken, particularly in the Commission. I welcome the creation of a much tougher fraud office. I regret the fact that it is not fully independent, but it is a considerable advance. However, we will continue to press our own argument. If the European Commission and Parliament is to be much tougher on fraud, we logically require a genuine strengthening of European institutions.

5.24 pm

Mr. Gerry Steinberg (City of Durham): As a member of the Public Accounts Committee, I visited Brussels and Luxembourg in April to look into fraud in the European Union and what was being done about it. The visit was prompted by the National Audit Office's report, "Audit of the General Budget of the European Union for 1997 and Related Developments", and by the whistleblowing of Paul Van Buitenen, an EU official, who, incidentally, ranks as fraudulent not only those on whom he blew the whistle, but everyone else connected with the EU.

To examine fraud in the EU, one must start with what the EU does. In 1997, the total budget was about £54 billion, spent under three basic headings—the common agricultural policy, structural funds and directly managed expenditure, including aid to countries in central and eastern Europe and the former Soviet Union and budget compensation to the newest member states. The United Kingdom is the third largest contributor, paying about £1.3 billion, so our visit was thought appropriate. There is clearly a huge problem.

CAP accounts for 50 per cent. of the Budget and the NAO found errors in CAP payments amounting to around one sixth of the total. Farmers overdeclared areas eligible for subsidy for cereals and set-aside. The errors were exacerbated by generous subsidy and ineffective checks by the paying agencies. Although the overpayments may be relatively small, it would be an understatement to say that the global sum was quite big. In fact, it was huge.

The NAO also detected errors in structural funds payments, which account for about one third of the EU budget. Aid is distributed to member states for operational programmes that can last up to about six years. Often,

member states declared expenditure ineligible for funding. The Commission's programme closure procedures did not detect ineligible expenditures.

About £8.9 billion was spent on external aid, but much of it does not go where it is supposed to. Only 82 per cent. of aid intended for central and eastern European countries was paid out, and only 64 per cent. of that meant for southern Mediterranean countries was paid. During 1998, the Commission uncovered suspected fraud in humanitarian aid. The ECHO affair, as it was called, involved aid to Yugoslavia and the great lakes region of Africa. Since 1992, £420 million has gone missing from that project.

In 1998, the PAC reported waste, error and fraud in EU expenditure programmes. Frankly, matters are no better a year later. Four examples of the most appalling cases of fraud are contained in the NAO report.

The first deals with cigarette smuggling from Montenegro. The report states:

"One of the main routes used by crime syndicates for trafficking cigarettes was through the Federal Republic of Yugoslavia. The cigarettes are loaded onto speedboats declared to be bound for Italy and are offloaded on the Adriatic Coast as contraband. The sole purpose of this is to divert them to the European Union black market. The Commission estimates that this activity results in a loss to the Community General Budget of some . . . £410 million".

The second example relates to the fraudulent import of olive oil. The report states:

"Olive oil claimed to be in transit for Israel and Turkey was in fact unloaded in the Community through an ingenious subterfuge. Two ships sailed from France with cargoes of olive oil and sunflower oil. The ships docked in Italy and unloaded the olive oil, but claimed that it was sunflower oil so that the lower level of duty was payable on it. To cover up the fraud, the perpetrators pretended to sell the sunflower oil in exchange for olive oil, even to the extent of driving around empty lorries to justify purchases of fuel. As a result of this fraud, some 5.1 million ECU (£3.4 million) of customs duties were evaded and some . . . £1.2 million . . . aid was claimed without entitlement."

The third case related to tourism. In 1990, the European year of tourism was launched. By 1999, 76 bodies or individuals were subject to criminal proceedings or additional inquiries in member states and £3.5 million had been fraudulently paid out.

The last fraud that needs to be mentioned is the Leonardo programme, a four-year youth training programme with a budget of about £450 million, headed by Commissioner Edith Cresson of France. Favouritism and irregularities were rife. All the cases that I have mentioned substantiate the view that there is large-scale organised crime across national borders.

Miss McIntosh: Is the hon. Gentleman aware that the tourism fraud was exposed by the leader of the Conservatives in the European Parliament, Mr. McMillan-Scott? That shows the seriousness that Conservatives attach to fraud.

Mr. Steinberg: I do not for one moment dispute that. I do not attempt to make political points.

The Public Accounts Committee went to Brussels and Luxembourg to see the problems of fraud in the EU. The situation is deplorable and something needs to be done about it.

Mr. Gapes: I do not seek to minimise the terrible things to which my hon. Friend refers, but is it not a fact that about 85 per cent. of the EU budget is controlled not by EU institutions but by national member states? One of the problems with which we are dealing is something over which EU institutions do not have control. It is a problem of transfers between one member state and another, for example, as regards the tobacco scams and other scams to which my hon. Friend has referred.

Mr. Steinberg: My hon. Friend is partly right and partly wrong. There is tremendous irregularity and fraud within the Commission. I agree that a great deal of responsibility lies with the member states, but we cannot blame just one section of the EU. The whole thing seems corrupt. I believe that corruption and fraud are much more prevalent across the EU than in the UK. The standards of probity in public affairs in the UK are higher than in most other western European countries. The report of the National Audit Office refers to places such as Greece, Spain, Italy and Portugal. I do not mean to be disrespectful to those countries, but their record is appalling.

Financial arrangements in the European Union lend themselves to misappropriation and misuse of funds. The structure of the EU is bureaucratic rather than democratic. There appears to be little control over those who participate in corruption and fraud and little effort or capacity to get rid of them. It appears from the examples that I have given that about 10 per cent. of the EU budget is misappropriated and not spent on the purpose for which it was designated. That mis-spend amounts to about £5 billion a year. That is an incredible amount of money.

With great respect to the hon. Member for Twickenham (Dr. Cable), I got the impression from his speech that he was complacent. We heard the same arguments from him as I heard from the European Court of Auditors. The auditors seemed to say, "There is misappropriation and one would expect that to happen with such a huge budget." I do not think that one can say that. The Commission should have high standards.

The recent disclosures by Van Buitenen were already well known before he blew the whistle. It was clear what was going on and he happened to bring it to the fore. Everyone knew what was going on. He showed that the standards of the Commissioners were anything but proper, and collectively they had to resign. The Commissioners ought to have been setting high standards, but they were not. Examples of nepotism and manipulation of funds emerged.

On our visit to Brussels and Luxembourg, we met representatives of the Commission, the EU anti-fraud organisations and the committee of independent experts set up by the European Parliament to examine the way in which the Commission detects and deals with fraud. The anti-fraud organisation, known as UCLAF, has an atrocious record and was clearly unable to do an effective job. It has now been replaced by OLAF. I was little impressed, bearing in mind the seriousness of the situation. The only thing that was apparent was complacency.

We met the Budgetary Control Committee of the European Parliament. Although it recognised the problems and played its part in triggering the resignation of the Commissioners, the fact is that it knew for years that fraud and waste were rampant, yet it tolerated the situation. Can you imagine, Mr. Deputy Speaker, the Public Accounts Committee tolerating such a situation? I cannot, but that seems to be the way things are.

[Mr. Steinberg]

We had a meeting with the European Court of Auditors. That filled me with horror. Its members were apparently so complacent, and I told them so. One of the most disgraceful aspects of EU administration is not only that large sums of money in budgets cannot be properly accounted for but that the auditing and signing-off of EU accounts often runs years into arrears as a result of lax accounting systems, some of which are seemingly riddled with fraud. We all know that it is impossible to run any organisation efficiently without accurate, up-to-date accounts.

It seems to me that the problem with the EU Court of Auditors is the same as in so much of the rest of the EU. Those able and willing to set high standards are dragged down by those who are much more easy going. One amazing statement made at our meeting with the auditors was that fraud was a price worth paying for the Union. I may have misunderstood that because I was dropping off to sleep, but I do not think so. Well, they may think that, but I disagree with them.

After our visit to the EU, the Committee was unanimous in its conclusions. There need to be significant and urgent improvements in the financial culture governing European spending. These issues are central to public confidence and fundamental to the democratic legitimacy of Europe. The Commission must define more clearly who is accountable to whom and for what.

We found that the current arrangements for investigating and prosecuting cases of abuse were inadequate. Rapid action is required to reform the procedures for identifying and handling cases of suspected fraud within the Commission and other EU institutions. That should include a strong, independent head of fraud investigations with statutory protection from dismissal.

The National Audit Office report concludes that it is important that the Commission and member states keep up the pressure on effective implementation of the sound and efficient Management 2000 initiative, which simplifies schemes so that they can be easily and effectively managed and so that the risk of fraud can be reduced. The NAO also concludes that effective action must be taken to pursue and repress fraud across the EU budget. Better arrangements are needed for combating fraud and corruption involving EU institutions.

I intended to sit down and say no more at this stage, which would probably delight everyone, but after listening to the Opposition, I should like to add an extra item. The approach that Opposition Front-Bench spokesmen have taken to the debate is so sad. They have attempted to make EU fraud a party political issue. It is an important issue. The Tory record in government was hopeless. All the cases of fraud that I have mentioned started in the late 1980s and early 1990s, when the previous Government were in power. It is important that this debate has taken place, but why do the Opposition always shoot themselves in the foot? It is plain daft to try to lay the blame on the Government and Labour Members of the European Parliament for allowing fraudulent activities to go on in the EU. The activities have been going on for years, and went on all through the time of Tory government.

I did not intend to ascribe blame, but after hearing the Opposition Front-Bench spokesman, I will. If any blame is to be ascribed, I suggest that 18 years of Tory government in which nothing was done speaks for itself.

5.39 pm

Mr. Charles Wardle (Bexhill and Battle): I am bound to say that until the hon. Member for City of Durham (Mr. Steinberg) came to his extra points, I agreed with almost everything he had to say. He and I both serve on the Public Accounts Committee and there is broad agreement about what has gone wrong. He and I can debate vigorously many political issues all day long, but until he came to his last item I endorsed his remarks this afternoon. When he came to his final and quickly added last point, and as he looked at the Government Whip and thought that he should score some political points, he was wrong, in that he failed to notice that the Chief Secretary seemed to have swallowed, hook, line and sinker the idea that OLAF will do a more effective job than UCLAF does now. I understand the Government's having agreed to the proposals for the amendment in the regulations that will deliver OLAF and wishing to say that all will be put right, but I believe that the Chief Secretary is absolutely wrong on that.

As the hon. Member for City of Durham said, the Public Accounts Committee visited Brussels and Luxembourg last month. Several of the Committee members either were in their place or are now. I wish to make a couple of comments about the visit to place in context my remarks about the anti-fraud effort.

The Committee's object in its visit was to examine how financial control and accountability of EU funds could be improved within the Commission and in member states. In Brussels, the Committee took evidence from the Commission, UCLAF, the Commission's anti-fraud unit, the budgetary control committee of the European Parliament, Mr. Van Buitenen—the whistleblower—and the committee of independent experts. In Luxembourg, it took evidence from the European Court of Auditors.

Although the Committee's report of its foray into the heart of Euroland will not be published until after next month's European elections, I formed the clear impression—my Committee colleagues who are present in the Chamber can either confirm or deny this—that the Committee was quickly united across party lines in its criticism of the complacency, arrogance, self-interest, lack of even the most rudimentary management discipline, absence of financial controls and failure to tackle fraud that was clearly evident wherever we went.

In a press release agreed by the Committee, there was a call for significant and urgent improvement in the financial culture governing European spending, for better controls to protect the interests of the European taxpayer and for an accounting system based on robust independent and expert procedures. The Committee registered its dismay that proposals to reform UCLAF—this is where I disagree with the Chief Secretary—in the form of the new OLAF fell well short of delivering a genuinely independent anti-fraud unit.

Given the limited time for the debate, I shall resist the temptation to regale the House with the full extent of the financial shambles and the self-serving bureaucratic intrigue that masquerades as the government-in-waiting for Europe. I shall concentrate instead on the inadequacy of the attempts to protect the Community budget from fraud.

There is little doubt but that fraud and financial irregularity are rife throughout the EU spending programme. There is fraud at national level in member states, as the hon. Member for Ilford, South (Mr. Gapes) was allowing—for example, in the common agricultural policy. However, some of the most spectacular rip-offs have taken place under the nose of the Commission, and these were the ones highlighted by Mr. Van Buitenen.

As we have heard, the Leonardo youth training programme, worth £450 million, has been riddled with mismanagement, and blatant favouritism has been shown to certain contractors. The Commission's tourism unit, which has already been alluded to, has been defrauded of at least £3.5 million. The Med programme of economic assistance in the southern member states has been hijacked by a network of firms which has run rings round Commission officials, at huge cost to the European taxpayer. The humanitarian aid office, ECHO, cannot account for £420 million from last year's budget alone. These are only some of the horror stories.

Pitted against corruption is UCLAF, the anti-fraud unit, which operates from within the Commission's central secretariat. That location is a handicap in itself because the Commission is staffed with appointees long on horse-trading skills but short on management instincts. This means that the Commission is an establishment in which transparency and individual accountability are literally foreign concepts. That makes it unsurprising that UCLAF was doomed to failure from its inception.

UCLAF is not, as some people suppose, an internal audit service. Members of the PAC will appreciate that. It may act on audit data produced by the European Court of Auditors, which itself is not allowed to investigate suspected cases of fraud. For some reason best known to the bureaucrats, UCLAF is not allowed to pursue active fraud investigations either. It is merely authorised to assess the financial sums at risk and then draw up cases for submission to public prosecutors in the member states.

In the unlikely event that UCLAF identifies a case for prosecution within the Commission itself, under whose roof it sits, it is supposed to draw that suspected fraud to the attention of the Belgian prosecutors. In other words, UCLAF is not a fraud-busting unit but a co-ordinator of allegations of fraud for the benefit of national prosecutors in member states.

Inevitably this cumbersome and unwieldy procedure has failed to produce results or to deter fraud, and it has already been widely condemned. The Court of Auditors has complained that UCLAF has no standard system for opening, monitoring and concluding procedures. The court says that UCLAF lacks operational procedures for storing and monitoring information, cannot manage its case load effectively and causes long, needless delays.

UCLAF's procedures for dealing with internal discipline and corruption are unclear and incomplete as well. The Court of Auditors has accused it of what it delicately describes as "exaggerated hesitation" before lifting the immunity of staff suspected of fraud. That is because it is under the Commission's roof, of course. Meanwhile, the committee of independent experts has said that UCLAF's remit within the Commission is less clear than it should be and claims that UCLAF appears to be in competition with the internal audit function. The UCLAF staff lack professional skills and often slow down procedures so that the audit trail goes dead. In short, the entire UCLAF operation is a farce. The fraudsters thrive and the taxpayer loses out.

To remedy this sorry state of affairs, at the end of last year the Commission, the Council of Ministers and the European Parliament drew up a proposed regulation for a new fraud prevention office—son of UCLAF, as it were—to be called OLAF, an acronym with a Nordic ring of financial rectitude and authority. This seemingly worthwhile initiative quickly became bogged down in utter confusion when the Council of Ministers resisted the very sensible idea that OLAF should be a distinct legal entity, separate from the Commission, with extra powers of investigation within member states.

After much wheeling and dealing, and to nobody's surprise, OLAF is to stay under the Commission's umbrella, but regulations will be amended to give its new director greater responsibility for the recruitment and promotion of staff and the power to ask for oral information from employees of the Community institutions.

The new director is to report regularly to the Parliament and he will be monitored by an independent external committee. In practice, however, the EU staff regulations, which have for years throttled any attempt to promote outstandingly talented officials, are so prohibitive that OLAF will inherit and be required to keep most of the old UCLAF personnel, in spite of their known lack of professional qualifications. The new director will not be independent at all. He will still be in thrall to the Commission and will have nothing like the clout which national audit offices enjoy in, for example, the United Kingdom—most especially, in Holland or in the Scandinavian member states.

So in spite of the courage of the whistleblower, the condemnation of the Commission by the independent committee of experts and the grand theatrical gesture—

Mr. Geraint Davies: Will the hon. Gentlem[redacted] way?

Mr. Wardle: I shall not for the moment. I appreciate that the hon. Gentleman will have much to say, but time is short and I have nearly come to a conclusion. He always does have a lot to say, and it is always of interest.

In spite of the grand theatrical gesture of the Commission's mass resignation and the fight against fraud, that which is being proposed leaves the EU toothless in its anti-fraud effort. It is all talk and no action. The will to improve accountability and transparency simply does not exist, and the inevitable consequence will be that corruption will increase.

Mr. Deputy Speaker, I am sure that you will allow me a moment longer. For those of us of a sceptical nature, none of this will be surprising. The sceptics might agree with me that the United Kingdom should insist on a properly functioning single market, tried and tested over a suitable period, before the Euro-zealots try to rush headlong into experiments with an unworkable single currency, and into economic and monetary union as a prelude to their real goal of a federal state.

It is essential that the scandal of financial malpractice and fraud in Brussels be adequately addressed. That is why my right hon. Friend the Leader of the Opposition's cautious, step-by-step approach to further integration in

[Mr. Wardle]

the European Union is absolutely right, and why the Government's timidity in dealing with OLAF, which is not an effective successor to UCLAF, is so disappointing.

Euro-enthusiasts of an uncritical disposition ignore the failure of anti-fraud measures at their peril. If the difficulties of checking fraud seem formidable now, they will become far worse if they are not resolved before the EU goes in for more enlargement and yet further extension of treaty competence. With respect to EU fraud, a stitch in time might save nine, but those in Brussels have hidden the needle and lost the thread.

5.51 pm

Mr. Alan Campbell (Tynemouth): I am grateful for the opportunity to contribute to the debate. The Chamber reminds me of a Public Accounts Committee meeting, but it is the stronger for that.

Tackling fraud in the European Union is an important matter. It is too important to be kicked around by the Opposition during a European election campaign. I associate myself with the comments of my hon. Friend the Member for City of Durham (Mr. Steinberg).

I, too, am a member of the Public Accounts Committee and took part in the visit to Brussels and Luxembourg last month. I do not want to pre-empt the report that will be produced for the House, but I shall make a few observations.

I wonder how many of my colleagues recently received, as I did, a letter appealing to me to support the Conservative party in the forthcoming European election. The letter does not state which Conservative party, but it sets out one of the planks of the Conservatives' campaign, which we heard from the shadow Chancellor this afternoon. It suggests "doing less better" in Europe as one way of tackling fraud. That is an interesting phrase, "doing less better"—presumably there is a comma in it somewhere. It smacks of one of those focus groups which, we understand, are having an increasing influence on Conservative party policy.

For Conservatives to aim to do less, but better, and at the same time to cut the resources paid to Europe, raises some interesting questions. Does "doing less better" mean avoiding or scrapping EU undertakings where fraud is a problem? Given that fraud is a major problem in the common agricultural policy, does it mean scrapping parts of the CAP for British farmers? If so, they should be told about that.

If "doing less better" means that, because there has been fraud in the tourism programme, we should walk away from it, the people of the constituency that I represent should be told. We benefit from £640,000 of European help for tourism in my area. If there is fraud in the ECHO programme, as we have been told, does that mean a block on further humanitarian aid to countries such as Yugoslavia? We need to know.

A much more productive approach would be to make progress on developing a system of proper audit and accountability across Europe. That would require co-operation between member states, as well as leadership, rather than shouting from the sidelines. Listening to some of the Opposition spokesmen this afternoon, one would be led to believe that fraud never occurred during the 18 years in which they were in power, or until Van Buitenen blew his whistle. However, the evidence of fraud in the EU was well known.

In the tourism programme since 1989, more than 70 individuals and organisations have been implicated in wrongdoing, yet it took two years to get rid of the head of the unit, and the director general eventually went in October 1996 only on condition that he was allowed to retire

"in the interests of the service".

Nepotism, misuse of funds and mismanagement of the programme were taking place, yet at the end of it all, the leader of the Tory MEPs said:

"I know that what has been going on for years has now been exposed."

The hon. Member for Vale of York (Miss McIntosh) says that he played a part in exposing the fraud, and good on him, but the Tories cannot have it both ways. They cannot take credit when fraud is exposed in Europe, and deny that there was fraud there while they were in government.

Even after that, rather shamefully, Tory and Liberal MEPs failed to back Labour MEPs, as we have heard, in their efforts to set up the committee of independent experts. Progress has been made only because certain Governments, particularly our own, have been willing to take the lead and grasp the nettle.

I am trying to adopt a positive approach. Assuming that we accept that Britain's future lies in the European Union—at least half of the Conservative party accepts that—and if we acknowledge that the present Government will not last for ever, we should seek common ground, not only in the House, but with our partners in Europe. We must seize the opportunity for root-and-branch reform.

There is common ground, despite the impression given by the shadow Chancellor, and there should be common cause. As the hon. Member for Bexhill and Battle (Mr. Wardle) said, members of the Public Accounts Committee were united by their view of the complacency that characterised the Commission and parts of the Parliament. That complacency helps to explain the failure to act to root out fraud earlier.

However, the complacency is not universal. I did not detect complacency among the committee of independent experts or among the growing group who are proponents of what might be called a Danish-Dutch-British model of accountability and right of access in the EU. We need to build on that consensus.

Common ground is emerging on the need to develop a new and modern European accounting and audit culture which improves procedures across the member states where 85 per cent. of the budget it spent. There is also common ground on the view that the 15 per cent. of the budget that is spent by the Commission should also be properly accounted for. The Commission cannot shrug its shoulders and say that there are more important matters, such as enlargement, to worry about. I hope that both sides of the debate can unite behind the approach that I have outlined.

Mr. David Davis: I apologise to the hon. Gentleman for missing the first minute of his speech. As the hon. Member for Croydon, Central (Mr. Davies), our colleague

on the Public Accounts Committee, has joined us, I want to put a question to him that is important in the context of the debate.

All of us who went to Brussels and Luxembourg were struck by the need for dramatic changes—the hon. Member for Tynemouth (Mr. Campbell) just referred to the Danish-Dutch-British model of accountability. Earlier the hon. Member for Croydon, Central raised as a psychological barrier the need for a treaty change. The Prime Minister has argued that we need root-and-branch reform. Treaty change is not as difficult as it is sometimes portrayed. It is often used as a barrier when it is not one. There have been intergovernmental conferences that have decided on such matters in one day. Does the hon. Gentleman believe, as I do, that we should go for radical reform, or for an interim measure?

Mr. Campbell: I am sure that my hon. Friend the Member for Croydon, Central (Mr. Davies) will want to make his own case. I am not sure whether the right hon. Member for Haltemprice and Howden (Mr. Davis) expects me to answer that question. The issue is where we start from in this debate: whether we can agree as to what can be achieved and whether we can engage in debate constructively and positively. I think that we share common ground as to how radical that reform would need to be.

I want to make one final point about the Commissioners. In future, they cannot hide behind the idea of collective responsibility. We require a clearer understanding of who is responsible for what in the Commission and to whom people should be responsible. If there is shared concern and common ground, that begs the question, which has been asked—at least by Labour Members—as to why the previous Government failed to act sooner. Change will be extremely difficult, but not impossible. There would be much less positive influences for change if a future Government were shouting from the sidelines. Some of the necessary changes will sit uncomfortably with some of the stated aims of cutting back on the roles and resources of European institutions.

I was most interested in the comments of the hon. Member for Twickenham (Dr. Cable), as I, too, want to speak about employment practices in the EU. There seems to be an employment culture that encourages temporary employment and short-termism—even, as the Committee found, among posts in UCLAF itself. Although good and trusted people may be employed under temporary contracts, such contracts can often lead to delays in making appointments. That leads to the setting up of ad hoc arrangements, which in turn lead to accusations of wrongdoing. That employment culture lends itself to nepotism and, expensively, to an over-reliance on consultants and experts.

The European Court of Auditors is aware of that problem, but does not have the power to recommend that institutions should take on more staff, even if, by doing so, European taxpayers would be given greater value for money. In any case, the Court of Auditors is itself constrained by an annual budget that is £10 million less than that of this country's National Audit Office. We were told by the shadow Chancellor that that was one of the legacies of the previous Government.

We require serious debate about resources and how they are used, and about the role of institutions such as the European Court of Auditors. It will not do to try to transfer a particular national model—even our excellent British model. We need to develop a new, European model of audit and accountability, even if those words may be alien to some Members of the House. Tackling fraud relies on constructive engagement in Europe; it cannot be achieved from a position of isolation. This is a serious issue; it is worth much more than to be used as a weapon to beat an anti-European drum. It requires direction and leadership in Europe; I have seen no evidence of that from the Leader of the Opposition, in terms either of Europe or of his own party.

6.3 pm

Mr. Richard Page (South–West Hertfordshire): In a rare and delicate fashion, I want to raise the debate above the party political level and move it into a more open and nationalistic mode. If any Member of the House were to go out into the highways and byways of Westminster to ask the average British citizen what he or she thought about the financial control of Europe, or what that person thought about the way in which Europe looked after taxpayers' money, there would be, first, a snort of derision, followed by a reply that could probably not be repeated in this House. [HON. MEMBERS: "Unparliamentary."] As my colleagues advise me, the answer would be unparliamentary.

Whatever view one takes of Europe—whether one is for or against integration, or for or against the euro—it boils down to the fact that all of us in the Chamber share a unity of desire to see better accountability of taxpayers' money, so that it is more effectively spent in the European Union. I have no doubt that many of the reservations that are expressed as to the size of the EU budget and the size of the British contribution to that budget are influenced by the thought that, at present, that money is not being well spent.

I am grateful to the hon. Member for Tynemouth (Mr. Campbell), who gave us a trailer for the Conservative party's European manifesto. That manifesto argues for a reduction in contributions, something that I can support. The pressure for efficiency will become more important, especially as the EU enlarges following the admission of central and eastern European states. That will mean that even larger sums will be involved and, unless there is change, there will be an even greater opportunity for larger sums to be mis-spent and mishandled. With efficiency gains, we can have the penny and the bun. We can still achieve the same objectives, but with lower contributions.

For that reason, as a Member of the Public Accounts Committee—three quarters of whose Members are in the Chamber—I supported the suggestion in our debate earlier this year that we should have an away day to Brussels and Luxembourg so that we could see exactly how the financial controls inside the Commission were implemented. Bluntly, I found a worrying lack of direct accountability, a lack of clear lines of responsibility and a lack of the use of the effective accounting and auditing mechanisms that we take for granted in the UK.

There is a divide between what happens in the UK and what happens in Brussels. The European Parliament is flabby. It must take a firm grip of the situation and ensure that the European Commission has more effective direct management of expenditure, with particular reference to its external aid programmes. At present, it is impossible

[Mr. Richard Page]

to tell how fully the Commission has been able to meet programme objectives and how external aid programmes have been operated to ensure that they do not suffer from fraud. We need the implementation and control of schemes that are not susceptible to fraud; at present, the way in which those schemes are set up leaves them wide open to fraud. That is an example of all the problems that are coming from Europe.

I could spend the next half hour going through all the scams that have been running in EU operations during the past few years. I fully accept that many of those scams took place under the previous Conservative Administration. However, that does not mean that we should stop considering them now. We must try to make improvements and move on from the arguments advanced by the Conservative Government at the time of the Maastricht treaty.

I stagger with disbelief at how some of those scams could have gone through. One example is the beef export refund scheme. That scheme carried an inherent risk because the rate of refund for different countries outside the EU varied. Our National Audit Office found that we sent 5 million kg of beef to Mauritius, where there are 1 million people. Surprise, surprise—one of the highest amounts of support was paid for that import.

More recently, in relation to fishing vessels, EU funds were used as incentives for people to fish outside European waters—an objective that we all support—but what did we find? In 90 per cent. of cases, the vessels subsidised were either inactive—sunk—or those people were already fishing outside the EU. That 90 per cent. represented a slight shortfall on the programme objectives. Those who accompanied me on the away day will know what a sacrifice I make by not mentioning the cochineal beetle scam—that was a joy and a wonder to behold.

My worry is that the case of the whistleblower is not a one-off. We must remember that the whistleblower was not a civil servant acting on a whim, who took action on the spur of the moment. For month after month, he tried to persuade his superiors to take an interest in the concerns that he had raised and to take action. From what I gather, the reaction that he received was either direct hostility—that he would be fired if he continued—and threats of other consequences if he did not desist, or initial expressions of interest, only to be followed by the individuals whom he had approached saying that he should forget all about it.

That typifies my concerns about the way in which the Commission operates, that it is far too incestuous and lacking in outside direct and clear accountability. The Commissioners do not appear to own their own directorates, by which I mean that they are far too involved in the creation of policy instead of in directing policy—the tail wags the dog. In turn, the Commissioner becomes more and more a creature of the directorate, rather than the driving force of policy creation. Unless Commissioners exhibit clear independence of thought in the near future, the EU will not drive forward progressively, but will remain locked in a stifling bureaucratic circle.

We have witnessed the resignation of the Commissioners. Until that time, the investigative UCLAF unit was controlled by, and reported to, the Commission. I shall not repeat the words of my hon. Friend the Member for Bexhill and Battle (Mr. Wardle). Although it might be hotly denied, I gained the impression that the careers of individuals within that unit were closely bound up with that of the Commission, so perhaps it would not have been a career-enhancing move for individuals in UCLAF to create too large a wave inside the Commission.

There does not appear to have been an adequate Commission response to the concerns expressed by the Court of Auditors. The argument that the Commission was responsible for only 15 per cent. of expenditure, with 85 per cent. being spent by member states, is totally unacceptable. I am sure that the House believes that the Commission should accept responsibility when fraud occurs and be prepared to investigate it. The report of the committee of wise men has already been quoted, but their conclusions are worth repeating: they found a

"growing reluctance among the members of the hierarchy to acknowledge their responsibility. It is becoming difficult to find anyone who has even the slightest sense of responsibility."

That is a damning indictment of anyone in charge of a directorate of the European Commission.

I know that the Commission has the ability to investigate expenditure, even though, during our visit, we heard that denied, not once, not twice, but three times. That is unacceptable. My hon. Friend the Member for Bexhill and Battle spoke of OLAF, son of UCLAF, and I wonder whether the new unit will be as fully independent as has been promised. I wonder whether it will be able to report fully to the Budgetary Control Committee of the European Parliament. I am not convinced that there will be established a strong enough mechanism to ensure that such concerns are properly and adequately investigated.

I have already said that there needs to be stronger supervision by EU Commissioners of the programmes under their control, but with that has to come a clear-cut policy of prosecutions being pressed when fraud has occurred. Such matters must not be swept under the carpet and the sums lost pushed to one side—that would be unacceptable. The Court of Auditors operates fairly well, but there is no European organisation parallel to our National Audit Office that carries out value-for-money audits. That brings me to the question that I put to the hon. Member for Twickenham (Dr. Cable). There is no body or organisation that reports directly to the European Parliament to ensure that value for money has been obtained, and no equivalent of our Public Accounts Committee to investigate budgetary irregularities or weakness. Such improvements have to be installed as a matter of urgency, if the average member of the British population is to regain confidence in the European movement.

6.14 pm

Mr. Geraint Davies (Croydon, Central): The subject of our debate today is not the Public Accounts Committee visit to Brussels and Luxembourg, although I had the pleasure of participating in that, but a motion—a facile, self-indulgent motion from a party which for 18 years held a place at the Council of Ministers but consistently failed to act on reports received from the Court of Auditors and make any headway in implementing the changes the court proposed to tackle fraud and improve accountability. In sharp contrast, the Labour Government and the current Members of the European Parliament,

especially Pauline Green, have acted in such a way that, for the first time, the European Parliament refused to accept the accounts for the 1996 European budget. A committee of wise men to look into fraud, accountability and good practice was set up, which ultimately resulted in the mass resignation of the entire Commission—a great blow struck by democracy against an administration, which has led to a programme of root-and-branch reform, which we shall see emerge at the ECOFIN meeting on 25 May.

The Opposition's motion calls for the replacement of all the Commissioners, irrespective of their individual culpability. I suppose that is designed to ensure that there would be no operational continuity within the Commission—an outrageous and wrecking move. In addition, the shadow Chancellor has called for the complete institutional independence of the new fraud office, OLAF. Because a new institution would require a treaty change, which must be agreed by all member states, all current investigations would have to be suspended, perhaps for years. The result would be that fraud, instead of decreasing, would escalate out of all proportion. The Opposition motion forgets that the problems of today are linked to the isolationism of the previous Government, and ignores the fact that their proposals would plunge the Commission into chaos. Presumably, that is all part of the hidden agenda of Euro-scepticism, which led to the current Government having to sort out the BSE crisis by abandoning the isolationism and impotence that characterised the previous Government.

That said, there are serious problems with budgetary control, nepotism and so on that I shall confront, instead of addressing the schoolboy motion standing in the name of the Leader of the Opposition. The new Labour Government's agenda is one of transparency, accountability, good housekeeping and partnership in Europe. It is true that, in the overall budget of about £55 billion, there is roughly a 5 per cent. irregularity. That adds up to a lot of money, but it must be recognised that, in this country, when we break down accounts by different Departments, similar rates of irregularity are not unknown—indeed, the level of irregularity in the social security budget is often nearer 8 per cent. The National Audit Office would refuse that particular departmental budget, but accept all the other Departments' budgets overall. The lesson of that is that the budget of the European Commission should be broken down into spending by the Commission, and spending by member states. It might be that the Court of Auditors would say that the transport directorate was fine, but that the structural fund or the agricultural fund was not. We have to consider breaking down budgets and focusing on areas of weakness.

On several occasions during the PAC's three-day visit, I heard well-worn anecdotes—often to do with sampling errors—explaining various irregularities. We were told that, because a road that was built did not receive an environmental audit, it was an irregularity and so formed part of the 5 per cent. financial irregularity. I was told that a 12-hectare field was measured at 13 hectares, and that that irregularity when multiplied from the sample resulted in a gross distortion of 5 per cent. Those are facile and ridiculous arguments: if sampling methodology is correct, such effects will not occur; and if sampling methodology is incorrect, it should be changed. I was shocked by the extent of the complacency with which educated people accepted such excuses for non-action on the part of the Commission.

It is true that 95 per cent. of expenditure is carried out in member states, and that 98 per cent. of irregularities occur within member states. While not being complacent about the changes that must be made in the Commission, much of the problem lies with delivery on the ground. The Commission is playing its part by trying to sort out regular systems of accountability.

We have a very good system in this place. The NAO audits all Government expenditure—putting to one side that which is audited by the Audit Commission—which then goes before the Public Accounts Committee which interviews the permanent secretary responsible for the expenditure. An equivalent system in Europe would involve the Court of Auditors examining all expenditure and bringing it before the Budgetary Control Committee, which would then interview the accounting officer, who should be the director-general of the Commission.

In fact, no one accountable person appears before the Budgetary Control Committee. In Europe, there is an authorising officer for some expenditure. He goes to a financial officer who says, "It seems to be all right, so here's the money". No one knows who is accountable. That is one of the reasons why the Commission does not have the same systems of scrutiny that operate in Britain and in other north European countries. Discussions are continuing about the need to clarify who is accountable for what. I had the pleasure of conversing with Commissioner Monti last week about that subject, and the Commission wants to make such changes.

The Court of Auditors, which conducts the audit, is located in Luxembourg and there is a 280 km round trip to travel to meetings of the Budgetary Control Committee. That committee considers reports for only 10 per cent. of its meetings. What is more, the reports that it considers have already been edited by the Commission using a method called the "contradictory process". If the Court of Auditors points out where the Commission has gone wrong, it will reply, "No, we are not wrong because of this, that and the other". The two bodies must then come to an agreement and there is a filtering of information. Members of the European Parliament, those who serve on the Budgetary Control Committee and the Commission across the road enjoy a cosy relationship. After all, the Court of Auditors—which is independent—is a long 280 km round trip away. We must consider that point.

There is obviously fraud within and outside the Commission. The Naples example has been cited. It involved the discovery that 96 per cent. of applications for subsidy for olive oil processing in Naples were irregular and fraudulent. The problem is not that the Commission sent the money but whether justice was delivered via the local legal system. I assume—perhaps my view is prejudiced—that the mafia was behind those applications. If four applications out of 100 are successful, what will stop the mafia? I do not know. The point is that legal delivery systems on the ground must stop those illegal activities.

On 25 May, a recommendation will be put before ECOFIN. I want the new OLAF body to have operational independence. The director should have statutory independence and be able to approach the European Court

[Mr. Geraint Davies]

of Justice if his or her activities are blocked in any way. As the post would be institutionally independent, the director would have direct access to the Commission.

The Commission wants a separate institution to be created. That would take years to establish and would not allow the same sort of access. At a time when the Commission is being investigated and we know that some Commissioners are culpable, we must smell a rat: who is urging the delays? The current proposals are good. The new body should have the power to investigate fraud not just in member states but in the Court of Auditors, the Commission, the economic and social committee and in the Council of Ministers. The granting of that sort of power will require a change in statute over time, obliging officials across the European Union to report to OLAF and co-operate with its investigations. As the institutions are autonomous, we would need to grant those powers via institutional agreements signed by the institutions. They would have to agree voluntarily to grant access to OLAF. I am sure that they would do so if the right pressure were applied.

We cannot allow those involved in fraud to further their careers within the Commission. There is a danger of "rubbing shoulders". We need to evaluate and audit the nature of benefits and expenditure in those countries from which the Commissioners come. I am thinking specifically of the Commissioner who is responsible for trade with South America, whose country benefited from a disproportionate volume of trade with it. We must ask questions about that sort of occurrence. We should ask also about the nature of the cabinets, and the process whereby a Commissioner appoints several political advisers who, in many instances, determine who receives jobs in the European equivalent of the civil service: the directorates-general. Those political appointees are often given top-level civil service jobs which they are not equipped to handle. We seek efficiency, effectiveness, accountability and transparency in the working of the Commission.

I believe that we should create a new post of vice-president of the Commission in charge of finance, personnel and administration. At present, that work is conducted by individual Commissioners and there are enormous differences in those operations. Romano Prodi has an opportunity to shake up the Commission and its institutions and to shake out fraud. I am sure that he has our undivided support—particularly that of Labour Members—in that endeavour.

The future of Europe and of Britain in Europe does not involve carping and adopting the pathetic divided, isolationist approach that is characterised by the Opposition. We must initiate constructive engagement to ensure greater accountability, transparency and effectiveness for a new Europe in a new millennium where are children can live with pride.

6.27 pm

Mr. Andrew Rowe (Faversham and Mid-Kent): It has been good to listen to a constructive and positive debate across the House. In the past, scrutiny of the European Union has been paralysed by political ambivalence. Those who support it have been reluctant to expose its failings in case it damaged their case and those who dislike the EU have believed that becoming involved in its workings somehow affords it unwarranted credibility. Therefore, the European Union has escaped proper scrutiny in this place.

I begin from the position of wanting the European Union to work well. We must introduce effective financial controls—what is more, I see no reason why those controls should not apply also to Members of the European Parliament. The need for such controls is shown by our experience in this place. During my time in Parliament, I have witnessed the almost annual tightening of the controls governing our expenditure and I see no reason why we should not insist on a similar tightening for Members of the European Parliament. If they can award themselves expenses that are out of all proportion to their costs, their capacity to scrutinise the misuse of money within the Commission is gravely damaged. The temptation of any group of unaccountable men and women to spend other people's money lavishly on themselves is very great—we have only to look at the building rising above Westminster station to recognise that fact.

It would have been appropriate if the Commissioners had departed when they resigned. Nothing would have sent a clearer signal that they felt accountable, and that is a serious missed opportunity. Of course continuity of decision making is useful, but I suspect that no great disaster would have occurred if the Commission had suffered an hiatus of a few weeks. Furthermore, the argument about fraud might have been advanced further if the European Parliament had had the power to demand the resignations of individual Commissioners.

The Council of Ministers should take some responsibility for putting pressure on EU bureaucracy. The problem is that it never wants to take serious responsibility for carrying out the policies that it creates. Over the years, we have seen a lamentable picture in every EU country when Ministers return to their national Parliament to crow when they have got what they want and to whinge about unfairness when they have not. The result of such populist behaviour has been steadily to build up a view that the Council of Ministers cannot be blamed for anything that results from its decisions.

In their reply to the report of the Select Committee on International Development on the EU development budget, the Government say:

> "The Government agrees that Council policy documents are rarely effectively, consistently or comprehensively translated into operation".

If the Council of Ministers cannot ensure that its decisions are carried out effectively, I do not understand how we will get very far in dealing with even the limited matter of fraud.

Much more decision making should be returned to national states. The Government support that, and say:

> "The Government agrees that the Commission should concentrate its intervention on areas where it has comparative advantage over bilateral donors."

That is in relation to the development budget. Mr. Prodi states that he supports that belief, and says:

> "Only a few important things should be done in Brussels".

If we consider the mess that is so frequently made of the European Union development budget, we realise that that happens because the EU has neither the personnel nor the skill to control fraud in its development programmes.

It should change the structures so that a larger part of the budget is given back to the nation states or to allow individual nations to take the lead in delivering the programmes in particular countries.

Philip Lowe, the director-general of Directorate-General VIII, pointed out, in evidence to the Select Committee, that the budgetary discipline, or lack of it, evident in the EU is far below the standard expected of its peers in

"the normal budgetary mechanism which other parts of the Commission expect".

In its reply, the Select Committee said:

"We are not surprised to see such concerns emerging from a Community where there are huge discrepancies between political priorities and administrative capacity, over commitment of funds to programmes which cannot disburse them effectively, and serious delays in the payment of some accounts."

The Government say:

"The Government supports a policy of zero tolerance of fraud."

They continue:

"We also support measures to strengthen the fraud investigation capacity of the Commission."

From what I heard in the speech of my hon. Friend the Member for Bexhill and Battle (Mr. Wardle), it sounds as if OLAF, son of UCLAF, will leave the fraudsters with the last "laf".

There are serious defects in the European Union, particularly in its budgetary controls, but that is no reason to seek to destroy the EU any more than housing benefit or social security fraud in the United Kingdom is a reason to seek to destroy local and central Government. Member states, including the UK, seem to be slow to respond to fraud. I was a member of the Public Accounts Committee when we quizzed the Department responsible for disbursing funds in this country paid out under the CAP about CAP fraud. When we asked why no use was made of multinational investigating teams, we were told that although there were 700 staff, it would be impossible to train even a few of them in the necessary foreign language. If that failure of will is common to all member states, it is no wonder that farm fraud still accounts for nearly 1 per cent. of total agriculture expenditure.

Other hon. Members want to speak, so I shall now sit down.

6.34 pm

Mr. Archie Norman (Tunbridge Wells): In the time that remains, I want to make the simple point that those on both sides of the House have recognised that fraud in the Commission's spending is a very serious problem. Only the hon. Member for Twickenham (Dr. Cable), the Liberal Democrat spokesman, tried to put the problem in proportion, and he was rather unsuccessful. The fraud is widespread.

When fraud and misuse of funds within an organisation occur on that scale, they reveal not that the institution merely needs a better audit committee and a system to investigate fraud, but that it is sick within and that the problem is systemic and chronic, rather than symptomatic, and can be treated only by reform from within.

There is good testimony that approximately 5 per cent. of the EU's total budget is fraudulently spent and that approximately 5 per cent. cannot be accounted for. It is believed that 10 per cent. of the total spending is mis-spent in its end use or subject to fraud. It is important to remember that 5 per cent. of the EU budget is spent on the administrative costs of the Commission alone and, according to simple arithmetic, approximately a further 5 per cent. is spent on the European Parliament. That means that approximately 20 per cent. of the total budget is not delivered to the end user but disappears in administrative cost or through misuse. In addition, as the Chief Secretary to the Treasury said, a large proportion of the budget is wasted through the CAP and, as a result, benefits no one very much.

The problem is long-standing, and it has been pointed out several times that it predates this Government coming into power. In 1994, a House of Lords report stated that fraud in the Commission was prevalent on a monumental scale, reaching

"into every sphere of Community activity."

Its next remark, on a subject close to my heart, struck a chord with me:

"If any of the big companies in the UK had their accounts qualified in this way the banks would call in their loans, the shareholders would evict the directors and a DTI inquiry would ensue".

That would surely be correct in any culture or environment that we know of.

Fraud starts at the top and stretches to the bottom. The culture of the EU is, at worst, one of nepotism and, at best, one of extravagance and a failure to count the pennies and look after people's money well. The Commission has displayed staggering complacency about fraud over the years. Herbert Bosch, the rapporteur on fraud to the Budgetary Control Committee, stated:

"The Commission is not seriously interested in detecting fraud. It is more interested in covering it up".

There we have the problem: there is an atmosphere and culture of indulgence throughout the Commission, which comes from within. Without fundamental reform, that will not be changed.

It is no good Labour Members simply talking about the exact nature and proportions of the fraud—we can all trade points about that, although it is important—and the independence of the fraud investigative unit. That is like trying to catch the horse after it has bolted. The issue is how we change the culture from within and create better accountability and better transparency. That process must start with a new management system, a code of ethics and a new approach to the recruitment and operation of civil servants and officials within the Commission. There must be an end to formal and informal flag-marking of jobs.

Mr. Geraint Davies: Will the hon. Gentleman give way?

Mr. Norman: No, I do not have much time, and I want to make three or four more points.

The second element of reform is transparent reporting, and the issue of such information must also be timely because accounts from the Commission come out disgracefully late and are of a standard that would not be acceptable in public institutions or companies in Britain.

Thirdly, there must be a strengthened finance or budgetary commission within the EU. I am sure that the Financial Secretary will agree that the pre-eminence of the Treasury in the British governmental system is good

[Mr. Norman]

for sound government and the use of funds. No such pre-eminence exists within the Commission. If the Commission is effectively to use funds and count pennies, it is vital that the role of the budgetary commission in following, in detail, the spending through to its end use is considerably strengthened.

Finally, there must be a new atmosphere of intolerance and toughness at the top. That must start with the Commissioners, who need explicitly to be held to account for the effectiveness of the spending and any fraud that may result.

In other words, EU fraud is not a problem for which we can graft on solutions from outside or a problem of co-operation or collaboration, but a question whether we are able to grasp the nettle fundamentally to change the culture and ethics of the Commission for ever and from within.

6.39 pm

Mr. John Whittingdale (Maldon and East Chelmsford): This has been an important and, given the large number of members of the Public Accounts Committee who have spoken, a well informed debate. However, it is worth saying that it has been a long time coming. It is six months since Paul Van Buitenen revealed the scale of the fraud within the European Commission. It is two months since the report of the committee of independent experts, which led to the resignation of the entire Commission.

Immediately following the report's publication, my right hon. Friend the Member for North-West Hampshire (Sir G. Young), the shadow Leader of the House, asked for a debate on the report and on the whole question of European fraud. He repeated that request the following week. However, only now—eight weeks later and in Opposition time—are we finally debating the matter. That is perhaps an indication of the importance that the Government attach to tackling European fraud.

There has always been a problem with fraud and mismanagement in the European budget. The previous Government repeatedly grappled with that problem. Our task was not made easier by the fact that most member states did not have to pay anything into the European budget, and so appeared to show little interest in ensuring that it was properly spent, but, despite that, considerable progress was made.

As a result of British pressure, the Court of Auditors was established as a full institution of the Community and its reports had to be followed up. British pressure forced the Commission to agree to produce an annual report on the fight against fraud for the Council of Ministers and led to the strengthening of the Court of Auditors and the financial controls exercised by the European Parliament under the Maastricht treaty.

The most recent Court of Auditors report is unable to account for £3 billion of expenditure. Not all of that is necessarily due to fraud; maladministration, mismanagement and incompetence are undoubtedly also responsible. However, that figure represents almost half the amount that Britain contributed to the European budget in the year in question. It is money that British taxpayers worked hard to earn and to pay, and they are entitled to demand that action is taken.

Unfortunately, little has been done in the past two years. Despite Ministers' claims that fighting fraud would be a key priority of the British presidency, virtually nothing was achieved. No mention was made of any concrete action in the relevant section of the presidency conclusions following the Cardiff summit. Since then, the Government have never once put fraud and mismanagement in the European Commission on the Council of Ministers agenda. The Chief Secretary talked about the Government's attitude being zero tolerance of fraud. We have seen zero action on fraud.

Dr. Nick Palmer (Broxtowe): Will the hon. Gentleman give way?

Mr. Whittingdale: I will not, if the hon. Gentleman will forgive me. I have only a short time in which to make my winding-up speech.

In the 1999 preliminary draft budget, overall expenditure on preventing fraud was cut by 16 per cent. To take one sector, the draft budget line showed a reduction from 500,000 euros to 495,000 euros in expenditure on combating fraud in the textile sector. Meanwhile, restaurants and canteens received more than 1 million euros. But the real scandal relates to the fraud and mismanagement that is taking place in the Commission itself.

I pay tribute to Conservative MEPs and, in particular, Edward McMillan-Scott, who has been campaigning on this issue for many years. The hon. Members for North Durham (Mr. Radice) and for Tynemouth (Mr. Campbell) referred to the scandal of what had been going on in the tourism office. Edward McMillan-Scott first drew attention to it in 1990, and in 1995, when he was fed up with the lack of action being taken, he called in the Belgian fraud squad to investigate.

For a long time, Conservative MEPs' warnings were ignored. It was not until Commission official Mr. Paul Van Buitenen blew the whistle that something was finally done. However, when he first reported his findings to the Secretary-General of the Commission, he was told that he would be sacked if he passed his report on to the European Parliament. When he did so, he was immediately suspended.

Although the Commission was prepared to cover up the evidence, the Parliament was not. Given that evidence, it is hardly surprising that the Parliament voted to refuse to approve the 1996 budget. The hon. Member for Croydon, Central (Mr. Davies) seemed to suggest that Pauline Green and Labour MEPs were somehow responsible for that, but the vote was carried in the teeth of opposition from Labour MEPs.

According to *The Guardian*, Labour MEPs were put under intense pressure by the Prime Minister to

"let the Commission off the hook".

We know that the right hon. Gentleman wrote personally to Pauline Green to give her her orders, although he has refused to publish that letter.

The German socialist spokesman on the budget committee resigned in disgust at the attempts of the British Labour group to protect the Commission.

According to Pauline Green, the group even went so far as to table a motion of censure of the whole Commission and then say that it would vote against, to

"demonstrate our confidence in the Commission".

Mr. Geraint Davies: Will the hon. Gentleman give way?

Mr. Whittingdale: No, I have very little time in which to speak.

When a vote was taken, all but two British Conservatives voted in favour of the motion and 53 British Labour MEPs voted against. No wonder Mr. Van Buitenen said that he was disappointed by the attitude of the socialist group and, in particular, Pauline Green. He said:

"she seems to support the Commission; perhaps they have a higher agenda in the Euro or what".

The report of the committee of independent experts, which was published last March, is a devastating document. It talks of fraud and corruption passing unnoticed at the level of Commissioners themselves and of loss of control by the political authorities over the administration that they are supposedly running. It also states that there is a heavy responsibility for the Commissioners individually and the Commission as a whole. Faced with such a damning indictment, the Commission had no alternative but to resign.

Extraordinarily, eight weeks later, the Commissioners are all still at their desks and behaving as if nothing at all had happened. When they finally go, they will collect substantial pay-offs at public expense. Meanwhile, Mr. Van Buitenen has been moved into a new job in the personnel department. It is outrageous that certain individual Commissioners such as Edith Cresson were not instantly sacked in disgrace, and Conservative MEPs are quite right to refuse to co-operate with her in any way.

Although most Commissioners are not personally guilty, the entire Commission is discredited. The only way to restore credibility is for them to leave their offices immediately and for no Commissioner to be reappointed beyond his term. The Commission should stop trying to extend its power ever wider and should concentrate on doing properly the things it should be doing. Part of the reason why fraud and mismanagement have been allowed to grow unchecked is that the Commission has closed its eyes to everything that does not further its aim of creating a federal state. Its only interest has been to spend more money, not to spend money more efficiently.

Our view is that Europe needs to do less, but to do it better. That is why we have proposed a 10-point plan to root out fraud and maladministration, and why we want a genuinely independent and powerful anti-fraud office. As my hon. Friend the Member for Bexhill and Battle (Mr. Wardle) made absolutely clear, what is on the table at the moment does not involve genuine independence.

Conservative MEPs have been campaigning for such changes for many years. Labour MEPs, on the other hand, have seemed to be more interested in covering up fraud and protecting the Commission. That is perhaps less surprising when we look at their record of waste and abuse of public money. A few weeks ago, we learned how careful the leader of the socialist group is with public money when it was revealed that she had arranged that she could claim travel expenses for attending a wedding in Cyprus.

Today, we have heard that former Labour leader Glyn Ford used his office expenses allowance to pay for his laundry, his decorating, his gardening and even his log cutting. According to his former assistant, his house became a hotel paid for by the Parliament, but because of the absurd electoral system introduced by the Government, he will probably be re-elected next month and his electors cannot even vote against him if they want to. If the Government are serious about cracking down on that kind of abuse, the Minister should make it clear now that Glyn Ford will not be a candidate at the elections next month.

Fraud and mismanagement are endemic throughout the European budget and extend right to the heart of the Commission itself. Conservative MEPs have campaigned over many years to tackle the problem and we have produced a concrete programme of action to achieve that. The Government have done almost nothing, while their supporters in the European Parliament have done their best to sweep the problem under the carpet. I ask the House to support the motion.

6.50 pm

The Financial Secretary to the Treasury (Mrs. Barbara Roche): As one normally says on these occasions—and it is true in this case—this has been a good debate with some good contributions from Labour Members. The speech by the hon. Member for Maldon and East Chelmsford (Mr. Whittingdale) was astonishing, because it fully demonstrated the collective amnesia of Conservative Members. I am grateful for the excellent contribution of the hon. Member for Tunbridge Wells (Mr. Norman), because he reminded us that fraud has been going on in the European Union for a considerable time. What did the Conservative party do when it was in government? Very little indeed. I am also grateful to the hon. Member for Tunbridge Wells for giving me the opportunity publicly to thank him for his remarks on the Budget. He said that it was not a bad Budget for business. I always like to give thanks where thanks are due.

The Government believe that there should be zero tolerance of fraud, which is why the Prime Minister has called for a root-and-branch reform of the Commission. We have put this matter at the top of our agenda. One of our key priorities is financial management reform to ensure better lines of responsibility and personal accountability at all levels and to improve transparency. That important point was raised by members of the Public Accounts Committee.

Other key priorities are the modernisation of personnel policy to ensure a flexible, high-quality service, and the establishment of a management structure that will deliver an effective and flexible service, including in particular a wide review of the present structure of directorates-general and mechanisms for adjusting to changing priorities. None of those measures were taken by the Conservative party when it was in power. Improving contracting, project monitoring and evaluation procedures are other priorities.

It is important that the initiative set out by the Prime Minister and the Chancellor at January's ECOFIN meeting has met with such approval. Hon. Members have spoken about the fraud prevention office, which my right hon. Friend the Chief Secretary outlined. It will have a strong, independent head with statutory protection from

[Mrs. Barbara Roche]

dismissal, who will be appointed after consultation with the Council and the European Parliament. The head will be able to open investigations on his own initiative, will have access to buildings and documents, will be able to draw up reports containing recommendations for follow-up action, and will report regularly. That initiative has come from our Government. I expected to receive the congratulations of Conservative Members: I was sadly disappointed and let down when they were not offered.

In the time left, I shall deal with some of the points raised. My hon. Friend the Member for Workington (Mr. Campbell–Savours) asked whether the fraud office's reports will be available for debate in Westminster. That is an important point, and the answer is yes. Reports from the fraud office to the Council and the European Parliament will form part of our parliamentary scrutiny process. All hon. Members know how vigorous that process is, and we are looking forward to that happening.

The hon. Members for Twickenham (Dr. Cable) and for Bexhill and Battle (Mr. Wardle) asked whether the fraud prevention office will be able to arrest fraudsters. Only national and judicial police authorities have such powers, but it is planned to give the fraud prevention office powers to investigate and to pass on the results of its investigations. That is analogous with our National Audit Office.

My hon. Friend the Member for City of Durham (Mr. Steinberg) rightly gave some important examples, about which we share his concern. He also referred to structural funds. The United Kingdom has been concerned about that area, which is why we not only obtained a very good deal for the UK in the negotiations on structural funds but negotiated—especially during our presidency—procedures to deal with the funds. When I had the pleasure to be a Minister at the Department of Trade and Industry I took part in a conference organised in conjunction with the National Audit Office to examine this important area.

My hon. Friend the Member for Tynemouth (Mr. Campbell) made an important point about the need for a new culture of accountability. He is absolutely right, and we are determined to achieve that. I was also delighted to hear the contribution of the Chairman of the Public Accounts Committee, who reminded us of what the Prime Minister said.

The hon. Member for South-West Hertfordshire (Mr. Page) spoke about the European Union, and I was a little disappointed in what he had to say. I should have thought that he would congratulate the Government on the excellent deal that we obtained for the United Kingdom in the Agenda 2000 negotiations. Once again, I feel let down by Conservative Members.

My hon. Friend the Member for Croydon, Central (Mr. Davies) made a measured speech. His analysis of the problem was good, and he made some sensible, practical suggestions for reform. We have been working with the Commission on phase 3 of the "sound and efficient management 2000" initiative, which has resulted in welcome reforms.

The hon. Member for Tunbridge Wells referred to the development budget. My right hon. Friend the Secretary of State shares his concerns and is monitoring the situation closely. The hon. Gentleman made a good joke or a bad joke, depending on one's preferences. I thought that it was not bad at all, so I must break ranks with my hon. Friends who said that it was.

It is a bit rich for the Conservative party to initiate this debate. Let me remind Conservatives of what they have done. They initiated this debate, but what did their MEPs do? The Tory MEPs voted against producing receipts for MEPs' expenses. They voted against a wage cut for British MEPs. I know this will shock my hon. Friends, but I must tell them that Tory MEPs opposed the panel of fraud busters that forced the Commission to resign. I am sorry that Conservative Members are not taking this matter seriously, because this strikes me as an indictment of the record of Tory MEPs.

In January last year, Edward McMillan-Scott, the leader of the Conservative party in Europe, refused Labour MEP Alan Donnelly's invitation to take a cross-party approach to investigating fraud allegations in the European Commission.

Mr. Maude: This is a serious matter.

Mrs. Roche: I agree, and it is a great pity that Tory MEPs did not take it seriously. I shall remind the right hon. Gentleman of a fact that his hon. Friends did not mention. Spending on specific anti-fraud measures in the 1999 budget is 4 million euros higher than in the 1997 budget, which was agreed in late-1996 and negotiated by the Conservatives.

I am not surprised that there is a division between Conservative MPs and MEPs. After all, as Edward McMillan-Scott, their leader, said:

"Neither I—nor other Parliamentarians—are bound by Shadow Cabinet responsibility."

What an indictment. That shows a party that is split from top to bottom.

Much more needs to be done. I can reassure the House that the Government will be working with the new Commission, and with its new President, to ensure that the root-and-branch reform outlined by my right hon. Friend the Prime Minister is achieved, and I know that my right hon. and hon. Friends will back the Government wholeheartedly in that endeavour.

Question put, That the original words stand part of the Question:—

The House divided: Ayes 178, Noes 326.

Division No. 185] **[7 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, Rt Hon James
Ashdown, Rt Hon Paddy
Atkinson, Peter *(Hexham)*
Baker, Norman
Ballard, Jackie
Beith, Rt Hon A J
Bercow, John
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brake, Tom
Brand, Dr Peter
Brazier, Julian
Breed, Colin
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Malcolm *(Gordon)*
Burnett, John
Burns, Simon
Butterfill, John
Cable, Dr Vincent
Campbell, Rt Hon Menzies *(NE Fife)*
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Chidgey, David
Chope, Christopher
Clappison, James

Clark, Rt Hon Alan *(Kensington)*
Clark, Dr Michael *(Rayleigh)*
Clifton-Brown, Geoffrey
Collins, Tim
Colvin, Michael
Cormack, Sir Patrick
Cotter, Brian
Cran, James
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice & Howden)*
Day, Stephen
Dorrell, Rt Hon Stephen
Duncan, Alan
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Fearn, Ronnie
Flight, Howard
Forth, Rt Hon Eric
Foster, Don *(Bath)*
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Fraser, Christopher
Gale, Roger
Garnier, Edward
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Gummer, Rt Hon John
Hague, Rt Hon William
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hancock, Mike
Harris, Dr Evan
Harvey, Nick
Hawkins, Nick
Heald, Oliver
Heath, David *(Somerton & Frome)*
Heathcoat-Amory, Rt Hon David
Hogg, Rt Hon Douglas
Horam, John
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Hughes, Simon *(Southwark N)*
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Johnson Smith, Rt Hon Sir Geoffrey
Jones, Nigel *(Cheltenham)*
Kennedy, Charles *(Ross Skye)*
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Kirkwood, Archy
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Livsey, Richard
Loughton, Tim
MacGregor, Rt Hon John
McIntosh, Miss Anne
MacKay, Rt Hon Andrew
Maclean, Rt Hon David
Maclennan, Rt Hon Robert
McLoughlin, Patrick
Malins, Humfrey
Maples, John
Mates, Michael
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Michie, Mrs Ray *(Argyll & Bute)*
Moore, Michael
Morgan, Alasdair *(Galloway)*
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
Oaten, Mark
Öpik, Lembit
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Prior, David
Randall, John
Redwood, Rt Hon John
Rendel, David
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Russell, Bob *(Colchester)*
St Aubyn, Nick
Sanders, Adrian
Sayeed, Jonathan
Shepherd, Richard
Smith, Sir Robert *(W Ab'd'ns)*
Soames, Nicholas
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Streeter, Gary
Stunell, Andrew
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy
Tonge, Dr Jenny
Townend, John
Tredinnick, David
Trend, Michael
Tyler, Paul
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Wardle, Charles
Waterson, Nigel
Webb, Steve
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Wilkinson, John
Willetts, David
Willis, Phil
Wilshire, David
Woodward, Shaun
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Sir David Madel and Mrs. Caroline Spelman.

NOES

Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Anderson, Donald *(Swansea E)*
Armstrong, Rt Hon Ms Hilary
Ashton, Joe
Atherton, Ms Candy
Atkins, Charlotte
Barnes, Harry
Barron, Kevin
Battle, John
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Begg, Miss Anne
Bell, Stuart *(Middlesbrough)*
Benn, Rt Hon Tony
Bennett, Andrew F
Benton, Joe
Berry, Roger
Best, Harold
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Boateng, Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Brinton, Mrs Helen
Brown, Rt Hon Gordon *(Dunfermline E)*
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Butler, Mrs Christine
Byers, Rt Hon Stephen
Cabom, Rt Hon Richard
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, Dale
Cann, Jamie
Casale, Roger
Caton, Martin
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clarke, Charles *(Norwich S)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Coleman, Iain
Colman, Tony
Connarty, Michael
Cook, Frank *(Stockton N)*
Corbett, Robin
Corston, Ms Jean
Cousins, Jim
Cox, Tom
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Rt Hon Dr Jack *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Curtis-Thomas, Mrs Claire
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dobson, Rt Hon Frank
Donohoe, Brian H
Dowd, Jim
Drew, David
Drown, Ms Julia
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Ellman, Mrs Louise
Ennis, Jeff
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Flynn, Paul
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Foulkes, George
Fyfe, Maria
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Dr Norman A
Godsiff, Roger
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Gunnell, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Harman, Rt Hon Ms Harriet
Heal, Mrs Sylvia
Healey, John
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Hoey, Kate
Hood, Jimmy
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Ingram, Rt Hon Adam

Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Mrs Fiona *(Newark)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jowell, Rt Hon Ms Tessa
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keen, Ann *(Brentford & Isleworth)*
Kemp, Fraser
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Leslie, Christopher
Levitt, Tom
Lewis, Terry *(Worsley)*
Liddell, Rt Hon Mrs Helen
Linton, Martin
Livingstone, Ken
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McCartney, Rt Hon Ian *(Makerfield)*
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
Mackinlay, Andrew
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahon, Mrs Alice
Mallaber, Judy
Mandelson, Rt Hon Peter
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Martlew, Eric
Meacher, Rt Hon Michael
Merron, Gillian
Michie, Bill *(Sheff'ld Heeley)*
Milburn, Rt Hon Alan
Miller, Andrew
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Ms Julie *(Cardiff N)*
Morley, Elliot
Morris, Ms Estelle *(B'ham Yardley)*
Mountford, Kali
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Murphy, Rt Hon Paul *(Torfaen)*
Naysmith, Dr Doug
Norris, Dan
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
O'Hara, Eddie
Olner, Bill
O'Neill, Martin
Organ, Mrs Diana
Osborne, Ms Sandra
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Primarolo, Dawn
Prosser, Gwyn
Quin, Rt Hon Ms Joyce
Quinn, Lawrie
Rammell, Bill
Rapson, Syd
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Reid, Rt Hon Dr John *(Hamilton N)*
Robinson, Geoffrey *(Cov'try NW)*
Roche, Mrs Barbara
Rooker, Jeff
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruane, Chris
Ruddock, Joan
Russell, Ms Christine *(Chester)*
Salter, Martin
Sarwar, Mohammad
Savidge, Malcolm
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Shipley, Ms Debra
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stewart, David *(Inverness E)*
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Stoate, Dr Howard
Stott, Roger
Strang, Rt Hon Dr Gavin
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Temple-Morris, Peter
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dr Desmond *(Kemptown)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Vaz, Keith
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
Whitehead, Dr Alan
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Wood, Mike
Worthington, Tony
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Mr. Kevin Hughes and Jane Kennedy.

Question accordingly negatived.

Question, That the proposed words be there added, *put forthwith, pursuant to Standing Order No. 31 (Questions on amendments), and agreed to.*

MR. DEPUTY SPEAKER *forthwith declared the main Question, as amended, to be agreed to.*

Resolved,

That this House welcomes the efforts of the Government to work with fellow Member States and European institutions to crack down on fraud against the EU budget; notes the real practical progress made in this regard by the Government during the United Kingdom Presidency of the EU; welcomes the Chancellor's initiative for a strong head of fraud investigations heading an independent fraud prevention office; welcomes the role played by Labour MEPs in securing the establishment of the Committee of Independent Experts; joins the Government in calling for recent events to be used as an opportunity for root and branch reform of the Commission; calls on Romano Prodi, following his recent nomination as President-elect of the European Commission, to place the fight against fraud at the top of the new Commission's agenda; and believes that the only way of reforming Europe is the Government's strong leadership and constructive engagement rather than the Opposition's weak leadership, division and isolationism.

NHS Personnel

Mr. Deputy Speaker (Sir Alan Haselhurst): I should advise the House that the Speaker has selected the amendment in the name of the Prime Minister.

7.14 pm

Miss Ann Widdecombe (Maidstone and The Weald): I beg to move,

That this House notes the proposal of Her Majesty's Government to raise the agreed working hours of junior doctors to 65 per week; notes also its failure to deliver to nurses the pay increases which were promised to be implemented in full from April 1999; notes further the anxiety and disappointment caused to consultants by its failure to implement the recommendations of the Pay Review Body; notes the concerns of Professions Allied to Medicine; and calls upon Her Majesty's Government to recognise that increased expectations followed by disappointment have profoundly damaged morale among loyal and hardworking NHS staff.

I suspect that many doctors and many nurses may have been deceived into voting for the present Government at the last election. They were promised more recruitment, shorter hours, better pay, less pressure and shorter waiting lists. They have been cruelly disappointed because the reality is that, today, morale among all who work in our health service is at an all-time low. Labour has milked dry the efforts of our doctors and nurses.

We all remember Labour's extravagant promises before the elections—empty pledges, unconcerned with where the new doctors and new nurses would come from, and with how to solve the problems of recruitment and retention. The hard-working majority in our health service expected those promises to be delivered. Their hopes were raised. They thought then, even if they know better now, that they could trust Labour to deliver. They did not believe that, once the Government had won their own not so hard-working majority, the magic wand would disappear and the only thing that would remain would be the glib quest for easy solutions and tomorrow's headlines.

It is hard to blame those people for being deceived. Imagine being a young nurse three or four years ago and hearing an Opposition spokesman criticising the Government over nurse's pay, saying:

"Flattening the pay of nurses and other staff is no way to run the Health Service."

That Opposition spokesman was the right hon. Member for Darlington (Mr. Milburn). Six months after the election, the right hon. Gentleman, by then the Minister of State, Department of Health was arguing:

"Any settlement for nurses . . . at below the level of current inflation would not imply a real pay cut."

If that is not Labour hypocrisy, if it is not all hype and no delivery, what is? How disillusioning for our nurses: they were promised so much and, within so little time, badly let down.

Mr. Michael Fabricant (Lichfield): Would my right hon. Friend be surprised to learn that it is not just nurses who feel betrayed by the Labour party and the Labour Government? Has she read the report in *Hospital Doctor* magazine, which says:

"Eighty per cent. of specialist registrars are now planning to leave the national health service"?

Is she surprised to learn that, in Staffordshire and the west midlands, people are becoming very disturbed by the huge influx of Egyptian and other consultants who do not speak adequate English, replacing English doctors who have left the NHS?

Miss Widdecombe: I am not surprised, but extremely saddened. That is symptomatic of a situation that has been created by a Government who, in opposition, promised anything to anyone whenever they thought that it might curry cheap favour.

I wonder, for example, what progress the Secretary of State for Health is making on Labour's pledge to set up pilot schemes under which savings from reduced staff turnover would be used to pay extra money to nurses who decide to stay longer in their jobs. For that matter, I wonder whether he even remembers it. I will not altogether blame him if he does not because he has a memory problem.

The Secretary of State did not remember the Prime Minister's pledge to set up a task force on trolleys, so I admit that the chances of his recalling the random utterances of the right hon. Member for Islington, South and Finsbury (Mr. Smith) are probably non-existent. However, I do not think that the nurses have forgotten. They have not forgotten how Labour boasted of its plans to recruit thousands more nurses, although they probably did not expect the interviews to take place in Manila. I am certain that they have not forgotten the Secretary of State's wild boasts about this year's pay award.

To be charitable, I suppose the Secretary of State finally believed that he had something to boast about. There had been all those promises of more pay for nurses before the election, all those Labour spokesmen calling the phasing of pay awards a "deception" and a "betrayal", only to find that, once in government, reality has a nasty habit of biting. It bites smug Labour spokesmen where it hurts.

We all remember that one of the Government's first actions was to stage Labour's first pay award to nurses. The Secretary of State must finally have thought that things were turning out all right. Unfortunately, he allowed his sanctimony to get in the way of the facts.

We welcomed the pay settlement in February, but we did so under the impression that it was going into nurses' pockets. I thought that that was the idea. However, we are now learning that trusts up and down the country are failing to give nurses their money. What is more, they are telling staff that they "have not received authorisation" to pass on the cash.

Mr. Fabricant: The Secretary of State is laughing.

Miss Widdecombe: Laughter is often a hysterical defence when things are going wrong.

Mr. Andrew Lansley (South Cambridgeshire): Is my right hon. Friend aware that, at Addenbrooke's hospital in my constituency—where some 1,300 qualified nurses are employed—the pay award not only was not paid in April but, by reason of the Government's lateness in distributing the circular, will not be paid in May? It will not be paid, at best, until the end of June.

Miss Widdecombe: That is a betrayal. What on earth is going on? Let us leave aside the fact that the Secretary

[Miss Widdecombe]

of State had to raid his modernisation fund to foot the bill for the pay settlement, and then asked the trusts to stump up the rest. Let us leave aside the fact that only one in 15 nurses will receive the higher level of pay settlement. I suppose that I could be persuaded to leave aside the fact, verified by the House of Commons Library, that even after the remaining 14 out of 15 nurses have got their hands on some money—not in April or May, possibly in June—they will still be £53 worse off under this Government than at the time of the last election.

It is a disgrace that the Secretary of State has allowed a pay award—for which he attempted to take so much personal credit, of which he boasted through every newspaper and media outlet that he could find and about which he swaggered in this House when he announced it—to disappear into some form of nether region for which no one seems to have any responsibility.

It is no good, as the Secretary of State has done yet again, just to palm the blame off on to the trusts and to threaten sackings right, left and centre—like he did over waiting lists and the winter crisis, and like he still does over rationing, which he denies exists.

Mr. Nigel Evans (Ribble Valley): Is my right hon. Friend aware that in the Guild trust, Preston, today, three non-executive directors were dismissed from their posts? Their crime was to whistleblow on the management of their own trust, which led to the suspension of the chief executive and the resignation of the chairman. Their reward was to be told either to resign or that they would be sacked. Today, they were sacked. What message does that send to non-executive directors up and down the country who may find out about mismanagement in their trusts? Will they be rewarded by the Secretary of State for Health with dismissal?

Miss Widdecombe: It is ironic—perhaps it is not ironic; perhaps it is totally to be expected—that that is the action of a Secretary of State who, after the scandal at Bristol, said that whistleblowers would always be protected. He does not protect whistleblowers—he protects his own cronies and himself.

I was talking about how the Secretary of State is always tempted, and always gives in to the temptation, to palm the blame off on to trusts, as he has done over the massive waiting list to get on to the waiting list—a list that has doubled to almost 500,000 since the Government came to power. He seems to treat our health service as if those in it were some sort of underfootmen. He has all the power and shouts the odds, but they have all the responsibility and are told to get out if they complain.

Why does not the Secretary of State accept some responsibility for the situation that he has helped to create? Will he guarantee right now that any nurses who have not received their April pay settlement in full, as he promised they would, will be traced right away and fully compensated? While he is about that, perhaps he would like to apologise. I have to say that, with this Health Secretary, we are more likely to see him escaping over the top of the millennium dome than admitting that he has made a mistake. However, I hope that he is in an apologetic mood, because that is by no means the end of the problems that he has caused to morale in our health service.

The recommendation of the independent pay review body was that a pool of some £50 million should be found as a means of compensating consultants for their work load. After the pay review body reported, the Government—who boasted that they were implementing the recommendations of the pay review body—did not implement that recommendation. In a panic when the motion was tabled, I gather that the Secretary of State had a meeting, and that he is trying to stave them off with vague promises—but, as yet, still no settlement.

The Secretary of State for Health (Mr. Frank Dobson): As the £50 million is to be disbursed, according to the review body, not in this financial year but in the next financial year, how could we have implemented it this year?

Miss Widdecombe: The Secretary of State could simply have said that he accepted that recommendation and would implement it. Had he done so, the consultants would not have been so upset, and they and the British Medical Association would not have been putting out statements saying that the Government had let them down. They would have had to say that the Government were acting in tune with the review body.

The Secretary of State has a problem. It is not that the Opposition are saying these things—it is the health service personnel who are saying these things. It is they who are thoroughly disillusioned, fed up and demoralised by what the Government are doing. Is it surprising that a survey last year showed not only that morale in the health service was at an all-time low, but that only four in 100 health service employees saw a long-term future in their jobs?

Nowhere is that more important than for our junior doctors. Our new deal for junior doctors was an enormous success. In 1991, six out of 10 junior doctors were still working more than 83 hours per week. By the time of the last election, two in 10 were working more than 56 hours a week. There was still work to do, and we said that. However, we had got those substantial results and we were moving in the right direction.

This Government are moving in a different direction. They are not content with milking our doctors and nurses dry over the winter; they are not content with shipping in 1,000 overseas juniors to work unpaid in posts that would normally pay £30,000 a year. Now, the Government want our junior doctors to agree to work for 65 hours a week for the next 15 years.

It is difficult to be surprised, given the record of the Government. After all, they are happy to use the tactics of fiddle and fudge. They conned the BBC into misleading the public and exaggerating basic junior doctors' pay by £10,000. Significantly, it was not the Government who apologised, but the BBC who had been misled.

Sir Brian Mawhinney (North-West Cambridgeshire): Does my right hon. Friend recall that when we were reducing the number of hours that junior doctors worked, providing more junior doctor posts and resources and improving the management of the use of junior doctors, it was done with Ministers very involved in the process on a regular basis—including, as I had, regular meetings with the leaders of junior doctors? Is not part of the

disgrace now not just that the Government are reneging on those arrangements and trying to drive the hours up again, but that Ministers disdain to have the involvement with junior doctors which characterised our time in office and helped to produce the excellent results?

Miss Widdecombe: Indeed, but this is a highly arrogant Government who dismiss the very people on whom they have to rely. We should not be surprised when this arrogant Government try to pass off an increase of nine hours a week for 15 years as a reduction in junior doctors' working hours. Perhaps the Secretary of State should try it himself. If he had to work hundreds of hours more, we might start to get some results in our health service, although on the evidence of the past two years, perhaps we should encourage him to take a long time off instead.

Mr. John Bercow (Buckingham): My right hon. Friend referred to the way in which the Government misrepresented the position on the doctors' pay rise. Does she recall that that misrepresentation is based on the premise of junior doctors working not 56 hours a week, as the Government claim, but 72 hours a week? Does she fear that perhaps the Government have another agenda, for even longer hours, of which we have hitherto not been informed?

Miss Widdecombe: There is no iniquity that I would not fear from the Government.

The evidence is abundantly clear. We have the Brussels document. Despite his virtual denial in the House, the Secretary of State cannot deny that the UK has proposed that junior doctors' working time threshold should be raised to 65 hours a week. How did he get out of it? He told the House that he never proposed that to the EU Commission. He did not, because it was in fact proposed to the EU Council. That shows the weaselly depths to which the Government will stoop.

If the Secretary of State had been at all concerned about junior doctors' working hours, Labour Members could have voted with us and with the Liberal Democrats last week in Committee to write the current limits into the Health Bill. If he has no problem with the current limits and does not intend to exceed them, what harm would there have been in writing them into the Bill?

Let us consider the Brussels document, which the Secretary of State tried to deny; the 72 hours on which he calculated the "basic" rate of pay; and the refusal to write 56 hours into the Health Bill. Adding up those three, one need not have a very suspicious mind to work out what the agenda is likely to be.

The Secretary of State never misses a chance to blame our doctors when a tragedy occurs but he is much less concerned with getting to the root of the problems. Take the massive manpower crisis in obstetrics. Hundreds of qualified doctors are fighting for a handful of consultant posts in that specialty, but the Health Bill lacks the detail needed to handle manpower planning issues.

By 2001 there will be 500 obstetricians chasing only 50 consultant posts a year. *Hospital Doctor* magazine has campaigned for a solution to that problem, which could result in hundreds of doctors leaving the profession. My hon. Friend the Member for Lichfield (Mr. Fabricant) said earlier that, according to one survey, 80 per cent. of specialist registrars in obstetrics plan to leave the health service as a result of the Government's incompetence.

We can ill afford to lose those doctors, given that the 7,000 alleged extra doctors about whom the Secretary of State has boasted are actually the ones who were planned to come through medical school in any case and are not extra at all. Those doctors will have to be supplemented by yet more imports, yet the Government failed to support our amendments to the Health Bill, which would have allowed the Secretary of State to make regulations on manpower planning.

Had the Secretary of State swallowed his pride—which is considerable—and supported us, he could have had the powers to sort out the problems at source. Instead, he has told doctors that he will not back an NHS Executive consultant expansion plan; yet he still tells us that we will get more doctors.

The problem is most forcefully put by Fiona Kew of the British Medical Association junior doctors committee. She says:

"Babies and mothers die because there is not enough consultant input into their care. This is an ideal opportunity to use these specialists to improve the care of women in pregnancy . . . but the DoH refuse to provide more consultant posts."

Instead, the Government's fudge—taking five years through a series of pilot programmes—makes it appear as though the Secretary of State is simply pulling the covers over his head and hoping that the problems will go away—a bit like a child hiding from a nasty monster—but they do not go away.

All those problems have a huge impact on staff morale, yet the Government, who are directly responsible for increasing expectations then bringing them crashing down, seem unable or unwilling to act.

Mr. David Hinchliffe (Wakefield): I have given the right hon. Lady prior notice of my question on at least four separate occasions in previous debates, but I have yet to get an answer. We are all aware of the shortages of doctors, consultants and nurses. The only policy that she has proposed in this Parliament for her vision of health has been to make more and more use of the private sector. We all know that the private sector recruits primarily from the health service. Her model would denude the health service of staff, who are already in short supply. What is her answer to that conundrum? I cannot make head or tail of the logic of her policy. She says that she is concerned about staff shortages, but her proposal would make the situation far, far worse.

Miss Widdecombe: The hon. Gentleman cannot understand my policy because his own economics are those of the madhouse. In the public sector, the NHS bears the cost of training, recruitment, treatment, capital buildings, theatres, support staff and everything else. In the private sector, the NHS has contributed only the cost of training and all the rest is spent by outside sources. That is a big net addition that the NHS would otherwise have to find.

If we found it feasible to recommend a substantial expansion of the use of private resources, I would have no difficulty at all in expecting the private sector to take

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some responsibility for training, and representatives of that sector have told me that they agree. I have never believed in a one-way flow.

Mr. Hinchliffe: Will the right hon. Lady read the transcript of the Health Committee proceedings on the current inquiry into the regulation of private medicine and focus on the questions asked by the hon. Member for Southend, West (Mr. Amess) and my follow-up questions? She will see that when the private sector is asked where it gets its staff, the answer, every time, is the national health service.

Miss Widdecombe: Yes, and one can bet that some of those staff are the obstetricians whom the NHS has trained but cannot find posts for. Would the hon. Gentleman prefer those obstetricians to leave the health care profession altogether rather than taking their training into the private sector, which is bailing out the Government on waiting lists?

Mr. Patrick McLoughlin (West Derbyshire): Does my right hon. Friend think that one of the reasons why people go to work for the private sector may be that they get the pay increases that they are promised, while the Secretary of State promises increases but does not give them?

Miss Widdecombe: It goes without saying that if the private sector ran itself as the Secretary of State runs the NHS, it would soon have no personnel at all. We have supported not only the doctors, nurses and consultants but the professions allied to medicine. Unlike the Secretary of State, we do not forget the contribution that they make. We have been supporting their campaign for better self-regulation through amendments in the Health Bill.

It would be encouraging—although I do not expect to be encouraged—if the Secretary of State would acknowledge the responsible debate in another place on trying to get better protection for those professions. I ask him to go a little bit further—although, as I say, I expect no encouragement—and agree to our amendments that would ensure that professions allied to medicine were judged by their peers on issues such as discipline and education. We also want provision in the Health Bill for protection of title. If he would agree to those amendments, it would be a fitting acknowledgement of the dedication shown by those professions in the work that they do in our health service.

While the Secretary of State is about it, he could go further and guarantee that no services provided by professions allied to medicine will be lost as a result of the creation of primary care trusts and the diversion of millions of pounds from patient care into extra bureaucracy and superannuation contributions. He will be aware that one of the great strengths of fundholding was the use that fundholding doctors made of professions allied to medicine in giving their patients an integrated health care service. He is nodding; he agrees. I am grateful for that.

Will the right hon. Gentleman acknowledge that demonstrably, not just in theory, some of those services have been lost as a result of the destruction of fundholding and the creation of patient care groups?

Helen Jones (Warrington, North): We would all accept that there is a need to regulate a number of professions working within the health service. Can the right hon. Lady explain why when in 1989 a report from the NHS management executive recommended a statutory system of regulation for operating department practitioners, who had sought regulation for many years, the Conservative Government did nothing about it?

Miss Widdecombe: Perhaps the hon. Lady would like to go and look at the new clause that we have just tabled. I am sure that she has not yet caught up with it.

Dr. Howard Stoate (Dartford) *rose—*

Miss Widdecombe: I have given way generously, and now I want to make some progress. I may give way to the hon. Gentleman later.

One contribution that the Government are determined not to make is to reward NHS staff for working on the millennium new year's eve. What better opportunity could there be to demonstrate that the Government can still be bothered to care about the welfare of our doctors and nurses? Although the right hon. Gentleman may bear more than a passing resemblance to Father Christmas, to our doctors and nurses he behaves like Ebenezer Scrooge.

The Secretary of State has ruled out paying doctors extra money over the millennium new year, and is trying to discourage trusts from making their own good-will payments. Doctors have estimated that for working on millennium night they will be paid £4.02 an hour. I suppose that that is a bit better than the minimum wage.

To meet his ridiculous waiting list pledge, and to bail him out of a dreadful winter crisis, the right hon. Gentleman has drawn heavily on the bank of good will among health service workers, and that account is now slipping into the red. He has argued that trusts should show their appreciation on millennium night by providing transport and hot food. He has made much of his cleverly wrapped 50th birthday present to our health service, but it seems that his millennium gift to the hard-working staff is to be a limp sausage roll, a glass of flat beer and a taxi ride home.

I am not saying, have never said, and would never say, that every last wish of every doctor or nurse must be, or even could be, met, but at the very least the right hon. Gentleman should stop exerting his power to prevent trusts from offering what they feel is right and decent to their loyal and hard-working staff. He often palms responsibility off on to trusts, so if they want to make that gesture, they believe that they can afford it and it is one of their priorities, they should be allowed to do so.

Anything less would be a slap in the face, just like the slap in the face he has given to our doctors—fundholding doctors who have now been dragooned into collectives, losing flexibility and the services that meant so much to their patients. It would be like the slap in the face that he has given to our nurses, who were told first that their pay award would not be staged, but then that it was, and secondly that they would get all the money in April, but then that they would not get it until June at the earliest. Many of them are worse off than when the Government came to power. Fourteen out of 15 of them do not benefit from the higher levels of pay, and the so-called recruitment consists of importing staff, which may have a role to play, but which certainly will not solve all the problems.

The Secretary of State has not only given staff a slap in the face, he has thrown a bath of icy cold water over them. They expected so much, and have been given so little by a Government who have consistently been more bothered about political control than patient care. The Government care only about the next day's headlines; they never finish the job. Where are the super-nurses? Does the House remember those? I do not think that even the nurses themselves remember them. A pledge was given but nothing was delivered. Concerning the trolley task force, too, a pledge was given but nothing was delivered.

The Secretary of State makes pledges all the time, but he delivers nothing—except for junior doctors, whose conditions he is making worse. He is delivering longer hours, fiddled pay figures, longer waiting lists, third-world recruitment, more pressure, and a promise that if staff do not like it, there is always a new deal officer waiting to sign them up for another half-baked Labour scheme.

Does the right hon. Gentleman remember how he had the gall to say, "Let those who are despairing get out of the health service, because I do not want them there." Now he is giving that message to the overwhelming majority of health service workers, who have been told to knuckle down, shut up, work harder, work longer, stop complaining, stop expecting and thank new Labour for the new NHS. The right hon. Gentleman has failed to deliver every promise, and every worker in our health service has been failed.

Before I finish, I will let the hon. Member for Dartford (Dr. Stoate) intervene.

Dr. Stoate: The right hon. Lady professes to be concerned about the plight of the professions allied to medicine. I certainly am, because I have worked with many dedicated and hard-working scientific officers, pharmacists, clinical psychologists, cytologists, phlebotomists and others. Can she tell me why, 15 years ago, the Conservative Government took that group out of the scope of the pay review body, thus allowing their pay to fall by 30 per cent. in real terms? That group of people are in such a parlous state now because of the actions of the previous Government.

Miss Widdecombe: I believe that the hon. Gentleman is genuinely concerned about the professions allied to medicine. He made a distinguished speech on Second Reading—so distinguished that the Government made jolly sure that they did not put him on the Standing Committee on the Health Bill, because that speech was not 100 per cent. loyal. He, too, has been failed by the Government.

The Government have failed the health service, as well as the doctors, the nurses, the professions allied to medicine and, above all, the patients—the British people, who were fooled by the Government saying before the election that there was nothing wrong with the health service apart from the fact that there was a Tory Government, and that they could put it all right.

The Government have not put it all right. The health service is now worse than ever in terms of morale and what the funding is expected to cover, in terms of winter crises, the use of trolleys and just about everything else I could mention. They have given us not a better health service but a worse health service.

The Secretary of State seems to think that that is funny. He either looks in another direction, like somebody following a Wimbledon tennis match, because he cannot face me, or he falls about with laughter, to hide the shame that any decent Secretary of State would feel in his position. I believe that come the next election, the Government's treatment of the health service will guarantee that they will not be in office for long.

7.49 pm

The Secretary of State for Health (Mr. Frank Dobson): I beg to move. To leave out from "House" to the end of the Question, and to add instead thereof:

"recognises and applauds the massive contribution the staff make to providing the fairest and most efficient healthcare system in the world; regrets the shambles in the NHS that the Government inherited which was demoralising to staff and damaging to patients; welcomes the action the new Government has taken to make things better for staff and patients alike, including £21 billion extra for the NHS over the next three years, record capital investment in new buildings, equipment and facilities to enable the staff to provide top-quality care, the biggest real-terms pay rise for nurses for 10 years paid nationally in full, proposals for radical pay reform to give fairer rewards to staff who extend their roles, widen their skills and work in teams to care for patients, negotiations on a new consultants' contract to ensure rewards go to those who contribute most to the NHS, ambitious targets to improve the quality of the working lives of NHS staff, including tough action to crack down on violence and racism at work, the promotion of family-friendly employment policies and investment in training and continuing professional development; welcomes the Government's commitment to reducing junior doctors' hours in line with the draft European Working Time Directive vehemently opposed by the Conservative Party and carefully planned so as not to damage improvements in patient care; and accepts no lectures about conditions of service for NHS personnel from a Party that did more in Government to demoralise the staff than any other in living memory and which spends most of its time in Opposition running down the achievements of the NHS staff and saying the Health Service can no longer cope."

The speech we have just heard, and this whole debate initiated by the Tories, is one of the biggest exercises in barefaced cheek that has been seen even in this Chamber. It does, however, provide us with an opportunity to remind people of the state of the national health service that we inherited, and the action we have been taking to put things right.

The Tories left behind them a health service underfunded, understaffed and undermined, with a demoralised and undervalued work force. They had introduced an internal market, which set doctor against doctor and hospital against hospital, and led to a huge increase in bureaucracy and paperwork. For many staff, that internal market, together with the two-tier system that the Tories introduced, betrayed the principles that had led them to join the NHS and was contrary to their professional ethics.

For three years running, the Tory Government failed to implement pay review body settlements nationally and in full. Tory Ministers had encouraged a situation in which many staff were routinely faced with short-term contracts, causing uncertainty for them and their families. Until they were forced by the courts, the Tory Government had denied employment rights to NHS staff transferred to outside contractors. Gagging clauses had become standard parts of staff contracts. Some NHS trusts had withdrawn union recognition. The Tory Government had stopped collecting data on NHS pay levels, so Ministers had no idea how many staff were on low pay. Institutionalised

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racism held back the careers of many black and Asian staff. No attention was paid to the growing incidence of assaults and abuse of people working in the health service.

Many staff were expected to work in run down and sometimes dangerous premises. In April 1997, 16 per cent. of hospitals and other NHS buildings did not comply with fire and other regulations. By 1 May this year, that figure had been reduced to 5 per cent. Staff were frustrated by having to rely on increasingly unreliable equipment. The work force planning system was woefully inadequate, as we now know from the problems with obstetricians and gynaecologists.

Most people working in the NHS were dissatisfied with a rigid pay system that inhibited career development. Rigid hours and working conditions were putting off ever more professionally trained staff, particularly those with family responsibilities. As a result there were shortages of nurses, midwives, therapists, pharmacists, laboratory staff, cyto screeners and in some specialties, doctors. The previous Government had done next to nothing about the problems that were building up. Year after year in speeches in the House and in evidence to the pay review body they denied that there were shortages of nurses, midwives or other staff.

The Tory Government were not just in denial, they were busy making matters worse. They cut the number of nurses in training. Some 15,000 nurses started training in 1992-93. By 1994-95 that figure had been reduced to 10,600 and it never again rose much above 13,000. If the Tories had not cut the number of nurses in training in the 1990s, no fewer than 14,000 more nurses would be available for the NHS today.

Since the election we have made a start on turning things round, but it is only a start. Things cannot be put right overnight. It takes three years to train a qualified nurse and six to train a doctor for registration. The average hospital doctor takes a further seven to eight years before becoming a consultant. We must take long-term action to make things better for the future and take whatever short-term action is available to us to deal with the situation left behind by the previous Government.

Let me start with the nurses. Unlike the Tories, we do not deny that there is a shortage of nurses. Unlike the Tories, we are doing something about it. This year, for the first time in five years, the Government implemented the findings of the independent pay review body nationally, in full, without staging. In their motion, the Opposition have the brass neck to criticise us for the fact that not all staff received the full pay award in their April pay packets. That is a bit rich coming from the people who, in their last three years in government, did not put the full amount into staff pay packets at all and did not put even the staged increase in until shortly before Christmas.

Paying the full amount nationally in one go has put a one-off strain on NHS finances this year because we are meeting the full cost of this year's settlement and the overhang from staging last year's settlement. All nurses got at least 4.7 per cent. Newly qualified nurses got 12 per cent. and 70,000 D grade nurses got 8.2 per cent. On top of that, for Greater London, which is the area with the greatest shortages, the London allowance was raised by 15.4 per cent.

Those increases mean that two out of three nurses will earn more than £20,000 this year and that a newly qualified nurse will get more than £14,000—more than £17,000 in inner London. Virtually all those increases have either been paid in April salaries, or will be paid in May salaries next week backdated to 1 April. There is nothing new in that. It is entirely in line with usual practice in the NHS, following acceptance of the pay review body recommendations by representatives of the staff in the middle of March. Most employers have either already paid the increase, or have programmed their payroll computers to pay it with May salaries. I know of just one trust—Addenbrooke's—that is due to pay out in June. That, the trust explains, is because it is negotiating a local settlement to top up the national award.

Like the representatives of the staff, we want to develop a new pay structure that removes the rigid grading ceilings that hold down the pay and hold back the careers of nurses and midwives. We are extending the role of nurses in line with what the profession wants. We shall introduce nurse consultants to enable highly qualified staff to continue nursing and teaching rather than going into management. The final decision on that has not yet been announced because we have been conducting highly detailed discussions with the profession about the best way to go about it. We have also found places for nurses on the boards of primary care groups. That is important for their professional development and they are making a great contribution and improving their management skills. Together with the professions, we are also addressing the many shortcomings of the system of nurse education and training introduced by the previous Government, which are widely acknowledged to have set back the national health service.

Mr. Simon Hughes (Southwark, North and Bermondsey): I should like to take the Secretary of State back to the payment of the new pay award. He made his announcement on 1 February. The agreement with the unions and staff was made in the middle of March. Why did the letter of authority not come out from the Department of Health until 8 April? That is given as the major reason why the trusts were unable to deliver the hugely heralded pay settlement in the April pay packets as everyone expected. Was it not important that people should be paid on time?

Mr. Dobson: It is important that people should be paid on time. I have received no complaints from the Royal College of Nursing or any other body representing nurses about any delay, because the payments were authorised at about the same time as in previous years. It is no good the hon. Gentleman shaking his head—unless he has something wrong with him—because that is a fact.

Following the pay announcement in February, we launched a major recruitment campaign. To date about 53,000 people have responded. More than 5,000 of them are qualified nurses who want to return to the NHS—and we expect them to do so—and 650 have already started work. Many of those nurses have taken advantage of the return to nursing courses which, under this Government, are being provided free by the NHS. All those measures will help to address the short-term problem. The response to the recruitment campaign shows that nursing is becoming more attractive, but there is a long way to go.

We are introducing more family-friendly employment policies, the better to allow people working in the NHS to reconcile the demands of their jobs with their modern family responsibilities. We are giving people better opportunities to work the shifts that suit their needs, allowing them to take children to school in the morning or pick them up in the evening or to be around more during school holidays. That approach does not apply just to nurses and midwives. We want it to apply across the board. We must apply it to the people who are traditionally called junior doctors, particularly now that so many more medical students and junior doctors are women.

For a woman, the years taken up as a medical student and a junior doctor coincide with what we usually regard as childbearing years. We need a system that makes it easier for a woman doctor to have a career and, if she chooses, to have babies and bring up children. Of course, these days, quite rightly, many men doctors want to be able to devote more time to their families. That is one reason why the Government are fully committed to further reducing the hours of junior doctors.

The new deal that the previous Government reached with junior doctors was supposed to deliver better arrangements for accommodation and food and a maximum of 56 hours by 1996. Five years after it was agreed, when the Tories left office, the deal was not being delivered for about one in five junior doctors. We have improved matters. The figure has fallen to less than one in six. That is not all that we have done. Far from seeking to make matters worse for junior doctors, we have agreed with the British Medical Association a more rigorous definition of the terms of the new deal, which will be more difficult to deliver and may indeed make the figures appear worse.

Miss Widdecombe: I have asked the following question of the Secretary of State before. I have also asked it of the Minister of State. My right hon. Friend the Leader of the Opposition has asked it of the Prime Minister. We have had no answer. It is a terribly simple question, and I am sure that there is a terribly simple answer, for which we would be grateful.

The question is: if the right hon. Gentleman is so concerned to reduce junior doctors' hours, why did the United Kingdom delegation propose to Brussels that the hours should be 65, not 56, for eight years, and 60 for seven years?

Mr. Dobson: I shall answer that in the course of my speech—[HON. MEMBERS: "Answer it now."] All right, then. Let me read it slowly; perhaps that will help.

The European working time directive sets a maximum working week of 48 hours. The previous Government opposed the directive altogether. They fought its introduction tooth and nail, but, in their hapless way, they did not manage to stop it coming into law. At no stage did the previous Government try to achieve a reduction in junior doctors' hours to anything like 48, and it takes the biscuit that they should try to criticise us for doing so.

Clearly, a 48-hour week for junior doctors cannot be delivered quickly, because of the time it takes to train doctors. We have been negotiating a Europe-wide arrangement that will give Britain enough time to be able to reach the 48-hour target while, in the meantime, permitting a limit on hours that the NHS can live with. Different EU countries have different health systems, different ways of training doctors and different definitions of being at work and being on call.

We have sought to ensure that we have a European law that enables us to continue to reduce the hours, improve the working conditions of junior doctors and provide cover for NHS patients. I am confident we will achieve that. We have not sought to make British doctors work longer hours, and anyone who says that we have is a liar.

Miss Widdecombe: I say, because I have seen the document, that a proposal is before the European Council that 65 hours should be the hours of junior doctors. If the Secretary of State is trying to get from 56 hours to 48, that is laudable and I hope that he succeeds. But I cannot understand how he gets from 56 to 48 via 65. Is he calling me a liar? I have seen the document. Can he give me a simple answer to a simple question? If he wants to reduce junior doctors' hours, why has he proposed a limit of 65 rather than the current 56?

Mr. Dobson: As the right hon. Lady acknowledged in her own speech, 20 per cent. of our doctors work more than 56 hours. It would be ridiculous to propose a 56-hour limit in the Health Bill or in Europe at present because we know that we are not delivering that. The right hon. Lady continually misrepresents us—I shall put it no stronger than that. We intend no increase in any doctor's hours. The object of the exercise is to reduce the hours that British doctors work, ultimately to 48 hours in line with the European directive.

Dr. Evan Harris (Oxford, West and Abingdon): Will the Secretary of State give way?

Mr. Dobson: No, we have dealt with that point.

Sir Brian Mawhinney: Will the Secretary of State give way?

Mr. Dobson: Yes, I will give way.

Sir Brian Mawhinney: I have been trying to follow the Secretary of State's argument. In the United Kingdom, he talks about 56 hours. In Europe, he talks about 65 to make Europe feel more comfortable. He does not talk about 65 hours for 20 per cent., just about 65 hours. Will the Secretary of State stand up and call me a liar? I do not believe what he is trying to tell the House about the Government's policy on junior doctors.

Mr. Dobson: What the right hon. Gentleman believes is a matter between him, his conscience and the truth.

Unlike the Tory Government, we accepted and implemented the recommendations of the doctors and dentists' review body for this year, in full, without staging. That applied to the junior doctors, consultants and general practitioners. In the case of the consultants the review body recommended that from 2000-01, an extra £50 million should be made available to reward consultants for increases in work load, contribution to the NHS and intensity of work.

The Government, as requested by the BMA, were already committed to renegotiating the contract for consultants. We have fed the review body's

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recommendation for next year into the renegotiations because they cover the same ground. The doctors' negotiators have stated that they are optimistic that joint proposals from the BMA and the Department of Health can be put to the review body this autumn for implementation in 2000. I share their optimism. A joint approach would clearly be better from every point of view.

That takes me to the other groups covered by review body awards—some of the professions allied to medicine. This year, they received the biggest real terms pay increase in a decade, and for the first time in five years, it is to be paid nationally, in full and without staging. All staff covered have received 4.7 per cent. The starting pay for newly qualified professions allied to medicine has gone up by 8.7 per cent. All basic grade staff will receive at least 8.4 per cent., and some senior grades have received an increase of 7.7 per cent. Yet the Tory motion

"notes the concerns of Professions Allied to Medicine".

That falls short of qualifying even to be described as every assistance short of actual help.

Let us compare this year's settlement with what the professions allied to medicine received under the last Tory settlement. The Labour settlement provides 8.7 per cent. for newly qualified professionals. The Tory settlement provided 3.3 per cent. The Labour settlement is paid in full from 1 April. The Tory settlement allowed 2 per cent. from April, and 1.3 per cent. from December. The Tories delivered far less in the past than they claim.

Neither are the Tories promising anything better now. Only last month in a letter to one of her colleagues, the right hon. Member for Maidstone and The Weald (Miss Widdecombe)—or her research assistant, writing on her behalf—said:

"We have had to be necessarily circumspect about commenting on pay awards, as our own fiscal policy in respect of public sector pay has not yet been finalised. The line we have taken, and I acknowledge that it is not entirely satisfactory runs something like:

"'I would certainly not seek to justify or defend the X per cent. award offered to X by this Government.'"

That is about as far as the right hon. Lady's policy goes.

Miss Widdecombe: Will the Secretary of State give way?

Mr. Dobson: I will carry on, if necessary. The letter continued:

"It is worth noting that we excluded laboratory scientists from representation by a pay review body because, unlike some other 'professions allied to medicine', laboratory scientists were not entirely dependent on the NHS for employment. The pay review body system was an acknowledgment of the 'monopoly' status of the NHS as an employer, and it was felt that the 'market place' would be a sufficient force to set levels of pay for laboratory workers, given their scope for employment elsewhere."

Yet the right hon. Lady will not justify or defend the award offered by the Government.

Miss Widdecombe: The right hon. Gentleman knows very well that we have welcomed the pay awards that the Government have announced, even if the Government have not delivered them. He will be aware that I would never make the irresponsible comments that people try to lead me into before any announcements are made. They encourage me to bargain with the Government and ask the Government to give large increases in advance of what is announced by the independent pay review body. Therefore, I have always advocated circumspection; but the right hon. Gentleman knows, because it is on the record in *Hansard*, that we have always welcomed the pay rises that he has announced. I will welcome them even more when they are delivered.

Mr. Dobson: I would not like to be welcomed by the right hon. Lady. Her form of welcome is:

"I would certainly not seek to justify or defend the . . . award offered by the Government."

That is the sort of welcome that she gives in private correspondence.

So the Tories may be concerned, but they are not sufficiently concerned to do anything. That is the truth about the charges that the Tories have levelled in this debate against the Government. We are not extending the hours of junior doctors. We are reducing them, and the Tories know it. We are paying the nurses their full pay increases with effect from 1 April, and the Tories know it. We have accepted the review body recommendations on consultants' pay for this year, and the Tories know it. The review body has just awarded the professions allied to medicine their best real-terms pay increase for 10 years, and the Tories know that too. So the Tory motion gets no marks for technical merit and, like every work of fiction, owes everything to artistic licence.

The most revealing aspect of the Tory motion was what it left out. It did not refer to the offers that we have made of up to 6.9 per cent for some medical laboratory scientific officers—the ones whom the right hon. Member for Maidstone and The Weald wants to rely on market forces. We offered them and trainee cyto-screeners that amount, and up to 11.2 per cent to qualified cyto-screeners. These are part of the continuing negotiations with non-pay review body staff which will be carried forward very soon with an improved pay offer.

Nor did the Tory motion refer to all the welcome changes that the new Government have brought to the NHS, which are designed to be better not just for patients but for the staff. For a start, we are building new hospitals and modernising old ones. We have already started work on 15 major hospital building projects—part of the biggest building programme in the history of the NHS. This year, more than £100 million is being invested specifically in improving accident and emergency departments, to make them both better for patients and safer for staff. Another £100 million from the lottery is being invested in new and better equipment to diagnose and treat cancer on top of the £350 million already earmarked for renewing unreliable hospital equipment this year.

Nor did the Tories make mention of the action that they neglected to take to reduce assaults on and abuse of people working in the NHS. Since the general election we have given this a high priority. For the first time, we have conducted a national survey of the incidence of violence against NHS staff. We have set trusts tough targets for reducing violence. Accident and emergency departments are being equipped with closed-circuit television, layouts are being improved and staff are being equipped with alarms. Hospitals have been instructed to log all violent incidents and to prosecute any offenders. We will shortly

publish new guidelines produced by officials from my Department, the Home Office and the Lord Chancellor's Department designed to deter assaults and abuse and to make sure that the criminal justice system takes harsh action against any who do offend. Hospitals are now required by law to be involved in local crime and disorder partnerships.

Staff who provide services in the community are also being helped by better security measures. These will improve the working lives of people in the NHS, and so will our commitment to get rid of short-term contracts. The routine use of short-term contracts left staff and their families in a state of insecurity. NHS employers have been told to end the practice of routinely offering short-term contracts and to use them only to provide cover for staff on maternity leave and other short-term factors. On top of that, we have made it clear to NHS employers that gagging clauses in staff contracts must become a thing of the past. Whistleblowers on the staff should have nothing to fear, provided of course that they tell the truth.

Miss Widdecombe: So why sack them?

Mr. Dobson: I cannot sack any NHS staff. That comment just displays the ignorance of Opposition Members.

This Government are also taking action to end the institutionalised racism to be found in some parts of the NHS. We have changed the arrangements for allocating distinction and merit awards so that the proportion of black and Asian doctors getting awards has increased by 50 per cent. in the first year. We have almost doubled the percentage of black and Asian members of the boards of health authorities and trusts and we have been taking other measures to improve the situation for black and Asian staff.

I do not pretend that the changes that we have set in train will put everything right as quickly as we would like, but we have made a start, both with immediate measures to deal with the staffing crisis that we inherited and with long-term changes designed to provide more and better qualified staff in five, seven, 10 or 12 years' time. Both are being carried out by this Government. Both should have been done by the Tory Government. But they were not and that is why any Tory criticism of what we are trying to do amounts, as I said at the beginning of my speech, to bare-faced cheek.

8.17 pm

Mr. Simon Hughes (Southwark, North and Bermondsey): We welcome the debate and the fact that the Conservative party has chosen this subject. It is our perception that there is extremely wide concern, distress and lack of morale in the health service. The last debate on these issues was the one that I initiated on 13 January, which was on the pay and conditions of nurses, midwives and health visitors—the first debate on that subject for 10 years. Although we might find technical reasons to differ with the motion tabled by the Conservatives, because the nature of the complaints seems valid to us, unusually, we did not table our own amendment. We thought that it was more important on this occasion to register that, in spite of the good things that the Government have done and their best intentions, so far they have not cured the fundamental problem of a health service in which huge number of workers do not believe that the Government are saving it or coming to their rescue.

At the very beginning of the year, on several occasions, not least the winter flu outbreak, the Secretary of State or one of his Ministers came to the House and made a statement of support for the workers in the health service. On 11 January, the Secretary of State said:

"First, on behalf of everybody in the country, I want to thank all the people working in the health service and local social services for the huge effort they have been putting in to ensure that everybody gets the treatment and care that is needed."

We all agree with that. He continued:

"Over the past few weeks, nurses doctors, midwives, health visitors, cleaners, kitchen staff, managers, porters, ambulance staff, laboratory scientists, therapists, pharmacists, telephonists, clerical, administrative and maintenance staff and social services staff have all performed wonders on our behalf . . . I thank them all. They have done us proud."—[*Official Report*, 11 January 1999; Vol. 323, c. 35-39.]

I shall now read a letter dated 26 April from one of my constituents, who is a nurse. It reads:

"Dear Simon Hughes,

I am writing to tell you of my deep distress and anger at the way the nurses' pay rise has been treated by the NHS. I work for the Guy's and St. Thomas health trust and when I rang salaries to find out why the nurses had not been given their rise in April, I was first asked why I expected a pay-rise and secondly told we might get it in July if we were lucky. I then spoke to the personnel department at the . . . trust, who blamed the N.H.S. Executive for not sending out a letter of instruction to the trusts in time. They had managed to do this for the medical staff, who got their pay-rise when promised. This is typical. Nurses are the disregarded underclass of the N.H.S. Nobody gives a damn about us in real terms. All we get are well-meaning clichés and no action. The Labour Government promised that this pay award would not be staged or deferred, but that has obviously not happened. Labour boasts that 50,000 calls have been made to the back-to-nursing 'phone line. Nurses vote with their feet and leave the health service. No amount of cosmetic tinkering will reverse this unless pay and conditions improve. I know that you take a close interest in this health trust and feel sure you do not approve of this high-handed and arrogant approach to nurses' pay. I hope that you will be able to help us to get what was promised to us by the present Labour Government."

I do not know the nurse who wrote that letter. To my knowledge, I have never met this nurse, although the nurse in question lives only a few hundred yards from my house. I have read out the nurse's words; they are not my words. They are from a nurse who feels that the Government have let down nurses. We say that, if that is what they feel, that is what we must believe. That is a view that is widely felt in the national health service.

Mr. Dobson: The instructions to the national health service about doctors' pay were issued sooner than those about nurses' pay because there has to be agreement with the representatives of the staff and the doctors agreed considerably sooner than the Royal College of Nursing. One of the other reasons for the delay in producing the letters, so I am told, is that the text has to be agreed by all the unions with which we are in negotiations. As far as I know, everybody should be paid in May if payment has not been made in April.

Mr. Hughes: I am grateful to the Secretary of State. I know him well enough to know that, when he thinks that something has been done wrongly, he lets people know his views. If the NHS and the Government, who are

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accountable to the nation, thought that increased pay for nurses was important, he should have exclaimed to civil servants and managers of the NHS, as I have heard him exclaim to other people on other occasions, that that delayed payment was not acceptable. Indeed, it is not acceptable. Whatever the processes, it was not acceptable for the Government not to have given the instruction until after the beginning of the financial year. I hope that this never, ever, happens again.

I first picked up this concern at Morriston hospital in Swansea during the last week in April, when nurses came to me. I did not ask them to raise the matter with me. They told me that they had just received their pay slips and that the pay increase did not feature in them. I made inquiries and I asked my assistant to phone every NHS region in England, one trust per region. I was told that no trust had paid the increase in April. My assistant phoned Bromley in London, Kettering in the south-east, Gloucestershire Royal NHS trust in the south and west, Allington in the eastern region, Wolverhampton health care in the west midlands, Barnsley in Trent, Blackpool Victoria in the north-west and Harrogate Healthcare. Not one had paid. *[Interruption.]* I do not know what the hon. Member for Crawley (Laura Moffatt) said. Most of those asked said that they hoped to pay this month.

What does this do for morale? Nurses were told, "You are hugely valued. We think that you are important and you will get a big pay rise." Then there was nothing. That is not good enough. I let the case rest there. I look to the Secretary of State to ensure that that does not happen again. It is no good saying that we love nurses when we kick them in the teeth when it comes to their pay packet.

Secondly, there is common ground in the House that we need to have a package of measures to make people want to come in to, stay in, or return to, the NHS in all the professions, but particularly nursing, which is the largest. I ask the Secretary of State to consider with his colleagues whether it is not time—this applies to other professions in the NHS and beyond—to examine ways in which we can assist better those who might consider coming into nursing and the other professions. For example, we used to offer bursary schemes to those in the armed services.

There are ways in which we could give people extra funding in return for a commitment to stay. We could offer loyalty payments for those who do not disappear. There could also be packages that make it worth while to cover the cost of retraining—a matter that the Secretary of State and I have debated before—those who have left the health service but need to come back. Such packages would mean that people would not be out of pocket. There are some people who have to travel to courses to train before they are allowed back into the health service. Packages to pay for all this would give an incentive to return. In other words, there would be a premium to come back and make a commitment of three or five years to the NHS.

If we have about 12,000 or 14,000 nursing shortages and if about 70,000 of the 140,000 qualified nurses are not in the NHS, we have enough people potentially, if they are willing to come back. Some have responded. The Government have taken initiatives to try to persuade them to respond, but there has been no financial incentive for them to do so. It would cost so little to provide one in terms of the total budget of the health service. The cost would be worth it for their sake and for the patients' sake. The return of those people would speed up treatment times. At the same time, the morale of the health service would improve because people would not be trying to cover jobs that are left vacant.

Mr. Dobson: The offer of a bonus to someone who comes back into the NHS that is not offered to the folks who stay would harm morale, not improve it. Some football clubs have learned that to their cost.

Mr. Hughes: I said specifically—the Secretary of State may not have heard me so I shall repeat it—that we should give loyalty bonuses to those who stay.

We obviously share the view of the Secretary of State that family-friendly policies matter hugely. We say clearly to him that, as the review of nursing grades continues, we need to allow people to stay in nursing but continue to be upgraded in salary and career position, and continue to do some hands-on nursing so that it is not necessary to become a manager to be promoted. People will therefore feel able to remain with nursing. I think that the right hon. Gentleman espouses that view.

Thirdly, we are keen, as I hope that the right hon. Gentleman is, to ensure that there is an opportunity for the nursing profession to become one in which people are much more involved collectively with all the other professions in decisions about its future.

The week before I was at Morriston hospital, I was at the junior doctors' forum in Bath. Junior doctors too are not happy. It is often necessary to get three A grades at A-level to become a medical student. The places are very difficult to secure. On qualification a junior doctor works mighty hard. They work harder than most other students for their degrees, and for longer in many instances. They then have to do their training. They often do not know whether they will have another six months' work after the six months that they are in. There is a huge element of uncertainty during the first few years post-qualification.

Many of the junior doctors said to me, "We also feel undervalued. We feel that it is not worth staying. We are concerned that we do not get proper supervision. We have cursory supervision from consultants, who literally look in and look out again. We now hear that the Government are trying to negotiate a maximum limit of 65 hours and not 56." For the first time, the Secretary of State, who was in the Chamber a moment ago, effectively admitted today that the Government—as I understand it, it was the Minister with responsibilities for public health who did the negotiating because she went to the Council of Public Health Ministers—were pushing for 65 hours. Why could the Government not have owned up? Why could they not have said that they pushed for 65 hours because they thought that they had to cover the fact that 20 per cent. of junior doctors were working more than 56 hours? Why have we had a month of obfuscation, denial, pretence and mealy-mouthed weasel words? Own up, Government. Be honest.

When the Government get something wrong, they should say so. Out there, people did not believe them. The doctors did not believe the Government, and the Government let them down. There was an explanation, but the Government should come clean with the country if they cannot do as they wish. They should not try to fool people. People are not fooled, and their morale is undermined.

The third issue is similar to the others. We are at risk of running desperately short of consultants. My hon. Friend the Member for Oxford, West and Abingdon (Dr. Harris), who was previously a hospital doctor, knows more about that than I do. He has raised in the House and elsewhere not just the subject of the shortage of obstetricians and gynaecologists, to which the right hon. Member for Maidstone and The Weald (Miss Widdecombe) also referred, but the fact that, in many of the career paths, there is a bottleneck. There is a nonsense system whereby people do not have the opportunity to progress up the career ladder and do the jobs that everyone is asking them to do.

My hon. Friend the Member for Isle of Wight (Dr. Brand) is on the Select Committee on Health, which produced a good report that makes it clear that our manpower planning is still nonsense. Our work force planning is not working. We are not managing to make sure that we have the necessary NHS staff at the time that we need them, in the right place and the right post.

Dr. Harris: Does my hon. Friend agree that it seems bizarre that we plan centrally the number of medical students in the health service, we plan centrally the number of higher specialty trainees in the health service by region, but when it comes to consultants—the key end of the bottle that provides the service—there is no central planning? Trusts are left to do as they please, leading to the failure of consultant expansion, the poor quality that that causes, and the lost career opportunities for all those people in whom we have invested and for whom we have planned so carefully to bring them to consultant level.

Mr. Hughes: My hon. Friend makes a point that I understand causes real concern. I ask the Government, as he has done, to change the system, which tries to plan the number of nurses and doctors that we need, but does not plan in a co-ordinated way the number of consultants that we need.

Many of the trusts where there are senior consultants determine the number of consultant posts according to their own traditional patterns, sometimes to protect the interests of existing consultants—their jobs, hours and income—to the detriment of younger doctors who would help to relieve their burden and the burdens on the health service. That is not acceptable. It is old-fashioned and used to be called a Spanish practice. We need to say that, even if it applies to a minority of consultants and a minority of trusts. We should not allow self-interest to determine the number of posts at consultant grade in the health service.

The fourth issue concerns general practitioners. We are facing the prospect of large numbers of GPs retiring and leaving. Some of those retiring were part of the bulge in the health service created by the number of people who took up general practice after the war, many of them from the new commonwealth and elsewhere. Some are retiring because of the pressures of the system and the paperwork, and others because of the fact that the new primary care group structure means that they will have less time to be GPs because they are required to perform a management role. I have recently met a considerable number of GPs who say that they will have nothing to do with primary care groups because they want to be doctors, not paper-pushers. They do not want to go to meetings; they want to get on with being doctors.

Mr. Kevin Barron (Rother Valley): We are improving the health service.

Mr. Hughes: I respect the hon. Gentleman, but I have seen enough round the country to worry me greatly. That, added to the current pressures and the shortage of GPs, will be a serious problem in a few years. In some areas, we could be as short of GPs as we are currently short of dentists in the health service. If we do not anticipate that problem and take action, we will be in big trouble.

Mr. Barron: My area has the highest patient:GP ratio in England and Wales. Under this Government, GPs in the health service are working to help us with those problems, instead of being the small independent contractors who held the service back for years.

Mr. Hughes: Like the hon. Gentleman, I believe that the gaps in private general practice offering to work under contract for the health service had to be plugged by salaried GPs.

My hon. Friend the Member for Isle of Wight asked me today whether I had seen the front page of *GP General Practitioner* this week. It is dated 21 May, so, unless I am mistaken, it still has not officially come out, but I happen to have a copy. The headline is "Salaried GP posts collapse". It quotes Dr. Roger Chapman as saying:

"The £4 million was not enough and there is no new money."

It seems that the proposal was to fill the gaps with salaried GPs, but the money is not there to do it. The initiative may have helped in the hon. Gentleman's area and in others, but it does not seem to have done what it was billed to do.

With regard to professions allied to medicine and other workers not covered by the pay review bodies, there is no case now for pay review mechanisms not to cover everyone who works in the health service, including those who are currently excluded.

I shall ask a couple of questions and end with a couple of propositions, as I know that others want to speak in the debate.

Mr. Robert Syms (Poole): The MSF—Manufacturing, Science and Finance Union—briefing paper from its lobby of Parliament asked whether this year's pay round had made matters better or worse for many of its staff. It states that the position is significantly worse, and that almost all the skilled and professional staff got 2.8 per cent. on basic pay, with nothing on leave and allowances, even though, since 1984, many of those categories have fallen back 30 per cent. in their pay.

Mr. Hughes: The headquarters of the MSF are in my constituency. I am aware of the union's concerns, which the hon. Gentleman rightly raises. I am concerned not just about the people who belong to that union and the professions allied to medicine covered by the pay review bodies, but about the people outside that group—for example, ancillary workers in the health service, such as cleaners.

I visited a hospital the other day in the south-east of England which, at the pay that it offers, cannot get the cleaners that it needs. That is in the county's principal general hospital. The reason is that the pay rate down the road at Tesco is twice as much. The hospital does not

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have the cleaners that it needs and it is worried about that, as there are clearly health and safety implications for a hospital more than for anywhere else.

Neither the hon. Member for Poole (Mr. Syms) nor I is being alarmist. We are simply reflecting what people are telling us as we go round the country about the desperate state of morale, pay and conditions in the health service.

I shall put two questions to the Minister. I have heard the Secretary of State's evidence before the Select Committee about the number of nurses that we are short of. My first question, which I hope the Minister will answer at the end of the debate, is what was the total shortage of professional staff in the health service when the Government came to office in 1997 and what was it in April 1999? I believe that it has gone up over the past two years, if one adds the figures for doctors, GPs, nurses, dentists and so on.

Secondly, what is the Government's target ratio of doctors to population, consultants to population, nurses to population and junior doctors to population? Many of the tables show that we are comparatively well off in the number of nurses, but we are badly off in the number of doctors, relative to the number of people in the United Kingdom. If that is the case, we must seriously address how to respond to the aspirations of all those young people who want to enter medicine and other health professions and become public servants in the health service, but for whom the system does not deliver.

The Minister must also tell us what is to be done in respect of millennium pay for public sector workers. Liberal Democrats believe that there must be an acknowledgement of the duty that we may impose on those in the emergency services—including the health service—during the period of the millennium celebrations. The matter must be nationally agreed. It is nonsense to leave it to local pay bargaining, negotiation and pressure. That applies not only to the health service, but to the ambulance and other emergency and public services.

Our urgent view is clear; I have stated it previously. The health service will not get out of its staffing hole unless it owns up to the need for a real-terms increase in funding—in terms of the gross domestic product. One could try to get people out of the health service—the route proposed by the Tories, from which we dissent—but, until a real increase is the accepted norm, we shall always struggle. I have never heard the Government make that commitment.

What is needed is a package of specific measures, including financial ones—not merely warm words and glossy advertisements—to draw people into the professions and retain them. We need work force planning for all professionals and grades in the health service—not merely for some of them. It would be better for that to be based on cross-party debate and agreement, rather than on Government denials of a major crisis. It should not be left for opposition parties to bang on the door. We and the Tories may agree on few things and disagree on many things. We may have criticisms of their record in office. That is in the past. At present, there is a crisis in morale in almost all professions in the health service. The two-year mark that the Government have just passed has not changed that; if they do not act soon, things will get worse—not better.

8.40 pm

Mr. Alan Keen (Feltham and Heston): We are debating the conditions of service in the national health service. I shall talk about a case that will have been going on for four years by September of this year—the Hillingdon hospital dispute. Before I do so, I note that the shadow Secretary of State for Health, the right hon. Member for Maidstone and The Weald (Miss Widdecombe), mentioned a commission on trolleys. Having listened to some of the contributions from Members on the Opposition Benches, it would not take long for a commission on who is off their trolley to arrive at its conclusions.

I was also reminded that at the West Middlesex University hospital, which will be rebuilt as a result of the Government's policies, patients were shifted around the hospital, from ward to ward and from ward to operating theatre, on what we called milk floats. Under this Government, that hospital will be replaced by a modern, new building. The previous Government took £10 million from the sale of the South Middlesex hospital to rebuild the Chelsea and Westminster hospital. Originally, that money had been promised to the West Middlesex. We shall at last have a decent hospital in the constituency of my hon. Friend the Member for Brentford and Isleworth (Ann Keen).

In relation to the Hillingdon hospital dispute, I remind hon. Members of what the duties of domestic staff in the health service used to be. There was a member of the domestic staff on each ward. That person not only cleaned the ward, but was often the only visitor for many patients. Members of the domestic staff used to go shopping for patients. Several years ago, their jobs were changed dramatically when the cleaning of hospitals was put out to contract.

Some of the women at the Hillingdon hospital have worked there for 30 years; at first, they worked directly for the NHS and then for the contract cleaners. That second system worked quite well until about four years ago last April when the Pall Mall company took over the contract. The company decided that it would be better—at least for its directors—if the pay of the domestic staff was reduced from about £3.50 to £2.50 an hour. Fifty-five mainly Asian women decided that, on principle, it was not acceptable to have their pay reduced by about 30 per cent. They came out on strike and have been on strike ever since. At one stage, they were the only people who believed that they could win. However, they were determined. They attended tribunals and maintained a picket line on every day of the year—including Christmas day, Boxing day and new year's day. I was on a token picket line with them on Christmas day last year.

The multi-million pound Pall Mall company was the original guilty party; it was part of the Davis group and has since been taken over by Granada, which is a member of the Low Pay Commission. Of the original 55 strikers, about 18 are left. They attended the latest tribunal which was held last week between 12 and 14 May. Those people have won on every occasion that they attended a tribunal. They are ordinary women who had never been involved in disputes; they are the nicest and most reasonable strikers I have ever met during my long career of involvement in industrial disputes. All that the women wanted was their jobs back at a reasonable rate of pay. They pressed on and, as I said, they have won at every tribunal; however, the company they want to be their employer continues to

refuse to take them back. At the final tribunal last week, at which Granada appealed against having to take the workers back, the company lost once again.

I did not attend last week's tribunal, because I was on duty here, but I was astonished to hear of an admission made at that tribunal by Granada's senior manager of human resources—a man to whom I have spoken on several occasions when offering to try to bring the dispute to a happy conclusion, because I know the strikers so well. He appeared to me to be a reasonable and honourable man, but he admitted that it was he who had typed out a petition and forced people who were working at the hospital to sign it by threatening them with the loss of their jobs: the petition said that the signatories did not want the strikers back in any circumstances. He did that despite the fact that 220 doctors, nurses and ancillary workers had signed a petition saying that they would welcome the Hillingdon hospital strikers back.

That is how matters now stand. It has been the most honourable dispute I have seen, involving the most honourable strikers that I have ever represented, and the previous Government should be ashamed that the situation could have reached such a level.

I am speaking about industrial disputes because there has been criticism—even from Labour Members—of the current Government's proposals on changing the Employment Relations Bill; we felt that they did not go far enough. However, there have been three major disputes in west London alone that would have been rendered completely unnecessary by legislation introduced under the Labour Government. The Hillingdon hospital is one of those, because Pall Mall would not have been able to reduce pay from £3.50 an hour to £2.50 an hour under the National Minimum Wage Act 1998, so that four-year strike would never have happened. Let us think of how much suffering those women and their families have had to endure during that period.

Another major dispute occurred in west London when Noon's refused to recognise the GMB, despite 70 per cent. and more of the work force voting for union membership. Noon's has now given in, because it knows that the Employment Relations Bill will force it to do so, but the suffering the dispute has inflicted need never have taken place. In my constituency, the Lufthansa Skychefs strike—although it is hardly a strike—would have been rendered unnecessary by the same legislation. During an industrial dispute, on being given notice of a series of one-day strikes, Lufthansa Skychefs sacked the strikers immediately. That happened on three occasions and now 300 people have been sacked. Those sackings would have been illegal under the Employment Relations Bill.

The difference in the attitudes of the previous Government and the current Government is clear. Many hon. Members do not understand what workers have to face when they are forced into circumstances such as those which the workers at Hillingdon hospital have had to endure. We should all be ashamed that all those ordinary women have now had to go four years without work, and we should all wish them well now that the tribunal has finally awarded against Granada.

8.49 pm

Mrs. Marion Roe (Broxbourne): My right hon. Friend the Member for Maidstone and The Weald (Miss Widdecombe) has spoken eloquently about the enormous difficulties affecting NHS staff, and the appalling proposal to worsen conditions of service by increasing to 65 the hours that junior doctors will be expected to work. That the best medical care is provided by keen, alert and wide-awake young doctors, not by those who struggle to stay attentive as they are ground down by excessive hours of work, is recognised by the whole population—the whole population, that is, except for the Secretary of State for Health and his henchmen.

The previous Conservative Government worked extremely hard to reduce progressively the hours worked by those highly valued medical men and women who are the core of tomorrow's health care system. Yet, at a stroke, the Secretary of State has thrown away all those hard-won improvements. He will not be able to deceive the public, who will see that the health service is not safe in his hands. Like the nurses who were robbed of their full pay rise and the consultants who are frustrated by the Government's failure to implement review body recommendations, doctors throughout the profession are suffering.

I wish to address the conditions of service for doctors who provide primary care for our population. Since the inception of the health service, general practitioners have provided the bedrock of care for the population and have acted as the gatekeepers for access to secondary care. More than 90 per cent. of all medical care is provided in the primary sector. Since the election of the Labour Government, GPs have seen their conditions of service decline steadily. They have been dragooned into primary care groups—in many cases, against their will—and they have seen the enormous benefits of the fundholding system snatched away from them. The fruits of the fundholders' labours—the entrepreneurialism that led to the creation of innovative primary care centres—have been largely destroyed.

The community clinics at GP surgeries, which were so valuable in improving the quality of care and providing effective and rapid local services, have been snatched away by a compulsory money-saving exercise by primary care group boards, which are constrained by debt that has resulted from inflexible and inappropriate financial instructions from the Department of Health to health authorities. Although primary care group boards currently enjoy a majority of GP members in most instances, they have the power to compel a practice or a doctor to follow board policy on pain of withholding practice finances.

In addition, if doctors are seduced into primary care trusts, they will lose their majority, their authority, the control of their staff and their premises. The individualist, independent practitioners will end up as salaried doctors working to the guidelines and protocols set for them by the National Institute for Clinical Excellence, which is driven by rationing rather than by quality. Let there be no doubt: Professor Rawlins, the chairman of NICE, has made it clear that no product or treatment will be recommended if there is no money to fund its introduction.

Mr. Philip Hammond (Runnymede and Weybridge): My hon. Friend spoke of doctors being seduced into primary care trusts. She may be interested to learn that,

[Mr. Philip Hammond]

under the Health Bill as currently drafted, they will not need to be seduced: doctors can be forced into primary care trusts without their consent.

Mrs. Roe: I am grateful to my hon. Friend for setting the record straight. I take his point: doctors can be forced into primary care trusts.

Conditions of service will be desecrated by protocols that will prohibit the patient from receiving the best—which was a concept guarded carefully by the previous Conservative Government—and which will deliver the cheapest service. The concept of "never mind the quality, feel the width" was never more apparent.

What about the GP who shows initiative? He risks a visit from the thought police of the Commission for Health Improvement, who are able to come into his practice, see and do whatever they like, say whatever they wish and charge him for the costs of the exercise. Conditions for GPs whose partners or colleagues are involved in PCG work have also deteriorated. Inadequately reimbursed for the costs of the locums that they need to employ, they will either be unable to fulfil their PCG roles properly, or will end up subsidising the Government's primary care hyperbole out of their own pockets.

What about conditions for the poor patients who must tolerate those ill thought through ideas? How many sick people will be unable to see the doctor of their choice because he is away at the PCG doing administrative work? Half a million consultations—a number equivalent to the whole population of Sheffield—will be lost each month and patients will have to receive their care from locums, if they can be found.

We should remember the Labour party's theme tune for the previous election. In my view, things have not got better; they have become more expensive, more bureaucratic and more confused; things have only got worse. Burdened with a new range of targets which must be met to enable them to claim the £60 million promised by the Government in recognition for hard work already undertaken, doctors' overall work load is rising inexorably. The demand for surgery attendances increases year on year. Expectations about quality improvements are for ever applied as GPs are required to embrace clinical governance, to prescribe more generic drugs and to improve their education.

Doctors are having to contend with an increasingly litigious population that demands more and more from the finite resources that practices can offer. Legal claims against GPs rose by 15 per cent. last year alone. Ten years ago, a GP had a one in 500 risk of being sued in any year; now that risk is one in 35. Complaints are rising exponentially as GPs fail to meet patients' expectations generated by a Government with no vision and even less consideration. All those demands must be met by a profession that has a recruitment crisis and is starved of the funding for key developments, and what can all that do but destroy morale and suppress enthusiasm?

We must recognise the deteriorating conditions under which GPs are being forced to work. We truly lament the decline in conditions of service that they are having to face, the loss of a service that was the envy of the world and the development of a system that will fragment primary care. All that will result in the provision of a rag-bag service in supermarkets and railway stations, and through NHS Direct, the value of which is highly questionable. The outcome will be the loss of consistency of care that has become a byword for the management of patients by United Kingdom GPs.

We are prepared to stand as the champions of primary care and as advocates for the comprehensive services that GPs can now provide. GPs should be supported in their provision of services, with conditions that allow them the flexibility and freedom to provide the best services. The Government's actions have resulted in one fundamental change. The GP can no longer say, "I shall do my best for you." He can say only, "I shall do what they will let me do for you." That is a sad reflection on the Government's policy.

I urge the Secretary of State to think again, to support rather than harangue, to encourage rather than discourage, to build rather than destroy and to restore the conditions of service for GPs to allow them to provide the care for which they are renowned.

8.58 pm

Mr. Kevin Barron (Rother Valley): My right hon. Friend the Secretary of State said, in opening the debate, that he felt that the Opposition had what he called barefaced cheek in putting their motion on the Order Paper. I am not sure which Opposition motion has the most barefaced cheek—this one or the one that we debated a few months ago about national health service waiting lists, which rose considerably under the previous Government. The circumstances described in the motion and the problems in the NHS are those that we inherited in 1997.

I am amazed that the motion has been tabled, but I am pleased that the hon. Member for Southwark, North and Bermondsey (Mr. Hughes) and his colleagues have put their names to it because I believe in a Government facing an Opposition, and I have been waiting a long time for such a development.

I listened to both the opening speeches made from the Opposition Benches. The words "barefaced cheek" did not immediately spring to my mind, but the words "mealy mouthed" did. The Opposition did not attack nurses' pay, but they are now attacking the administration behind it. They say that—although the Government have agreed with the pay review body and agreed that the nurses can have the money straight away, at the beginning of the financial year—the trusts are not administering the pay rise properly and that they are the problem. *[Interruption.]* I wrote this down: the right hon. Member for Maidstone and The Weald (Miss Widdecombe) said, among many other things, that the trusts are failing to give nurses the money.

The hon. Member for Southwark, North and Bermondsey said that he felt that people did not expect the Government to kick them in the teeth. If this year's nurses' pay award is a kick in the teeth, the nurses have been waiting many years for the Government to do that and to give justice where there has been no justice for a long time.

Mr. Simon Hughes: I want to make sure that the hon. Gentleman and I understand each other. He knows that we welcome the fact that the pay award must be paid in

one go and is not phased. That is clearly better than phasing an award, which his Government did last year, and the Tories the year before. The kick in the teeth—I do not blame the trusts at all—is that no increase was paid, although the Government said in the press release that the award would be paid in full in April. That was not the fault of the trusts—they were given permission too late to be able to do anything.

Mr. Barron: The hon. Gentleman used the words in that way; let me tell the House some of the other words he used. He read out a letter from a nurse from his constituency who said that the Government had a high-handed approach to nurses pay. If they do, that is most welcome and something that we have been waiting for—it will achieve justice for many years to come.

The hon. Gentleman talked about his travels around the national health service—he always gives us an update in these debates—and told us what people are saying. Some people might be saying what he says they are saying, but the question for him is whether he agrees with them that workers do not trust the Government or that there is widespread concern and distress in the NHS.

The right hon. Member for Maidstone and The Weald said that NHS personnel are thoroughly disillusioned, fed up and demoralised with the Government. If that is what the motion is based on, the Opposition ought to go back to the NHS to talk to people. I remember my postbag at the time when people really were fed up with the Government and demoralised by what they were doing. We regularly received letters from members of the NHS professions because of what the previous Government were doing to the NHS. I do not think that I have received two such letters since the Government took office two years ago, because we are doing the right things for the NHS.

Let us run through what the nurses' pay award in February meant. My right hon. Friend the Secretary of State rightly said that the nurses are to get their biggest real-terms pay rise for 10 years. For the first time in five years, the award is being paid nationally in full and with no staging. That is hardly kicking anybody in the teeth. Starting pay for newly qualified nurses will rise from £12,855 to £14,400, which is a 12 per cent. increase. There will be an 8.2 per cent. increase in basic pay for 70,000 grade D nurses. Other nursing grades are to get a 4.7 per cent. increase in basic pay, although inflation is running at about 2 or 2.5 per cent. I hardly think that that is an attack on nurses and people working in the NHS.

More than 200,000 members of the Royal College of Nursing are working in the NHS and they are getting that type of benefit. For the first time in the history of the NHS, the starting pay for all newly qualified nurses will be more than £14,000 per annum. The inner-London allowance will increase from £1,910 to £2,205 from 1 April. The outer-London allowance will increase from £1,360 to £1,570. That means that starting pay in inner London for all newly qualified nurses will be £17,325, which is a marked increase on what they had in years immediately gone by.

As well as that basic pay, nurses receive, on average, an extra 11 per cent. from the allowances, which means that an average grade D nurse on the minimum of the scale will get about £1,600 extra. That is hardly an attack on NHS personnel working in those different grades. The Opposition try to talk down these increases instead of congratulating the Government on bringing to the nursing profession the justice for which it has waited so long.

The Opposition motion does not seem to be supported by the Royal College of Nursing, which recognises what the Government are doing. The royal college welcomes the debate and has sent hon. Members a briefing, which says:

"The Government have taken some significant steps towards addressing the NHS nursing shortage, with the 12 per cent. increase in starting salary for junior nurses, the publication of NHS Human Resources Strategies for England, Scotland and Wales, and the launch of discussions on the *Agenda for Change* proposals to modernise the NHS pay system."

I agree with the RCN on that. It goes on to say:

"However, it is clear that many more changes are needed throughout the NHS before nursing becomes an attractive profession again. The RCN believes that pay is the single most important way in which nurses' morale can be boosted and nursing valued again. However, there are a number of other vital issues which the NHS must also address."

Mr. Hammond: Does the hon. Gentleman acknowledge that the president of the Royal College of Nursing said that the 4.7 per cent. pay increase would do nothing to stem the flow of nurses out of the profession?

Mr. Barron: She may have said that, but it is not in the brief. I have just read what it says. The RCN believes that pay is the single most important way in which to boost nurses' morale, but not the only way. I shall refer to the areas in which their morale has been battered over the years.

My right hon. Friend the Secretary of State referred to family-friendly employment policies. I mentioned GPs when I intervened on the hon. Member for Southwark, North and Bermondsey. The NHS is now able to employ general practitioners: they have had independent contractor status for the past 50 years. Fifty-eight per cent. of nurses have caring responsibilities for dependent children or dependent adults, yet only now after, all these years, is the NHS beginning to adopt flexible employment practices. It should have done that 50 years ago. We must ensure that we retain nurses who leave the service because of the pressures of the system.

The RCN refers to career progression, which is another issue that my right hon. Friend addressed. The Government have some good proposals to develop the potential of nurses to help them to get on in the profession. We should not ignore that.

My right hon. Friend also mentioned violence in accident and emergency departments, and threats to staff. About 12 months ago, the then Health Minister, my right hon. Friend the Member for Darlington (Mr. Milburn), gave a speech about violence to NHS staff. It received some derogatory comments from people working in the NHS. In some areas, stress caused by the likelihood of attacks is a major factor affecting people's decision on whether to stay in their job. The Government are setting targets that health trusts must meet to get such violence out of the system and to make the workplace safe for NHS staff. We must ensure that they do not have the stresses that they have had in the past.

I realise that in opposition we sometimes have to put awkward arguments that get thrown back in our faces. I sat on the Opposition Benches from 1983 until two

[Mr. Barron]

years ago. The Opposition motion takes the biscuit when we consider how NHS staff were treated during that time. We are talking about a party that imposed an internal market on the national health service, and forced hospital staff to compete with colleagues in other hospitals—doctor against doctor, and, by extension, patient against patient. The hon. Member for Broxbourne (Mrs. Roe) said that the end of fundholding was a great loss. I must tell her that, for most of the time that the system operated, the vast majority of patients were disadvantaged by fundholding, because the patients of fundholders were jumping hospital queues. There was no pain measurement; the measurement related to whether the Government had created what they did create—a two-tier health service, meaning that those who were not served by a fundholding general practice might have to wait until the following financial year before getting into the local hospital, regardless of their pain. The Conservatives still try to defend what I have always considered to be an indefensible situation, but we all know what really happened.

The staff did not like the two-tier health system, which forced them to keep new developments and better ways of treating patients secret so that hospitals would not undermine their competitive advantage over their neighbours. The Government want to ensure that we share the practice in the NHS. The National Institute for Clinical Excellence, and other organisations that are being set up, are about improving patient care. They are not about central diktats and telling clinicians what they should or should not do; they are about sharing the practice, so that all of us, as patients, get a better deal in the health service than we have in the past.

Another aspect of morale in the NHS—it was mentioned by my right hon. Friend the Secretary of State—concerns short-term contracts. If any one thing has lowered the morale of NHS personnel, since the early 1980s when the practice began in catering and cleaning, it is short-term contracts. NHS employees wanted to know that their jobs were there, and would be there for many years.

What was done was done in two ways. First, there was the internal market, which acted in very marked ways; secondly, there was the question of the funding of the NHS. It was much better for trusts to employ people on short-term contracts, which meant that staff did not know whether their wages would be lower in the following year than they had been in the preceding year. They did not know whether central Government were prepared to continue to fund them, and whether they could continue to provide staff with what most of us would consider to be reasonable pay and conditions and reasonable longevity in terms of employment.

Other things have created morale problems in the NHS over many years. A nursing recruitment crisis has been caused by years of training cuts and complacency, for instance. My right hon. Friend the Secretary of State mentioned the thousands that we have lost in the last five years in terms of nurse training. It will be difficult to turn the corner, but we have begun to do so.

Not once was my right hon. Friend challenged by Conservative Members on the reason for the present crisis in nursing. The hon. Member for Runnymede and Weybridge (Mr. Hammond) says that it is about the fact that nurses were given only a 4.7 per cent. pay increase this year, but that is bunkum, and the hon. Gentleman must know that it is bunkum—as would anyone who had talked to nurses about the fact that they have been batted from pillar to post, and have also had to deal with the additional work imposed on them by the internal market.

There is also the problem of overseeing the spread of gagging clauses in staff contracts, forbidding staff from telling the truth about what is going on. That, too, causes problems of morale in the NHS; that is another corner that we must turn.

The Opposition may be able to have a go at the Government on a number of counts, but I do not think that they can do so on the basis of the money that is coming into the NHS, or the way in which the Government are taking on the responsibility of getting rid of the morale problems that we inherited in May 1997. I know that the Opposition have to table motions such as this, but they should take advice now and again. This motion completely misses the mark, and some of its rhetoric will be seen by the NHS as being way off the mark.

The Government will take a long time to put right the wrongs that have demoralised the health service, but the first two years have been good years, during which they have begun to make progress. I am sure that, in years to come, there is much more to come from the Government in putting right the wrongs that they inherited.

9.15 pm

Mr. Graham Brady (Altrincham and Sale, West): I shall try to keep my remarks brief because I have something to say and because I am aware that many of my hon. Friends wish to participate in the debate, as do Labour Members.

I want to talk about some of the reality of what is happening in the NHS—not the rosy view that we have heard from the Secretary of State for Health and from the hon. Member for Rother Valley (Mr. Barron), but some of the truth. I shall discuss some of the things that are affecting my constituents and that are coming to light as time goes on.

I refer not only to the fact that nurses in the Trafford Healthcare NHS trust did not receive their pay rise in April, as they had been promised. That is a matter of timing and perhaps is not that significant in overall terms. I am more concerned about what the implications of that are, what the reasoning behind it was and what it tells us about the true situation of the NHS under the Government's stewardship.

I want to talk in particular, because it is a useful example to illustrate the position, about Altrincham general hospital. On 10 May, Trafford Healthcare NHS trust announced to the press that two of the three wards would be closed in July. The announcement was made four days after local elections in the borough of Trafford, which were closely fought, and in which the Labour party held on to its majority by just three seats. The trust chairman is a Trafford Labour councillor, yet the announcement was made four days after the local elections.

The announcement was made without any consultation whatever with the public, or the community health council. It was made without any consultation even with

the health authority. I find it impossible to believe that the decision was taken between Thursday 6 May, when the local elections took place, and Monday 10 May, when the announcement was made, so the inescapable conclusion is that the decision was made before the local elections, that it was suppressed and that no consultation could be undertaken because it was a politically sensitive issue.

The result of the decision was announced in a blatant fashion just four days after local elections, without anyone in the local community having been consulted, or even told about it. The arrogant treatment of the community that I represent and the disregard for a well-respected, well-loved institution in my constituency are staggering. It is a picture of the way in which the NHS is being run under the Government markedly different from that which Labour Members have described.

A few days ago, I asked the Department some questions. I have had confirmation that the regional executive knew something of the decision on 8 April—again, some confirmation of what is really going on in the borough of Trafford and in my constituency.

The devastating thing—the implications of which go far wider than Altrincham general hospital—is the reason that was given for the closure of the wards by the chief executive of Trafford Healthcare NHS trust to the chief officer of the community health council on Monday 10 May, when the decision was announced. He said that the trust was left with no choice because the Government had not funded the nurses' pay award, which had forced it to make savings by closing wards.

That is a different picture from that which the Secretary of State sought to give earlier. He sought to take credit for having given what he said was a generous pay award. It would have been generous if he had actually given it. In fact, he left the trust scratching around looking for ways to save money, to cut services and to remove wards. Reducing the wards from three to one has put the whole hospital under threat of closure. We have to ask how long it will be before that other ward is closed under the Government's stewardship. The whole reason for that is that the Government, who claim to be looking after the NHS and to be funding the nurses' pay award, are doing nothing of the sort. They are putting one figure in the press, and making sure that the vast majority of nurses are awarded a different figure, and not even on time. More scandalously, they are not providing the funds for it. That is resulting in the closure of wards, and it will result in the closure of many more across the country in the months and years to come. That is what Ministers must address.

Ministers will have to start giving some real answers to people who are seeing the NHS suffer under their stewardship. They cannot carry on giving out platitudes and press releases which bear no relation to the truth. My constituents have seen what the Government think of the NHS—they see it as a public relations opportunity and they care nothing about providing services for people. That is what the Government will have to address.

9.21 pm

Dr. Howard Stoate (Dartford): Opposition Members have spent a great deal of time talking about money and pay within the NHS. Of course, money is extremely important—it is almost certainly the most important issue affecting NHS staff. That is why I am so surprised that they should table the motion, particularly as they have made clear their opposition to the national minimum wage, which will give a number of NHS workers a good deal.

The Conservatives also oppose the £21 billion extra that the Government have found for health—they called it reckless and irresponsible. Where do they think the money will come from to give nurses, doctors and others a decent pay settlement if not from our comprehensive spending review—which found the money in the first place, and which they opposed?

The hon. Member for Poole (Mr. Syms) referred to a document from the Manufacturing, Science and Finance Union which shows how the wages for professions allied to medicine have been eroded over the past fifteen years. How can he be surprised? The Tory Government took those groups out of the pay review body and allowed their pay to be eroded by 30 per cent. over the past 15 years. In other words, Tory policies led to the problems in the NHS that we are trying so hard to put right. It strikes me as odd that the Conservatives should talk to us about money when we are trying to put more money into the pockets of health workers, while they are clearly opposed to that.

During the 1980s, I was a junior doctor, and I was working for about £30 a week. For that, I was working, on average, 104 hours per week. The money that I was receiving was not time and a third for overtime, but one third of normal time. I was paid a flat rate for my first 40 hours. After that, I was paid one third of my normal wage. I was on call for that many hours a week with that little pay.

The new deal for doctors has put that right to a large extent. Now, we see that just one in six doctors works more than 56 hours a week. However, it is not just about money or work. A third aspect, which Tory Members have clearly failed to take into account, is the amount of stress and anxiety experienced by junior doctors.

It is one thing to be working 104 hours a week and to be earning £30 a week. It is quite another to face the stress and strain of being on call alone at night with three, four or five wards to look after, plus emergencies coming from casualty as well as a coronary care unit and GPs on the phone wanting advice and help.

We certainly need more junior doctors in this country, and there is no way in which a responsible Government can put right the situation for junior doctors until we have trained more doctors. Until we put right the recruitment problem, we cannot reduce the hours. If we do not solve the problem, we would make the situation far more dangerous. The only way in which we can improve the lot of junior doctors is either to train more doctors—which we are doing—or to make the current doctors work even harder still to cover the gaps left by their colleagues who are taking a well-earned rest. Clearly, that would be an irresponsible move for any Government, which is why we have to phase in the reduction of junior doctors' hours over the next few years.

Dr. Harris: I was taken aback by what the hon. Gentleman said about junior doctors. Does he agree that producing more junior doctors to share the work load is, in itself, harmful if insufficient new consultant posts are created? Does he feel that the Government should bring

[Dr. Harris]

back a central or regional manpower planning policy to ensure that there is consultant expansion, and that trusts do not wriggle away in pursuit of the bottom line?

Dr. Stoate: As a member of the Health Committee, the hon. Gentleman will know that we produced a report on staffing in the NHS. Of course it is important for the Government to take an overall view of work force planning, to ensure that the doctors of the future can help the health service, the trusts and the hospitals to provide a service that is so clearly needed.

For some extraordinary reason, we have been told tonight that GP recruitment has fallen off only since the introduction of primary care groups. That is simply not the case. GP recruitment came to an absolute standstill with the introduction of the new contract for GPs in 1990. I clearly remember many of my colleagues retiring early because they could not face the rigours of the new contract imposed on them against their collective will. It forced them to carry out procedures that they knew would be bureaucratic and largely fruitless in improving patient care. They had to go through the hoops simply to meet a series of Government targets designed to make the health service look better than it was.

A whole generation of young doctors was disillusioned and put off general practice, so when good practices wanted to recruit new staff they found it virtually impossible to do so. When I was training to be a GP, perhaps 50 or 60 candidates would apply for a good GP post, but that went down to four or five, some of whom were of such poor quality that they could not even be interviewed. That was clearly the fault of the previous Government, who imposed a regime on GPs that was unacceptable, unhealthy and clearly not in the patient's interests.

The two-tier system, about which we have already heard tonight, forced doctor against doctor and put patients in an impossible position. I could recount story after story of the difficulties that it caused for me when hospitals would ring up and ask if I had a contract to refer patients, because they could not take them if I did not. That was an intolerable situation for GPs.

Now we have primary care groups. It is extraordinary that Conservative Members should attack them as somehow divisive or difficult. To set at rest the mind of the hon. Member for Southwark, North and Bermondsey (Mr. Hughes), there is no compulsion for GPs to take part in primary care groups. They are members of the groups just as they were members of commissioning groups in the previous system, under which decisions were made on their behalf even if they never attended a meeting. The same applies to primary care groups: those who want to work with nurses, social workers and others can do so, but those who want to sit back and let the decisions be made for them are equally welcome to do that.

GPs' pay has been mentioned. For nine of the 11 years of Lady Thatcher's Administration, the pay review body's recommendation was either not paid in full or staged, whereas the new Labour Government have paid the GPs' pay award in full and exactly according to the body's recommendation.

Rev. Martin Smyth (Belfast, South): There has been a tremendous emphasis on the medical and nursing staff. Does the hon. Gentleman accept that there is also a danger looming in the way in which we are treating laboratory technicians, who are vital in an age of high-tech medicine? To tell them that they could get jobs elsewhere is to forget that they want to work in the h alth service, where they are needed.

Dr. Stoate: I thank the hon. Gentleman for that contribution. I have already said that I think that the professions allied to medicine were treated shabbily under the previous Government. They deserve far more respect and a far better deal.

I want to share with the House a report that I released to the press this evening with the hon. Member for Isle of Wight (Dr. Brand), who co-chairs with me the all-party group on primary care and public health. We conducted an inquiry into the effectiveness or otherwise of the primary care groups. We invited outside groups to come and tell us what their experiences were, what they thought was happening in the primary care groups and what they wanted.

I am sure that the hon. Member for Isle of Wight will contradict me if he does not agree, but I noted that the majority of the people who came to our sessions, representing all aspects of medicine, as well as patient groups, were broadly in support of primary care groups. They thought that they were the way forward, being more democratic and accountable, allowing patients to have proper access to uniform quality of care throughout the country, ending postcode rationing and a two-tier system and bringing transparency, openness, honesty and decency. The vast majority of the groups who gave evidence to us were wholly behind that principle. Of course there are difficulties and problems in some areas, and not all GPs, all social workers or all nurses are happy, but the vast majority clearly accept the principle that that is the right way forward.

Obviously, as with any new system, there will be teething problems, and it will take some time for the primary care group to bed down and decide whether it wants to go for trust status or stay with PGC status.

Dr. Peter Brand (Isle of Wight): Does the hon. Gentleman accept that the one thing that will destabilise primary care groups and trusts is the continued development of an alternative primary care system through NHS Direct and walk-in clinics, without reference to local health improvement programmes? Should not the Government be a partner in the health improvement programmes that primary care groups are supposed to deliver?

Dr. Stoate: The hon. Gentleman raises an important point about NHS Direct and drop-in centres. We shall have to see how those new institutions work in integrating health care. I hope that they will be able to integrate care with GP co-operatives and primary care groups to provide a seamless service. Clearly there are problems in the inner cities, especially with out-of-hours care, and NHS Direct has already proved its case as a worthy way of addressing some of those problems. Time will tell how it develops, and I am sure that the Government will closely monitor the pilot schemes and carefully evaluate the outcomes.

Another aspect that we have not touched upon is the Government's programme of building new hospitals. The first private finance initiative hospital is to be built in

Dartford. It is currently well on schedule and is due to be completed early next year. It will not only improve patient services and make care for Dartford and Gravesham patients far better, but dramatically improve conditions for staff.

I used to work in the Joyce Green hospital and the West Hill hospital, both in Dartford, and both to be replaced by the new hospital. Both of them were seedy and rundown, built for a bygone age and entirely unsuited to modern medical care. They were inefficient, too, especially as the ward blocks were a long way apart.

I used to cycle round those ward blocks if there was an emergency in one of the wards. I cycled down the ward, jumped off my bike and put it by the nurses' station in the middle of the ward, and applied cardiac massage to a patient. That was not all that long ago—at least, I like to think that it was not long ago; other hon. Members may have a different view.

Those were rundown Victorian fever hospitals, built to look after TB patients. TB went away but the hospitals remained, and we are still living with that. Now, at long last, we are getting rid of that, and next year we shall move into a brand new state-of-the-art hospital.

Of course, the private finance initiative has had its problems and its critics. The Select Committee on Health is investigating the subject now. The next generation of PFI hospitals will be based on the experience of the current generation, and I dare say that the Government will think hard about altering some of the contracting and pricing arrangements to ensure that the country gets better value for money from the next generation.

We have taken a brave step. It took the Labour Government to take that step, and to change the law when we came into office so that PFI deals could go ahead, and the hospital that Dartford and Gravesham so sorely needed could be built, and will deliver the services on time for the people of Dartford.

The doctors and nurses to whom I speak are pleased with the new facilities where they will work. They are overjoyed by the fact that they will work in modern conditions that will enable them to give an excellent service to the patients of our area.

The Government have come up with many initiatives, and have found not only the money but the means to deliver good services, and also to improve staff conditions. I cannot think what the Opposition are whingeing about. We have a good Government, providing a good and improving national health service. The Secretary of State has said that he wants it to improve year on year.

Mr. Robert Key (Salisbury): My constituents, too, are grateful for our splendid new hospital, but they know that their hospital was built under a Conservative Government. Does the hon. Gentleman suggest that his wonderful new hospital did not even see the drawing board until after the general election?

Dr. Stoate: Although the Conservative Government thought up the idea, it took a Labour Government to change the law to allow it to happen. That is the difference. The Conservatives can come up with the ideas, but it takes a caring Labour Government to deliver on those ideas and turn them into reality. I am proud to be the Member of Parliament for the constituency that will have the first PFI hospital in the land.

9.35 pm

Mr. David Amess (Southend, West): I did not believe one word uttered by the hon. Member for Dartford (Dr. Stoate) and I did not recognise the health service described by the Secretary of State. The health service is in crisis. Morale has never been so low. I blame three people: the leader of the Labour party, the leader of the Liberal party and the Secretary of State for Health.

The leader of the Labour party gave an inept performance at the Dispatch Box today. He could have been Harry Enfield delivering the sermon of platitudes. Conservative Members are entitled to be angry. For 18 years, the Labour party tried every trick in the book to undermine the national health service. Labour Members built up people's expectations, saying that if they voted Labour on 1 May 1997, the new Government would save the national health service.

I have received grubby little letters that have been sent to Conservative party members exhorting them to give money to the Labour party. They say:

"In 1948, it was the Labour Party who created the NHS, giving the people of this country the care they deserved based on need, not their ability to pay. Now, in government again, we have found an extra £21 billion to begin to undo the damage brought about by years of Tory neglect. You know and I know that the Tories would have been content just to sit back and watch this once great service decline still further. . . .

Do you want better hospitals with more beds and more nurses to care for the sick?"

That rubbish has been torn up and thrown in the bin by every Conservative activist. It is a disgrace. The Labour party is peddling a lie about the £21 billion.

The Liberals have about six useless pledges. I am sick of Liberals—

Dr. Harris: Liberal Democrats.

Mr. Amess: Okay. I am sick of the Liberal Democrats and their crocodile tears. They have made a grubby little deal to join up with the Scottish Labour party. They are sharing power in Scotland and in Southend. They also bear the blood of the national health service on their hands.

The Secretary of State is primarily responsible for the lowest morale in the NHS in my life time. The so-called health service reforms are a shambles. All my hon. Friends in the Standing Committee considering the Health Bill on Tuesdays and Thursdays can see that the Government are making a mess. They cannot deal with the amendments that we are ably tabling. They are not accepting any of our arguments. The *General Practitioner* has said that "Chaos" reigns on the eve of reforms. The Government do not accept that there is rationing or that they fiddle the waiting list when they should be addressing waiting times.

I have evidence of the chronic shortage of consultant radiologists. A letter from the clinical director of a local trust says:

"there will inevitably be some delay in the reporting of Radiological examinations over the next few months. There will also be delays with ultrasound scanning, in particular inpatient work."

Everyone understands how serious that it.

This dreadful Government have misled the nurses, the doctors and everyone who works in the health service. I salute the women and men who work in Southend

[Mr. Amess]

general hospital. They do a magnificent job in spite of this rotten Government, who have done everything that they can to undermine them. A few weeks ago I was walking round the hospital talking to a range of people employed there. Every one of them was dissatisfied with the Government. The Government led people to believe that voting Labour on 1 May 1997 would transform their lives and give them a better deal. In fact, hundreds, thousands, even millions of people have realised that the rotten Labour Government have broken promise after promise, letting the British people down when it comes to the health service.

9.40 pm

Mr. Philip Hammond (Runnymede and Weybridge): We have heard some excellent speeches from the Conservative Benches and some complacent speeches from Labour. Our national health service is a vast organisation. The 1 million people who work in it are its very essence. The way they are treated and the state of their morale are crucial to the quality that the NHS can deliver. That is why we tabled our motion.

The sad fact is that, two years into a Labour Government, we have had two years of frustrated expectations, interference with clinical judgments, meddling from central Government and selective abuse by the Secretary of State. Morale in the health service is at an all-time low. The chairman of the British Medical Association's junior doctors committee has described relations between the medical profession and the Department of Health as being in a state of cold war. He went on to say that things are definitely getting worse.

It is a fundamental principle of good personnel management that one does not raise expectations that one cannot meet. Labour's spin doctors did a great job on NHS staff before the general election, promising the earth. The not-so-subliminal message was "Vote Labour, and all your problems will be solved." Two years on, the day of reckoning has arrived. When the movie comes to be made of the first two years of the Labour Government, the title will be "Mind the Gap". There is a gap between what they promised in Opposition and what they are delivering in office, between what they say they are doing and what is really happening in our health service and elsewhere.

Staff in the health service must live not only with their own disillusion. They are at the sharp end and have to deal with the general public from day to day, and they must live with the frustration and disillusion of their patients, people who heard the Government's rhetoric about huge and fictitious sums of money allegedly being pumped into the health service. Patients see the Secretary of State on television congratulating himself on his so-called achievements on waiting lists, and they struggle to reconcile that with the reality that they find—a struggling health service of endless delays, even for an out-patient consultation. Increasingly, they find explicit rationing of drugs and services.

My right hon. Friend the Member for Maidstone and The Weald (Miss Widdecombe) said that many people in the health service believed Labour's pre-election rhetoric. It is probably fair to say that the Government inherited a substantial fund of good will among NHS staff two years ago. That fund has been dissipated by the stresses placed on staff and the system by Labour's transparently political waiting list initiative, and by the persistent distortion of clinical priorities and interference with clinical judgments. Morale has been sapped by understaffing, reorganisation of the primary sector and the pressures of underfunding and winter crises.

General practitioners, the linchpin of our primary care-led system, have had to fight the Government tooth and nail to secure their place in the new primary care groups. They had to ensure that they were properly remunerated for the time that they put into setting up and managing the groups. They had to protect their infrastructure budgets and to safeguard their status as independent contractors. Morale among GPs has never been lower. The 50-odd per cent. who were fundholders find themselves forced to withdraw services that they had previously been able to offer to their patients. They can no longer offer their patients the freedom and choice that they had become used to. No wonder there is a continuing recruitment crisis in general practice.

In our hospitals, the situation is, if anything, worse. Junior doctors are incensed by what they see as the Government's treachery in seeking to renege on the new deal. Since its introduction by the previous Government in 1990, the new deal has seen a progressive reduction in junior doctors' working hours. In 1991, 58 per cent. of junior doctors were contracted to work more than 83 hours per week. By 1998, only 16 per cent. were contracted for more than 56 hours per week. That is not good enough, but it is a dramatic improvement.

The discovery that the Government were secretly attempting to persuade Brussels to extend for another 15 years the derogation for junior doctors and to increase to 65 the number of hours per week that they can be forced to work has outraged the junior doctors and sent morale plummeting. The BMA has condemned the Government's negotiations with the EU as a

"cynical attempt to renege on the New Deal".

The BMA has expressed its outrage at the development and described it as "the height of hypocrisy." It has called the Government's actions

"a sign of the utmost bad faith"

which has led to "anger and disillusionment" among doctors.

No one believes the Secretary of State's explanation because no one whose intentions are genuine argues for a 65-hour week when the current week is 56.

Many junior hospital doctors already find themselves working inhumanely long hours for a master who appears intent on making them work longer hours still. Many people will have been outraged to learn that junior doctors are paid for their overtime work at 50 per cent. of their normal rate. That means that a junior doctor dealing with casualties and emergencies in the dead of night or at the weekend earns £4.02 per hour.

Dr. Brand: Will the hon. Gentleman give way?

Mr. Hammond: I will not give way because I do not have enough time. Those junior doctors cannot even be sure that their pathway to freedom is clear. The problems of manpower planning and the restrictions on consultants' posts means that many junior doctors face a bleak future in their chosen specialties. As my right hon. Friend the

Member for Maidstone and The Weald said, hundreds of fully qualified obstetricians will be thrown on the scrap heap in the next few years because they have been trained for a specialty for which no consultant vacancies exist, even though the need for such consultants clearly does.

If junior doctors succeed in achieving a consultant's post, what lies in store for them? More problems, I am afraid, Mr. Deputy Speaker. Partly as a result of the improvement in junior doctors' hours under the previous Government, consultants now bear an ever greater workload. The Government have added the whole clinical governance agenda and its duty of quality to that load while simultaneously casting aspersions on the commitment of consultants to the NHS. The consultants are outraged. The chairman of the consultants committee said of industrial action:

"Twelve months ago, I would have been surprised to find 80 per cent. of my colleagues supporting. I've noticed an attitude change in the last few months. . . . The profession are saying we've struggled to hold this service together for so long for little recognition. It can't go on."

The chairman of the junior doctors committee added:

"Doctors, both seniors and juniors, are fed up with being taken for granted by the Department of Health".

The BMA chairman says:

"We can't go on like this. . . . We have junior doctors becoming burnt out and disillusioned with medicine."

Consultants are seeking to retire ever earlier as they find the burdens of on-call working unsustainable into their 60s. A crisis is looming. Junior doctors cannot see their career path before them as a result of inadequate planning and insufficient consultant posts. Consultants can no longer work at the intensity at which they are being asked to work, and the Government sit on their hands and do nothing. We have argued and the professions have argued that the Health Bill currently in Committee should include provisions for some form of manpower co-ordination so that these issues are addressed and doctors across the hospital service, both junior and senior, can see a way out of the current mess.

The BMA says in its briefing for the debate that the reality is

"lengthening hours of work for many doctors and/or increased intensity of work for others. This in turn contributes to a progressive decline in morale and motivation which itself militates against the productivity gains necessary to meet demand for medical services. In short, there is a vicious circle."

But our health service does not run on doctors alone. Nurses and the professions allied to medicine make up the majority of the qualified staff.

In opposition, the Labour party courted the nurses without shame. I do not have time to recount the history of how Labour has dumped the nurses since they came into office, but I repeat what the Royal College of Nursing said after the famous pay settlement for the nurses earlier this year. It was good news for nurses starting out in their careers—one nurse in 15. The RCN said of the award for the other 14 out of 15:

"It will not solve the chronic staff shortage."

In opposition, Labour cynically exploited the concerns of the health professions. It raised the stakes. In office, the Labour Government have shamelessly abandoned them and they must now reap the harvest of frustrated expectations, low morale, faltering recruitment and a haemorrhaging of experienced staff from the service.

The Government will be judged by NHS staff, not on what they say, still less on what they said, but on the gap between the vision of the health service that they carefully painted in Opposition and the reality that they are now delivering. The Government cannot look backwards for ever. They are in charge now and they must address the looming crisis in NHS staffing. They must face the responsibility that they bear for first raising and then dashing expectations throughout the NHS, the consequent rock-bottom state of morale and the recruitment and retention problems that flow from it.

9.50 pm

The Minister of State, Department of Health (Mr. John Denham): First, I congratulate the hon. Member for Runnymede and Weybridge (Mr. Hammond) on being given the responsibility of replying to the debate. I had heard that we might hear from the Trappist hon. Member for Rutland and Melton (Mr. Duncan), who is clearly still maintaining his vow of silence, which he has enjoyed for some time.

There have been some interesting contributions to the debate. Among other things, the hon. Member for Southwark, North and Bermondsey (Mr. Hughes) asked about staff shortages. He will know that my right hon. Friend the Secretary of State told the Select Committee that we would be carrying out an authoritative survey of staff shortages, and that is now under way. We will be reporting in due course.

My hon. Friend the Member for Feltham and Heston (Mr. Keen) spoke about the human cost under the previous Government of disregarding the commitment of people who work hard to provide our national health service. The hon. Member for Broxbourne (Mrs. Roe), in a speech which I think even she would recognise as faintly absurd, conjured an extraordinary picture of the Government's primary care reforms. Among many other things that I would like to put out, it is important to stress that there is no threat to independent contractor status from our proposals.

My hon. Friend the Member for Rother Valley (Mr. Barron) set things straight on the Government record on nurses' pay and reminded us of the damage done by the previous Government with the introduction of the internal market, the two-tier system that that imposed on patients and the effect of short-term contracts on staff.

The hon. Member for Altrincham and Sale, West (Mr. Brady) spoke of local issues but underlined that he was talking about resources in the NHS. He, as did other Opposition Members, failed to explain how complaints about resources can be matched with their condemnation of our investment in the NHS as reckless and irresponsible. One wonders how they would be doing without it.

My hon. Friend the Member for Dartford (Dr. Stoate) spoke of the need to train more doctors and rightly stressed that we are increasing the number of training places for doctors. He also spoke rightly and far more accurately than others of the strength of support throughout the country for our primary care reforms and the commitment to working through those in place.

I would not normally do this—

Mr. Amess: Will the Minister give way?

Mr. Denham: No, I will not.

[Mr. Denham]

The hon. Member for Isle of Wight (Dr. Brand), in an intervention, made a point about access centres. I take the opportunity of stressing that we want to see these centres develop with the support of primary care groups. We recognise the importance of the issue that the hon. Gentleman raised.

The hon. Member for Southend, West (Mr. Amess) shouts at me, as he did every Tuesday and Thursday over the past three weeks during consideration of the Health Bill in Committee. He talked about shortages of consultant radiologists. I would point out that it takes 15 years to train such a consultant. That brings me to a rather central point—

Mr. Amess: Will the Minister give way?

Mr. Denham: No. There is very limited time.

Mr. Deputy Speaker (Mr. Michael J. Martin): Order. The Minister is not going to give way.

Mr. Denham: I wish to mention all the speakers in the debate, as is courteous. However, I need, too, to answer some of the points that have been made.

If the Opposition's charge in their motion had been that we had not yet solved all the problems that we inherited from the Conservative Government, we would have had to say, "Yes, that is true."

The Opposition's problem tonight is that they have tried to make the case that everything was fine until the last general election, and since then it has gone badly wrong. That claim has no credibility in the House, in the country or, most importantly, among the NHS staff whom we are discussing. There is no more important group of people for the House to discuss.

Although I do not agree with the Opposition motion, I am happy that we are debating the topic. Those million people who change lives and save lives every day in every part of our country are of tremendous importance. There is not a single hon. Member whose family and constituents do not have reason to be grateful to them.

Mr. Brady *rose—*

Mr. Amess: Will the Minister give way?

Mr. Denham: It is important that those who work in our national health service should be fairly rewarded, that their careers should develop, and that the NHS should make the best use of their skills and commitment.

Let me deal with the Opposition motion. First, on junior doctors' hours, the motion is wrong. The Opposition know that it is wrong, and they know that no amount of repeating something that is wrong will make it right.

Miss Widdecombe: Will the Minister give way?

Mr. Denham: We have no intention of increasing the hours of work of a single junior doctor in the United Kingdom. We are committed to implementing the new deal.

Miss Widdecombe: Will the Minister give way?

Mr. Denham: We want to cut the hours of the 15 per cent. of junior doctors working more than an average of 56 hours per week. [HON. MEMBERS: "Give way."] We are working to make sure that the conditions, the catering and the accommodation when they are on call are improved. We want to make sensible, practical progress to implement the working time directive—the very directive that the Conservatives opposed absolutely in principle. Like other countries, we need to be able to make it work without causing patients to suffer.

Miss Widdecombe *rose—*

Mr. Denham: The Opposition complain about nurses' pay. It is quite true that some did not receive the increase in their April pay packets. I regret that, although the notification to employers was the earliest for several years. We shall have to look into the matter and take into account in future years that an offer that was made on 10 February was not accepted until mid-March, and further work was still necessary.

The increase will paid. I am not surprised that that was the worst that the Opposition could find to say in their motion about our treatment of nurses—nurses who this year have had the biggest real-terms increase for 10 years, paid nationally, in full, and not staged.

Miss Widdecombe: Will the Minister give way?

Mr. Denham: There will be extra action to recognise the need to retain and recruit new nurses. All nurses will get at least 4.7 per cent. more; 70,000 nurses will get 8.2 per cent. more; two thirds of nurses will earn more than £20,000 this year. More than £50 million is to be invested to improve the training and recruitment of nurses.

More than 50,000 people responded to the advertising campaign by telephone, and more than 650 qualified nurses are already back at work on the wards in our hospitals. Not only the nurses have benefited—the professions allied to medicine have had the biggest real-terms increase in 10 years.

Miss Widdecombe: Will the Minister give way?

Mr. Denham: We have made it clear to the consultants that as we discuss with them changes to the consultants' contract, we can consider the need to invest in changes that bring benefit to the NHS. All that is real progress, but it is not enough. For years under the previous Government, the NHS—

Sir Peter Emery (East Devon): On a point of order, Mr. Deputy Speaker. I beg to move, That the Question be now put—we do not want to listen to that.

Mr. Deputy Speaker: Order. I call the Minister.

Mr. Denham: For years under the previous Government, the NHS was run as though people did not matter. The previous Government botched pay reform, so we have a mess of myriad jobs and grades over local and national contracts. They did not take effective action to protect staff from violence, racism or avoidable accidents at work.

9.59 pm

Mr. James Arbuthnot (North-East Hampshire) *rose in his place and claimed to move,* That the Question be now put.

Question, That the Question be now put, *put and agreed to.*

Question put accordingly, That the original words stand part of the Question:—

The House divided: Ayes 167, Noes 339.

Division No. 186] **[10.2 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, Rt Hon James
Ashdown, Rt Hon Paddy
Atkinson, Peter *(Hexham)*
Baker, Norman
Ballard, Jackie
Beith, Rt Hon A J
Bercow, John
Beresford, Sir Paul
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brand, Dr Peter
Brazier, Julian
Breed, Colin
Brooke, Rt Hon Peter
Browning, Mrs Angela
Burns, Simon
Campbell, Rt Hon Menzies *(NE Fife)*
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Chidgey, David
Chope, Christopher
Clappison, James
Clark, Rt Hon Alan *(Kensington)*
Clark, Dr Michael *(Rayleigh)*
Clifton-Brown, Geoffrey
Collins, Tim
Colvin, Michael
Cormack, Sir Patrick
Cotter, Brian
Cran, James
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice & Howden)*
Day, Stephen
Dorrell, Rt Hon Stephen
Duncan, Alan
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Fearn, Ronnie
Flight, Howard
Forth, Rt Hon Eric
Foster, Don *(Bath)*
Fox, Dr Liam
Gale, Roger
Garnier, Edward
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Gummer, Rt Hon John
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Harris, Dr Evan
Harvey, Nick
Hawkins, Nick
Heald, Oliver
Heath, David *(Somerton & Frome)*
Heathcoat-Amory, Rt Hon David
Hogg, Rt Hon Douglas
Horam, John
Howarth, Gerald *(Aldershot)*
Hughes, Simon *(Southwark N)*
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Jones, Nigel *(Cheltenham)*
Keetch, Paul
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Livsey, Richard
Lloyd, Rt Hon Sir Peter *(Fareham)*
Llwyd, Elfyn
MacGregor, Rt Hon John
McIntosh, Miss Anne
MacKay, Rt Hon Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Malins, Humfrey
Maples, John
Mates, Michael
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Michie, Mrs Ray *(Argyll & Bute)*
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
Oaten, Mark
Öpik, Lembit
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Prior, David
Redwood, Rt Hon John
Rendel, David
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Ruffley, David
Russell, Bob *(Colchester)*
St Aubyn, Nick
Sanders, Adrian
Sayeed, Jonathan
Shepherd, Richard
Simpson, Keith *(Mid-Norfolk)*
Smith, Sir Robert *(W Ab'd'ns)*
Smyth, Rev Martin *(Belfast S)*
Soames, Nicholas
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Stunell, Andrew
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, Rt Hon John D *(Strangford)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy
Tonge, Dr Jenny
Townend, John
Tredinnick, David
Trend, Michael
Tyler, Paul
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Wardle, Charles
Waterson, Nigel
Webb, Steve
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Wilkinson, John
Willetts, David
Willis, Phil
Wilshire, David
Woodward, Shaun
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Mrs. Caroline Spelman and Sir David Madel.

NOES

Abbott, Ms Diane
Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Alexander, Douglas
Allen, Graham
Armstrong, Rt Hon Ms Hilary
Ashton, Joe
Atherton, Ms Candy
Atkins, Charlotte
Banks, Tony
Barnes, Harry
Barron, Kevin
Battle, John
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Begg, Miss Anne
Bell, Stuart *(Middlesbrough)*
Benn, Rt Hon Tony
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry, Roger
Best, Harold
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Blunkett, Rt Hon David
Boateng, Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Butler, Mrs Christine
Byers, Rt Hon Stephen
Caborn, Rt Hon Richard
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, Dale
Cann, Jamie
Casale, Roger
Caton, Martin
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clarke, Charles *(Norwich S)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Cleland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Coleman, Iain
Colman, Tony
Connarty, Michael
Cook, Frank *(Stockton N)*
Corbett, Robin
Corbyn, Jeremy
Corston, Ms Jean
Cousins, Jim
Cox, Tom
Cranston, Ross
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Rt Hon Dr Jack *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Curtis-Thomas, Mrs Claire
Darling, Rt Hon Alistair
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dobson, Rt Hon Frank
Donohoe, Brian H
Dowd, Jim
Drew, David
Drown, Ms Julia
Dunwoody, Mrs Gwyneth

Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Ellman, Mrs Louise
Ennis, Jeff
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Flynn, Paul
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Foulkes, George
Fyfe, Maria
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Dr Norman A
Godsiff, Roger
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Gunnell, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Harman, Rt Hon Ms Harriet
Heal, Mrs Sylvia
Healey, John
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hoey, Kate
Hood, Jimmy
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Ingram, Rt Hon Adam
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Mrs Fiona *(Newark)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jowell, Rt Hon Ms Tessa
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keen, Ann *(Brentford & Isleworth)*
Kelly, Ms Ruth
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Leslie, Christopher
Levitt, Tom
Lewis, Terry *(Worsley)*
Liddell, Rt Hon Mrs Helen
Linton, Martin
Livingstone, Ken
Lloyd, Tony *(Manchester C)*
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McCartney, Rt Hon Ian *(Makerfield)*
Macdonald, Calum
McDonnell, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
Mackinlay, Andrew
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahon, Mrs Alice
Mallaber, Judy
Mandelson, Rt Hon Peter
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Martlew, Eric
Meacher, Rt Hon Michael
Meale, Alan
Merron, Gillian
Michie, Bill *(Sheffld Heeley)*
Milburn, Rt Hon Alan
Miller, Andrew
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Ms Julie *(Cardiff N)*
Morgan, Rhodri *(Cardiff W)*
Morley, Elliot
Morris, Ms Estelle *(B'ham Yardley)*
Mountford, Kali
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Murphy, Rt Hon Paul *(Torfaen)*
Naysmith, Dr Doug
Norris, Dan
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
O'Hara, Eddie
Olner, Bill
O'Neill, Martin
Organ, Mrs Diana
Osborne, Ms Sandra
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Primarolo, Dawn
Prosser, Gwyn
Quin, Rt Hon Ms Joyce
Quinn, Lawrie
Radice, Giles
Rammell, Bill
Rapson, Syd
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Reid, Rt Hon Dr John *(Hamilton N)*
Robinson, Geoffrey *(Cov'try NW)*
Roche, Mrs Barbara
Rooker, Jeff
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruane, Chris
Ruddock, Joan
Russell, Ms Christine *(Chester)*
Salter, Martin
Sarwar, Mohammad
Savidge, Malcolm
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Rt Hon Chris *(Islington S)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stewart, David *(Inverness E)*
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Stoate, Dr Howard
Stott, Roger
Strang, Rt Hon Dr Gavin
Straw, Rt Hon Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Temple-Morris, Peter
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Vaz, Keith
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Wilson, Brian
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Wood, Mike
Worthington, Tony
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Mr. Robert Ainsworth and Mr. David Hanson.

Question accordingly negatived.

Question, That the proposed words be there added, *put forthwith, pursuant to Standing Order No. 31 (Questions on amendments):—*

The House divided: Ayes 338, Noes 163.

Division No. 187] **[10.16 pm**

AYES

Abbott, Ms Diane
Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Alexander, Douglas
Allen, Graham
Armstrong, Rt Hon Ms Hilary
Ashton, Joe
Atherton, Ms Candy
Atkins, Charlotte
Banks, Tony
Barnes, Harry
Barron, Kevin
Battle, John
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Begg, Miss Anne
Bell, Stuart *(Middlesbrough)*
Benn, Rt Hon Tony
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry, Roger
Best, Harold

Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Blunkett, Rt Hon David
Boateng, Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Butler, Mrs Christine
Byers, Rt Hon Stephen
Cabom, Rt Hon Richard
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Rt Hon Menzies *(NE Fife)*
Campbell, Ronnie *(Blyth V)*
Cann, Jamie
Casale, Roger
Caton, Martin
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clarke, Charles *(Norwich S)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Coleman, Iain
Colman, Tony
Connarty, Michael
Cook, Frank *(Stockton N)*
Corbett, Robin
Corbyn, Jeremy
Corston, Ms Jean
Cousins, Jim
Cox, Tom
Cranston, Ross
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Rt Hon Dr Jack *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Curtis-Thomas, Mrs Claire
Darling, Rt Hon Alistair
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dobson, Rt Hon Frank
Donohoe, Brian H
Dowd, Jim
Drew, David
Drown, Ms Julia
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Ellman, Mrs Louise
Ennis, Jeff
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Flynn, Paul
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Foulkes, George
Fyfe, Maria
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Dr Norman A
Godsiff, Roger
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Gunnell, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Harman, Rt Hon Ms Harriet
Heal, Mrs Sylvia
Healey, John
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hoey, Kate
Hood, Jimmy
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Ingram, Rt Hon Adam
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Mrs Fiona *(Newark)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jowell, Rt Hon Ms Tessa
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keen, Ann *(Brentford & Isleworth)*
Kelly, Ms Ruth
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Leslie, Christopher
Levitt, Tom
Lewis, Terry *(Worsley)*
Liddell, Rt Hon Mrs Helen
Linton, Martin
Livingstone, Ken
Lloyd, Tony *(Manchester C)*
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McCartney, Rt Hon Ian *(Makerfield)*
Macdonald, Calum
McDonnell, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
Mackinlay, Andrew
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahon, Mrs Alice
Mallaber, Judy
Mandelson, Rt Hon Peter
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Martlew, Eric
Meacher, Rt Hon Michael
Meale, Alan
Merron, Gillian
Michie, Bill *(Sheff'ld Heeley)*
Milburn, Rt Hon Alan
Miller, Andrew
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Ms Julie *(Cardiff N)*
Morgan, Rhodri *(Cardiff W)*
Morley, Elliot
Morris, Ms Estelle *(B'ham Yardley)*
Mountford, Kali
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Murphy, Rt Hon Paul *(Torfaen)*
Naysmith, Dr Doug
Norris, Dan
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
O'Hara, Eddie
Olner, Bill
O'Neill, Martin
Organ, Mrs Diana
Osborne, Ms Sandra
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Primarolo, Dawn
Prosser, Gwyn
Quin, Rt Hon Ms Joyce
Quinn, Lawrie
Radice, Giles
Rammell, Bill
Rapson, Syd
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Reid, Rt Hon Dr John *(Hamilton N)*
Robinson, Geoffrey *(Cov'try NW)*
Roche, Mrs Barbara
Rooker, Jeff
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruane, Chris
Ruddock, Joan
Russell, Ms Christine *(Chester)*
Salter, Martin
Sarwar, Mohammad
Savidge, Malcolm
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Rt Hon Chris *(Islington S)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stewart, David *(Inverness E)*
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Stoate, Dr Howard
Stott, Roger
Strang, Rt Hon Dr Gavin
Straw, Rt Hon Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Temple-Morris, Peter
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Vaz, Keith

Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Wood, Mike
Worthington, Tony
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Ayes:
Mr. David Hanson and
Mr. Robert Ainsworth.

NOES

Ainsworth, Peter *(E Surrey)*
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, Rt Hon James
Atkinson, Peter *(Hexham)*
Baker, Norman
Ballard, Jackie
Beith, Rt Hon A J
Bercow, John
Beresford, Sir Paul
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brand, Dr Peter
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Burns, Simon
Campbell, Rt Hon Menzies *(NE Fife)*
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Chidgey, David
Chope, Christopher
Clappison, James
Clark, Rt Hon Alan *(Kensington)*
Clark, Dr Michael *(Rayleigh)*
Clifton-Brown, Geoffrey
Collins, Tim
Colvin, Michael
Cormack, Sir Patrick
Cran, James
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice & Howden)*
Day, Stephen
Dorrell, Rt Hon Stephen
Duncan, Alan
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Fearn, Ronnie
Flight, Howard
Forth, Rt Hon Eric
Foster, Don *(Bath)*
Fox, Dr Liam
Gale, Roger
Garnier, Edward
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Gummer, Rt Hon John
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Harris, Dr Evan
Harvey, Nick
Hawkins, Nick
Heald, Oliver
Heath, David *(Somerton & Frome)*
Heathcoat-Amory, Rt Hon David
Hogg, Rt Hon Douglas
Horam, John
Howarth, Gerald *(Aldershot)*
Hughes, Simon *(Southwark N)*
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Jones, Nigel *(Cheltenham)*
Keetch, Paul
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Livsey, Richard
Lloyd, Rt Hon Sir Peter *(Fareham)*
Llwyd, Elfyn
MacGregor, Rt Hon John
McIntosh, Miss Anne
MacKay, Rt Hon Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Malins, Humfrey
Maples, John
Mates, Michael
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Michie, Mrs Ray *(Argyll & Bute)*
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
Oaten, Mark
Öpik, Lembit
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Prior, David
Redwood, Rt Hon John
Rendel, David
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Ruffley, David
Russell, Bob *(Colchester)*
St Aubyn, Nick
Sanders, Adrian
Sayeed, Jonathan
Shepherd, Richard
Simpson, Keith *(Mid-Norfolk)*
Smith, Sir Robert *(W Ab'd'ns)*
Smyth, Rev Martin *(Belfast S)*
Soames, Nicholas
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Stunell, Andrew
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy
Tonge, Dr Jenny
Townend, John
Tredinnick, David
Trend, Michael
Tyler, Paul
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Wardle, Charles
Waterson, Nigel
Webb, Steve
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Wilkinson, John
Willetts, David
Willis, Phil
Wilshire, David
Woodward, Shaun
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Noes:
Mrs. Caroline Spelman and
Sir David Madel.

Question accordingly agreed to.

MR. DEPUTY SPEAKER *forthwith declared the main Question, as amended, to be agreed to.*

Resolved,

That this House recognises and applauds the massive contribution the staff make to providing the fairest and most efficient healthcare system in the world; regrets the shambles in the NHS that the Government inherited which was demoralising to staff and damaging to patients; welcomes the action the new Government has taken to make things better for staff and patients alike, including £21 billion extra for the NHS over the next three years, record capital investment in new buildings, equipment and facilities to enable the staff to provide top-quality care, the biggest real-terms pay rise for nurses for 10 years paid nationally in full, proposals for radical pay reform to give fairer rewards to staff who extend their roles, widen their skills and work in teams to care for patients, negotiations on a new consultants' contract to ensure rewards go to those who contribute most to the NHS, ambitious targets to improve the quality of the working lives of NHS staff, including tough action to crack down on violence and racism at work, the promotion of family-friendly employment policies and investment in training and continuing professional development; welcomes the Government's commitment to reducing junior doctors' hours in line with the draft European Working Time Directive vehemently opposed by the Conservative Party and carefully planned so as not to damage improvements in patient care; and accepts no lectures about conditions of service for NHS personnel from a Party that did more in Government to demoralise the staff than any other in living memory and which spends most of its time in Opposition running down the achievements of the NHS staff and saying the Health Service can no longer cope.

DELEGATED LEGISLATION

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),

SECTION 5 OF THE EUROPEAN COMMUNITIES (AMENDMENT) ACT 1993

That this House takes note with approval of the Government's assessment as set out in the Financial Statement and Budget Report 1999–2000 and the Economic and Fiscal Strategy Report 1999–2000 for the purposes of section 5 of the European Communities (Amendment) Act 1993.—*[Mr. Betts.]*

The House divided: Ayes 340, Noes 121.

Division No. 188] **[10.30 pm**

AYES

Abbott, Ms Diane
Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Armstrong, Rt Hon Ms Hilary
Ashton, Joe
Atherton, Ms Candy
Atkins, Charlotte
Baker, Norman
Ballard, Jackie
Barnes, Harry
Barron, Kevin
Battle, John
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Begg, Miss Anne
Beith, Rt Hon A J
Bell, Stuart *(Middlesbrough)*
Benn, Rt Hon Tony
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry, Roger
Best, Harold
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Boateng, Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Brinton, Mrs Helen
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Butler, Mrs Christine
Byers, Rt Hon Stephen
Cabom, Rt Hon Richard
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Rt Hon Menzies *(NE Fife)*
Campbell, Ronnie *(Blyth V)*
Campbell–Savours, Dale
Cann, Jamie
Casale, Roger
Chapman, Ben *(Wirral S)*
Chaytor, David
Chidgey, David
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clarke, Charles *(Norwich S)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Coleman, Iain
Colman, Tony
Connarty, Michael
Corbett, Robin
Corbyn, Jeremy
Corston, Ms Jean
Cousins, Jim
Cox, Tom
Cranston, Ross
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Rt Hon Dr Jack *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Curtis–Thomas, Mrs Claire
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Dobson, Rt Hon Frank
Donohoe, Brian H
Dowd, Jim
Drew, David
Drown, Ms Julia
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Ellman, Mrs Louise
Ennis, Jeff
Fearn, Ronnie
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Flynn, Paul
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Foulkes, George
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Dr Norman A
Godsiff, Roger
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Gunnell, John
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Harman, Rt Hon Ms Harriet
Harris, Dr Evan
Harvey, Nick
Heal, Mrs Sylvia
Healey, John
Heath, David *(Somerton & Frome)*
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hoey, Kate
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hughes, Simon *(Southwark N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Ilsley, Eric
Ingram, Rt Hon Adam
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Mrs Fiona *(Newark)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jones, Nigel *(Cheltenham)*
Jowell, Rt Hon Ms Tessa
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keen, Ann *(Brentford & Isleworth)*
Kelly, Ms Ruth
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Leslie, Christopher
Levitt, Tom
Lewis, Terry *(Worsley)*
Liddell, Rt Hon Mrs Helen
Linton, Martin
Livsey, Richard
Lloyd, Tony *(Manchester C)*
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McCartney, Rt Hon Ian *(Makerfield)*
Macdonald, Calum
McDonnell, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
Mackinlay, Andrew
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahon, Mrs Alice
Mallaber, Judy
Mandelson, Rt Hon Peter
Marsden, Gordon *(Blackpool S)*
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Martlew, Eric
Meacher, Rt Hon Michael
Meale, Alan
Merron, Gillian
Michie, Bill *(Sheff'ld Heeley)*
Michie, Mrs Ray *(Argyll & Bute)*
Milburn, Rt Hon Alan
Miller, Andrew
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Ms Julie *(Cardiff N)*
Morgan, Rhodri *(Cardiff W)*
Morris, Ms Estelle *(B'ham Yardley)*
Mountford, Kali
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Murphy, Rt Hon Paul *(Torfaen)*
Naysmith, Dr Doug
Norris, Dan
Oaten, Mark
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
O'Hara, Eddie
Olner, Bill
O'Neill, Martin
Öpik, Lembit
Organ, Mrs Diana
Osborne, Ms Sandra
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Primarolo, Dawn
Prosser, Gwyn
Quin, Rt Hon Ms Joyce
Quinn, Lawrie
Radice, Giles
Rammell, Bill
Rapson, Syd
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Reid, Rt Hon Dr John *(Hamilton N)*
Rendel, David
Robinson, Geoffrey *(Cov'try NW)*
Roche, Mrs Barbara
Rooker, Jeff
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruane, Chris
Ruddock, Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Salter, Martin
Sanders, Adrian
Sarwar, Mohammad
Savidge, Malcolm
Sedgemore, Brian
Shaw, Jonathan
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, Rt Hon Chris *(Islington S)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Smith, Sir Robert *(W Ab'd'ns)*
Soley, Clive
Southworth, Ms Helen

Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stewart, David *(Inverness E)*
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Stoate, Dr Howard
Stott, Roger
Strang, Rt Hon Dr Gavin
Straw, Rt Hon Jack
Stringer, Graham
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Temple-Morris, Peter
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Tonge, Dr Jenny
Touhig, Don
Trickett, Jon
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tyler, Paul
Vaz, Keith
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
Webb, Steve
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Willis, Phil
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Wood, Mike
Worthington, Tony
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Ayes:
Mr. David Hanson and
Mr. David Jamieson.

NOES

Ainsworth, Peter *(E Surrey)*
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, Rt Hon James
Atkinson, Peter *(Hexham)*
Bercow, John
Beresford, Sir Paul
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Brady, Graham
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Burns, Simon
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Chope, Christopher
Clappison, James
Clifton-Brown, Geoffrey
Collins, Tim
Colvin, Michael
Cran, James
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice & Howden)*
Day, Stephen
Dorrell, Rt Hon Stephen
Duncan, Alan
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Flight, Howard
Forth, Rt Hon Eric
Fox, Dr Liam
Garnier, Edward
Gibb, Nick
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hawkins, Nick
Heald, Oliver
Hogg, Rt Hon Douglas
Horam, John
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
MacGregor, Rt Hon John
McIntosh, Miss Anne
MacKay, Rt Hon Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Malins, Humfrey
Maples, John
Mates, Michael
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
Ottaway, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Prior, David
Redwood, Rt Hon John
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Roe, Mrs Marion *(Broxbourne)*
Ruffley, David
St Aubyn, Nick
Sayeed, Jonathan
Shepherd, Richard
Simpson, Keith *(Mid-Norfolk)*
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, John M *(Solihull)*
Taylor, Sir Teddy
Townend, John
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Waterson, Nigel
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Wilkinson, John
Willetts, David
Wilshire, David
Woodward, Shaun
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Noes:
Sir David Madel and
Mrs. Caroline Spelman.

Question accordingly agreed to.

Mr. Deputy Speaker: It may be for the convenience of the House if we take motions Nos. 5 to 12 together.

Hon. Members: No!

Mr. Deputy Speaker: There was no harm in asking.

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),

TERMS AND CONDITIONS OF EMPLOYMENT

That the draft Unfair Dismissal and Statement of Reasons for Dismissal (Variation of Qualifying Period) Order 1999, which was laid before this House on 28th April, be approved.—*[Mr. Betts.]*

The House divided: Ayes 330, Noes 112.

Division No. 189] **[10.43 pm**

AYES

Abbott, Ms Diane
Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Armstrong, Rt Hon Ms Hilary
Ashton, Joe
Atherton, Ms Candy
Atkins, Charlotte
Baker, Norman
Ballard, Jackie
Barnes, Harry
Barron, Kevin
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Begg, Miss Anne
Beith, Rt Hon A J
Bell, Stuart *(Middlesbrough)*
Benn, Rt Hon Tony
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry, Roger
Best, Harold
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Boateng, Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Butler, Mrs Christine
Byers, Rt Hon Stephen
Caborn, Rt Hon Richard
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Rt Hon Menzies *(NE Fife)*
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, Dale
Cann, Jamie
Casale, Roger
Chapman, Ben *(Wirral S)*
Chaytor, David
Chidgey, David
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clarke, Charles *(Norwich S)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon

Coffey, Ms Ann
Coleman, Iain
Colman, Tony
Connarty, Michael
Corbett, Robin
Corbyn, Jeremy
Corston, Ms Jean
Cousins, Jim
Cox, Tom
Cranston, Ross
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Rt Hon Dr Jack *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Curtis–Thomas, Mrs Claire
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Dobson, Rt Hon Frank
Donohoe, Brian H
Dowd, Jim
Drew, David
Drown, Ms Julia
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Ellman, Mrs Louise
Ennis, Jeff
Fearn, Ronnie
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Foster, Don *(Bath)*
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Foulkes, George
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Dr Norman A
Godsiff, Roger
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Harman, Rt Hon Ms Harriet
Harris, Dr Evan
Harvey, Nick
Heal, Mrs Sylvia
Healey, John
Heath, David *(Somerton & Frome)*
Henderson, Ivan *(Harwich)*
Heppell, John
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hoey, Kate
Hood, Jimmy
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Iddon, Dr Brian
Illsley, Eric
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Mrs Fiona *(Newark)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jones, Nigel *(Cheltenham)*
Jowell, Rt Hon Ms Tessa
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keen, Ann *(Brentford & Isleworth)*
Keetch, Paul
Kelly, Ms Ruth
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Leslie, Christopher
Lewis, Terry *(Worsley)*
Liddell, Rt Hon Mrs Helen
Linton, Martin
Livsey, Richard
Lloyd, Tony *(Manchester C)*
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McCartney, Rt Hon Ian *(Makerfield)*
Macdonald, Calum
McDonnell, John
McGuire, Mrs Anne
McIsaac, Shona
Mackinlay, Andrew
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahon, Mrs Alice
Mallaber, Judy
Mandelson, Rt Hon Peter
Marsden, Gordon *(Blackpool S)*
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Martlew, Eric
Meacher, Rt Hon Michael
Meale, Alan
Merron, Gillian
Michie, Bill *(Sheff'ld Heeley)*
Michie, Mrs Ray *(Argyll & Bute)*
Milburn, Rt Hon Alan
Miller, Andrew
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Ms Julie *(Cardiff N)*
Morgan, Rhodri *(Cardiff W)*
Mountford, Kali
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Murphy, Rt Hon Paul *(Torfaen)*
Naysmith, Dr Doug
Norris, Dan
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
O'Hara, Eddie
Olner, Bill
O'Neill, Martin
Öpik, Lembit
Organ, Mrs Diana
Osborne, Ms Sandra
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Primarolo, Dawn
Prosser, Gwyn
Quin, Rt Hon Ms Joyce
Quinn, Lawrie
Radice, Giles
Rammell, Bill
Rapson, Syd
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Reid, Rt Hon Dr John *(Hamilton N)*
Rendel, David
Robinson, Geoffrey *(Cov'try NW)*
Roche, Mrs Barbara
Rooker, Jeff
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruane, Chris
Ruddock, Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Salter, Martin
Sanders, Adrian
Sarwar, Mohammad
Savidge, Malcolm
Sedgemore, Brian
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, Rt Hon Chris *(Islington S)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Smith, Sir Robert *(W Ab'd'ns)*
Soley, Clive
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stewart, David *(Inverness E)*
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Stoate, Dr Howard
Stott, Roger
Strang, Rt Hon Dr Gavin
Straw, Rt Hon Jack
Stringer, Graham
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Temple–Morris, Peter
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tyler, Paul
Vaz, Keith
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
Webb, Steve
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Willis, Phil
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Wood, Mike
Worthington, Tony
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Ayes:
Mr. David Hanson and
Mr. David Jamieson.

NOES

Ainsworth, Peter *(E Surrey)*
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, Rt Hon James
Atkinson, Peter *(Hexham)*
Beresford, Sir Paul
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Brady, Graham
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Burns, Simon
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Chope, Christopher
Clappison, James
Clifton–Brown, Geoffrey

Collins, Tim
Colvin, Michael
Cran, James
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice & Howden)*
Day, Stephen
Dorrell, Rt Hon Stephen
Duncan, Alan
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Flight, Howard
Forth, Rt Hon Eric
Fox, Dr Liam
Garnier, Edward
Gibb, Nick
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Hammond, Philip
Hawkins, Nick
Heald, Oliver
Hogg, Rt Hon Douglas
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
MacGregor, Rt Hon John
McIntosh, Miss Anne
Maclean, Rt Hon David
McLoughlin, Patrick
Malins, Humfrey
Maples, John
Mates, Michael
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Norman, Archie
Ottaway, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Prior, David
Redwood, Rt Hon John
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Ruffley, David
St Aubyn, Nick
Sayeed, Jonathan
Shepherd, Richard
Simpson, Keith *(Mid–Norfolk)*
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, John M *(Solihull)*
Taylor, Sir Teddy
Townend, John
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Waterson, Nigel
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Wilkinson, John
Willetts, David
Wilshire, David
Woodward, Shaun
Young, Rt Hon Sir George

Tellers for the Noes:
Sir David Madel and
Mrs. Caroline Spelman.

Question accordingly agreed to.

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),

EUROPEAN COMMUNITIES

That the draft European Communities (Definition of Treaties) (Framework Agreement for Trade and Cooperation between the European Community and its Member States and the Republic of Korea) Order 1999, which was laid before this House on 21st April, be approved.

That the draft European Communities (Definition of Treaties) (Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States and the United Mexican States) Order 1999, which was laid before this House on 26th April, be approved.

SOCIAL SECURITY

That the draft Social Security and Child Support (Decisions and Appeals) (Amendment) Regulations 1999, which were laid before this House on 4th May, be approved.

That the draft Social Security Commissioners (Procedure) Regulations 1999, which were laid before this House on 21st April, be approved.

LOCAL GOVERNMENT FINANCE

That the Local Government Finance (England) Special Grant Report (No. 47) on rural bus subsidy grants for 1999–2000 (HC 407), which was laid before this House on 27th April, be approved.

DEFENCE

That the draft International Headquarters and Defence Organisations (Designation and Privileges) (Amendment) Order 1999, which was laid before this House on 15th April, be approved.

That the draft Visiting Forces and International Headquarters (Application of Law) Order 1999, which was laid before this House on 15th April, be approved.—*[Mr. Betts.]*

Question agreed to.

PETITION

Bicycle Bells

10.57 pm

Dr. Nick Palmer (Broxtowe): Some 2,487 residents of Broxtowe and neighbouring constituencies

request that the House of Commons urge the Secretary of State for the Environment, Transport and the Regions to introduce legislation to require cyclists to have a bell fitted on their bicycles and to use it when approaching pedestrians.

To lie upon the Table.

Health Service (Forest of Dean)

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Betts.]*

10.58 pm

Mrs. Diana Organ (Forest of Dean): Patients in the Forest of Dean are facing cuts to community health services because of the funding position of Gloucestershire health authority, whose allocation of only a 3.8 per cent. increase—the second lowest in the country—and the pressure created by not having the pay award fully funded have resulted in it facing a deficit of £5.4 million.

If the health authority had received the English average growth allocation, it would have another £2 million and the Forest of Dean would not be facing cuts to its health services. The underlying national policy objective of securing fairness in the distribution across England is supported by the health authority and understood by the public, but makes the transition areas such as the Forest of Dean face cuts, so that budgets can be balanced. There are strong arguments why the area should not suffer in that way.

The Forest of Dean is a rural and industrial area with scattered centres of population. It suffers from low pay, faces rising unemployment and has some poor housing stock and poor transport. Access to any service is difficult. The area has pockets of real deprivation.

The population profile is skewed towards the elderly, with nearly 10 per cent. of the population over 75, and 18 per cent. over 65. The area has markedly poor public health, and, unlike other parts of Gloucestershire, it is not wealthy and healthy, a fact that health authority funding does not reflect. The Forest of Dean has the highest percentage of people with disabilities in the county, excluding those of pensionable age. In comparison with national averages, death rates are higher in certain areas, especially for women. So are rates for heart disease, respiratory diseases, cancer and even tuberculosis, a disease usually associated with inner city deprivation.

Ill health is an issue in the Forest of Dean. The report of the director of public health recommended that the poor health status of residents of Gloucester and the Forest of Dean should be acknowledged and taken into consideration by agencies when they allocate resources. Our rates of ill health are not reflected in our allocation of health service money.

I welcome the Government's determination to improve the public health of the nation and to close widening inequalities in health. We must recognise that public health is affected by many factors. The appointment of my right hon. Friend the Minister for Public Health shows our determination, which was also set out clearly in the White Paper "Our Healthier Nation" and in the programmes of health improvement that are being put in place as a priority. That is real progress.

Set against that progress, we are able to spend only £600 per head in the Forest of Dean while the UK average is £750. The area has higher-than-average need and, as a rural area, has greater costs of health care delivery. Those difficulties of delivery are not recognised in the funding formula. Although we have sparsity problems, access problems and poor public health indicators, we have no health action zone, no sure start programme and no NHS Direct. The extra investment that those wonderful initiatives would bring would enhance the health service, improving access and tackling the problems of deprivation and public health. Instead, some patients face cuts to services, and those cuts will hit some of the most vulnerable—the elderly and the poor.

The proposed cuts are all to community health care services. Cuts in areas such as emergency services, cancer services, mental health, improvement to dentistry, improvement in coronary heart disease and reduction in waiting list times are unacceptable, particularly in the context of the Government's national strategy. To meet the deficit, we are beginning to dismantle our community services piece by piece. In the great scheme of things, that will save relatively little money, but it has a devastating impact on patients in rural areas. Rightly, it is highly unpopular.

The need to adjust quickly means that savings or cuts must be made not against a considered strategy but to balance the budget. We could face a process of expensive reviews and consultations about threatened cuts, which will raise anxiety among the population, but which, either on health grounds or for political reasons, will never be implemented. That would waste money that should be spent on delivery of front-line services.

The list of proposed cuts is extensive, and includes the axing of non-emergency patient transport, cuts to the chiropody service, axing a day hospital in a market town, cuts to health visitor services, cuts in GP prescription budgets and cuts to newly set up primary care groups.

Mr. David Drew (Stroud): Would my hon. Friend comment further on the first item on her list of proposed cuts, which affects my constituents in the neighbouring constituency? Reducing services in more rural parts of Gloucestershire while also cutting transport means that people face a double dilemma—fewer services but an inability to reach the nearest hospital or health care centre.

Mrs. Organ: My hon. Friend is absolutely correct. The cut to transport in a rural area is a double whammy.

Mr. Alan Duncan (Rutland and Melton): That's a Labour Government for you.

Mr. Deputy Speaker (Mr. Michael J. Martin): Order. I must tell the hon. Member for Rutland and Melton (Mr. Duncan) that Adjournment debates allow Back-Bench Members to put their case to Ministers. Front-Bench spokesman should not interrupt them.

Mrs. Organ: Cuts will also be proposed to the joint finance funding available to voluntary organisations to fund local mental illness schemes. We recognise that mental health services are always underfunded.

There may be reductions in the number of GPs in the area as GPs who retire are not replaced. Yet hard-working GPs offer skills and real expertise to the local community hospitals. Thus, the services available to the local population in the community hospitals will be reduced. All those proposals are up for consideration, but some are in place, as my hon. Friend the Member for Stroud (Mr. Drew) has mentioned. One is in the transport service, a much-needed service predominantly for elderly people, for whom access to services is difficult and

[Mrs. Organ]

mobility a problem. The service is crucial to take patients to clinics as out-patients either to the district hospital in Gloucester or to the two local community hospitals—Lydney and district hospital and Dilke Memorial hospital. There is not an alternative public bus service. Distances are great and car ownership or access to a car among the elderly is low. The proposals will make access to health services even more difficult.

In addition, patients are on a limited and low income, so there will be a burdensome extra cost as the free service goes. The Forest Voluntary Action Forum is trying to cope and to meet the newly arisen need, but its volunteer driving scheme must make a charge of 15p a mile and sometimes the round trips are as much as 50 miles. The services were needed; 3,500 journeys were previously made within the forest. The cuts affect many people.

Emergency transport, of course, is protected, as is that for the mentally ill, the disabled and cancer patients, although that does not always seem to be the case, as the Forest Voluntary Action Forum has received numerous requests for transport from oncology patients. A relatively small saving with a massive impact on a vulnerable group is now going ahead.

Another proposed cut is to the chiropody service—both the clinics and the domiciliary service. Again, it is a service much used by the elderly and those with mobility difficulties or a disability. It really makes a difference. It helps to keep people mobile. There are waiting lists for it. It needs to be delivered in local clinics or people's homes, especially in a rural area with transport problems. At present, it is an excellent service. Why cut it, when it is so good? We should be extending it.

We recognise that the Forest of Dean is getting massive investment in other areas of health care and we welcome it. There is a £25 million project for a new building for accident and emergency services in the general district hospital in Gloucester, although it is certain that there will be cuts for some wards. Money has been provided to bring down waiting lists. We have an excellent record on waiting lists in Gloucestershire. We have some of the shortest times in the south-west, and rightly so. No one waits longer than the Government guidelines permit.

My right hon. Friend the Secretary of State has permitted flexibility in using £1 million of the modernisation fund money to meet some of the most pressing service needs. Will Ministers consider whether further moneys from the fund could be released in the same way to stop the cuts to the community health services in the forest? Or, in order that the health authority can manage the transition from the current pattern of expenditure and services to something that can be planned strategically and is sustainable in the long term, will they consider the allocation of a short-term funding package similar to those recently granted to Cornwall of £2 million and to Worcestershire of £4.5 million? In that way, the public health of the forest could be improved and the elderly would not suffer the brunt of the cuts. We shall continue to improve, as we are determined to do, equitable access to health care for people in rural areas such as the Forest of Dean and other areas of Gloucestershire.

11.9 pm

The Minister for Public Health (Ms Tessa Jowell): I begin by congratulating my hon. Friend the Member for Forest of Dean (Mrs. Organ) on having secured this debate on a matter that is of such importance to her constituents and those of other hon. Friends who represent constituencies in Gloucestershire who are in the Chamber this evening.

I shall begin by setting out how the Department allocates money to the national health service to achieve a fair and equitable distribution of NHS resources between individual health authorities, and what we are doing to improve this system. That will help to explain why Gloucestershire health authority has received less of an increase in its funding than other health authorities, although it is important to emphasise that Gloucestershire received a real-terms increase of nearly 3 per cent. in its budget for this year. I shall also briefly address the means by which the health authority is balancing its finances. In addition, and importantly, I shall recognise some of the achievements of the health authority and highlight some of the investments in local health services to which my hon. Friend referred.

My hon. Friend has made the centrepiece of her argument her concern about the adequacy of Gloucestershire health authority's financial allocation for the present financial year. I shall discuss the authority's finances shortly but I should like to say a few words about the way in which health authority money is currently allocated. The Department of Health uses a national weighted capitation formula as the basis for allocating hospital and community health services' revenue to individual health authorities. The underlying principle of the formula is to distribute resources as equitably as possible, based on the health care needs of the local population.

The national formula uses the most recently available population figures, which are then weighted, or adjusted, to take account of three factors. The first of those is an adjustment that is made based on the age structure of the population. The second is the health needs of the population, over and above those accounted for by age. The third is unavoidable variations in the local costs of delivering services.

As well as the size of the population, its age structure is important as levels of sickness and use of the health services obviously varies by age group. The very young and the elderly, who are not evenly distributed throughout the country, make more use of health services than the rest of the population. A wide range of health and socio-economic indicators associated with the need for health care are included in determining the second element of the weighted formula. Even when differences in the age structure are taken into account, populations of the same size and age distribution display different levels of morbidity.

Lastly, to be equitable, the formula must take account of the fact that the cost of providing health care is not the same everywhere due to the impact of local market forces on staff costs and the costs of land and buildings.

Weighted capitation targets are not fixed in time but are recalculated annually to determine each health authority's relative share of the overall resources that we are able to make available to the NHS. Changes to health authorities' targets are normally the result of routine updating to take advantage of the latest available data such as population figures, boundary changes or changes to the formula.

The weighted capitation formula is kept under constant review and last year we made four changes to it. The one that is of most relevance to the debate was the

introduction of a geographical cost adjustment for emergency ambulance services. This arose from an exercise to examine the effects of rural sparsity on the cost of providing certain services. While a geographical cost difference was found for emergency ambulances, no such differences were found in the cost of, for example, providing accident and emergency services and patient transport services. It was recommended by the resource allocation group that we introduce an adjustment to reflect the costs of emergency ambulance services and we did so.

My hon. Friend has made it clear that she considers that the formula needs to be changed as she believes that it fails adequately to cover the costs of providing health care in rural areas. She is not alone in raising concerns about the current formula. She will be aware that on 10 November 1998 we announced a wide-ranging review of the formula used to make cash allocations to health authorities and primary care groups and trusts. The aim is to produce a new, fairer formula more suitable for the NHS of the future. The review will entail assessing the health care needs of rural populations and identifying any unavoidable extra costs associated with providing health services in rural areas. There can, of course, be no guarantee about the outcome of the review.

There will be a freeze on further changes to the existing formula to maximise stability and certainty for health authorities and primary care groups while allowing the wide-ranging review to take place. Other than routine data changes, the freeze will last until at least the financial year 2001-02.

The target figures derived from the weighted capitation formula are intended to provide a fair and equitable share of NHS resources for each health authority. Although Gloucestershire health authority's target allocation for 1999–2000 was just over £322 million, its actual allocation was £334.59 million. That means that the authority will receive more than £12.4 million, or 3.85 per cent. more than the weighted capitation formula would suggest was its fair share of the available NHS resources.

In order to ensure that all health authorities move closer towards receiving their fair share, authorities that receive less than their target allocation have received a higher increase than authorities that are above their target.

Gloucestershire health authority is currently in fifth place among health authorities that have exceeded their target. Consequently, in common with another 18 health authorities across the country, it has received the minimum growth of 2.9 per cent. in its financial allocation for this year. It is important to emphasise that despite the need to move the authority closer to its weighted capitation target, the health authority has received a £17 million cash increase for the present financial year.

Mr. Drew: A particular problem in Gloucestershire, which affects the Forest of Dean especially, is not just the total allocation, but the way in which it is distributed. The way in which Gloucestershire has divvied up the money among the various districts has been extremely unfair. Will my right hon. Friend comment on that and suggest how we could put matters right, given the difficulties within the total budget?

Ms Jowell: I thank my hon. Friend for that intervention. I know how assiduous he has been in pursuing the case of his constituents, and the extent to which they are affected by the decisions of the health authority. Allocations are made to health authorities on the basis of the formula that I outlined. Health authorities can determine how the money is spent, according to their judgment of local need. It would be extremely unpopular if Ministers were to prescribe further the way in which allocations are spent locally. My hon. Friend will have to pursue the matter with the health authority. I know that he will do that vigorously.

I recognise that as a result of the financial allocation, the health authority needs to make substantial financial savings of £5.4 million to remain in financial balance. The authority has already made good progress towards achieving that target. It has been working closely with the local NHS trusts and primary care groups to ensure that the savings are achieved with as little impact on patient care as possible, although I appreciate that some of the decisions that have already been made were unpopular, as some of my hon. Friends have reflected.

My hon. Friend the Member for Forest of Dean raised, in particular, the changes that have already taken place to patient transport services, and those that are proposed for chiropody services. I entirely endorse her important point that chiropody services are an essential facility for many elderly people, enabling them to maintain their independence and their mobility. Not for one moment would I underestimate the importance of those services. However, having pursued those particular concerns with the health authority, I have been assured that all those people with a medical need for those services will continue to receive them and that the authority will continue to review the eligibility criteria for them. In addition, my hon. Friend was concerned about the impact that the savings announced last year to the health visiting budget would have on the elderly. However, I understand that the savings have already been made and were achieved without making a direct impact on patient care.

My hon. Friend has called for more money to be made available to the health authority, either as a special assistance grant or through allowing flexibility in the use of the modernisation fund. Following his meeting with my hon. Friend in March, my hon. Friend the Minister of State agreed to the flexible use of the modernisation fund money, and £1 million of the £2.7 million allocated to support the delivery of waiting list targets will be used to offset the costs of other essential developments. I am sure that my hon. Friend acknowledges and welcomes that flexibility and that she also welcomes the new developments in the delivery of health care locally that will be enabled by that money.

Before closing, I point out how important it is to recognise the achievements of the NHS in Gloucestershire—I am sure that all my hon. Friends who represent constituencies in the county would want to do that. Last year, we saw the highest-ever level of activity by the NHS in Gloucestershire. The latest available figures show that in the first nine months of the last financial year there were more than 85,000 finished consultant episodes; that represented a rise of more than 7.8 per cent. over the same period in the previous year. As a result of that increase, the number of patients from Gloucestershire waiting for an operation fell by more than 22.5 per cent. in the year since March 1998. There were

[Ms Jowell]

slightly more than 8,000 patients waiting for an operation at the end of March; of those patients, only 40 had been waiting more than 12 months for treatment.

I pay tribute to the professionalism, dedication and effort of the NHS staff who have achieved that result. It is indeed a proud record. The health authority is confident that, despite the need to make financial savings, the waiting list position will improve further this year. The authority plans to deliver a 6 per cent. increase in out-patient activity and a 4 per cent. rise in elective in-patient activity in the current year, which will be supported by investment in several new consultant posts.

The health authority's financial position does not mean that all services are being cut back; the authority is continuing to invest in improving local services for my hon. Friend's constituents. For example, the number of local rheumatology clinics will increase this year from one to four a month, and a new back pain service was started in the Forest of Dean last year. I understand that that service is successful. Back pain is the single largest cause of absence from work, so the local economy will benefit from the health authority's efforts, not only to reduce absence from work as a result of back pain, but to improve rehabilitation and so allow people who had not previously seriously entertained the prospect of returning to work to do so.

The health authority is also committed to developing local mental health services in the forest in the coming year, and there will be substantial investment in the local health service facilities. The outline business case for the redevelopment of Lydney hospital was approved by the regional office in January. In primary care, the health authority has helped to finance new GP surgery premises in both Ruardean and Lydney, and has allocated £150,000 to improve primary care information technology.

Although I understand and entirely respect my hon. Friend's determination to press her case about this year's financial allocation to Gloucestershire health authority, it is important that everyone recognise how much the health authority has achieved and the extent to which, for several years, it has received a greater share of NHS resources than the existing formula would have determined it should receive. The authority will have to live within its means while it moves closer to its target allocation.

I should like to re-emphasise the health authority's achievements, especially those that have resulted from its working closely with social services, especially to ensure that elderly people do not remain unnecessarily long in hospital. My hon. Friend mentioned sure start, NHS Direct and health action zones, and I can tell her that further bids for sure start programmes will be invited later this year. I also know that a joint bid has been submitted for an NHS Direct programme to cover her constituency and those neighbouring it.

I hope that the position is clear. Tribute should be paid to those who have delivered improvements in health care to the people of Gloucestershire. I congratulate my hon. Friend again on having raising these issues in debate and urge her to continue to represent the interests of her constituents with her usual assiduity. However, I assure her that the Government are determined that a fair and equitable distribution of resources will benefit people throughout the country.

Question put and agreed to.

Adjourned accordingly at twenty-eight minutes past Eleven o'clock.

House of Commons

Thursday 20 May 1999

The House met at half-past Eleven o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

Oral Answers to Questions

AGRICULTURE, FISHERIES AND FOOD

The Minister was asked—

Pigmeat

1. **Miss Anne McIntosh** (Vale of York): What plans he has to ban the import of pigmeat derived from animals fed on meat and bonemeal; and if he will make a statement. [83846]

The Parliamentary Secretary to the Ministry of Agriculture, Fisheries and Food (Mr. Elliot Morley): We will continue to urge retailers, caterers and consumers to take account of quality, animal welfare and other considerations when sourcing pork and pork products. An import ban on such products would be incompatible with our European Union and World Trade Organisation obligations.

Miss McIntosh: Following the Agriculture Committee's positive report on the pig industry, and given the unprecedented difficulties being experienced by the pig sector, will the Government at least ban the import of animals fed on meat and bonemeal whose consumption has been banned in this country? We have unilaterally banned sow stalls and tethers in this country, and have put our pig producers in a very uncompetitive position in relation to producers in other European countries. Will the Government finally, once and for all, act today?

Mr. Morley: What the hon. Lady asks cannot be delivered in the context of the single market regulations. Conservative Members have asked whether measures such as article 36 of the treaty of Rome could be used to ban the import of meat produced from pigs that have been confined to sow stalls and tethers. As there are common standards applying to the European Union, article 36 cannot be used.

I should add that, when there was talk of using article 36 to ban the export of calves going into veal crates, the Conservative Government voted against it.

Mr. Ian Cawsey (Brigg and Goole): Does my hon. Friend agree that the animal welfare standards that apply to the pig sector in this country should apply throughout Europe? Will he confirm that the new standards applied here have led to a premium in British pig prices above the European norm, which we hope will continue?

Will my hon. Friend consider the establishment of a specific rendering plant for pork? That would mean that offal could be an asset for our pig farmers, rather than the liability that it is now.

Mr. Morley: My hon. Friend is right. Tethers are to be banned in the European Union, and we believe that sow stalls should be banned as well—as does the European scientific and veterinary committee.

The price of pigmeat is 20 per cent. higher in the United Kingdom than the European average, which reflects the higher welfare and quality standards of British-produced pork and pork products and the existence of a demand. That demonstrates the importance of concentrating on quality and animal welfare standards.

The Meat and Livestock Commission has discussed with my right hon. Friend the Minister the possibility of a dedicated rendering plant for meat and bonemeal, and we are considering it carefully.

Mr. Christopher Gill (Ludlow): Has the Minister urged his opposite numbers in the Department of Health and the Department of the Environment, Transport and the Regions to prevail on health authorities and local authorities to obtain only pigmeat and pork products that have been produced according to the high health and welfare standards that pertain in this country? Does he not recognise that it would be reprehensible for taxpayers to fund the purchase of pork from abroad that had not been produced according to the standards that apply here?

Mr. Morley: My right hon. Friend the Minister has written to local authorities, and all Ministers have taken every opportunity to suggest that local authorities specify welfare and quality standards. However, many local authorities have difficulties in relation to best value, and restrictions on tendering that were introduced by the Conservative Government.

Mr. Lindsay Hoyle (Chorley): Obviously we cannot ban the import of pork, but surely we should ensure that people know what imported pigs have been fed on, as well as knowing what health and welfare standards have been applied. That would at least give our pig farmers a fighting chance. Will my hon. Friend consider introducing appropriate labelling?

Mr. Morley: The Meat and Livestock Commission and the pig industry have launched a quality British pork label, and many Agriculture Ministers and other hon. Members have attended publicity events connected with the launch. We want consumers to know that what they are buying is British-produced, and produced according to the quality and welfare standards that we know consumers want.

Mr. Tim Yeo (South Suffolk): Does the Minister not realise that, given the crisis in the pig industry, what Britain needs is a fair deal for British pig farmers? Will he not accept our advice? First, the Government should introduce labelling that shows both the method of production and the country of origin of all pigmeat sold here. Secondly, will the Minister challenge the unlawful

cash payments made by the French Government to French pig farmers, evidence of which I delivered to his office by hand last week? Thirdly, will the Minister do what the Government of any other European Union member state would do in the event of a similar crisis in their pig sector, and at least try to halt the import of illegally produced pigmeat? If he is challenged in the courts, he will have our full support.

Mr. Morley: That is very reassuring.

We have repeatedly shown our support for the British pig industry, and there have been discussions in the Council of Ministers about the crisis in not just the United Kingdom pig industry, but the industry in Europe as a whole. As for the French proposals for aid, the Commission is to examine them to ensure that they are compatible with European law.

In relation to the last point, I must repeat that Compassion in World Farming brought a court case to the European Court of Justice about the possibility of using article 36 to stop the export of veal calves to the continent—the same procedures that the hon. Gentleman is now arguing should be used. The then Conservative Government vehemently opposed that suggestion. The court ruled against it, which set the legal precedent that such measures cannot be used.

Quarantine Reform

2. **Mr. Ben Chapman** (Wirral, South): If he will make a statement on progress on quarantine reform. [83847]

The Minister of Agriculture, Fisheries and Food (Mr. Nick Brown): On 26 March, I announced that new arrangements were planned to be in operation by April 2001, with a pilot scheme beforehand. I am looking at the options, but am minded that the pilot scheme should initially be open to a range of carriers on a range of routes and targeted at pet owners who are likely to come to, or return to the United Kingdom for a longer period than a conventional summer holiday. I am also minded to include guide dogs for the blind and for the deaf in the pilot scheme.

Mr. Chapman: May I welcome the progress that the Government are making on the subject and congratulate my right hon. Friend on it? It compares favourably with the complete lack of progress under the previous Administration. None the less, many people in Wirral, South are concerned about the facility of bringing their pets home after a period overseas. What reaction has he received from transport operators to his proposals for a pilot scheme?

Mr. Brown: Some weeks ago, I organised a meeting with representatives of transport operators. Discussions have continued between my officials and those of the different transport operators. The response from all sectors has been favourable and, from most, enthusiastic. Transport operators are rising to the challenge and recognise the potential of the scheme.

Sir Sydney Chapman (Chipping Barnet): Will the Minister confirm that it is not a question of keeping just rabies out of this country? Other canine infections are endemic on the continent, yet absent in Britain. Can he give the House the assurance that, if he does change the quarantine laws—personally, I would welcome it if he did—to satisfy the public, it must be shown that there is no greater likelihood of any of those canine infections coming to our country?

Mr. Brown: That is a fair point. As Professor Kennedy outlined in his report, we are proceeding. Officials at my Department are in discussion with officials at the Department of Health to ensure that, as well as protecting against rabies, we take the opportunity to ensure that the pre-entry procedures protect, as much as they reasonably can, against other canine infections.

Mr. Andrew Reed (Loughborough): I warmly welcome not only the speed with which my right hon. Friend has moved on the issue, but the responsibility that he has taken on. I particularly welcome the announcement that guide dogs will be included in the pilot scheme. However, is he aware of the difficulty of a constituent of mine whose sister lives in Florida in the United States? Her dog is already microchipped, already has a health certificate and would be healthy to travel to the UK. However, there is still a delay on the announcement about the United States and Canada. Therefore, may I urge him to make a decision as quickly as possible, so that my constituent's sister is able to return to the UK with her guide dog as speedily as possible?

Mr. Brown: I am sympathetic to individuals in the circumstances that my hon. Friend outlines. A number of hard cases have been put to me, but I do not think that it would be right to deal with individual cases at ministerial level before we have the pilot scheme in place. It is the Government's intention that the pilot scheme will lead to a full-scale scheme as quickly as possible. On the question of the United States, I hope to have something further to say to the House in a matter of weeks, but we are moving ahead in trying to get a scheme that will meet the needs of those who wish to bring pets in from north America.

Poultry Plants

3. **Mr. John Whittingdale** (Maldon and East Chelmsford): What representations he has received about the level of regulation on low throughput poultry plants. [83848]

The Minister of State, Ministry of Agriculture, Fisheries and Food (Mr. Jeff Rooker): We have received representations from Members of Parliament, Members of the European Parliament, industry organisations and poultry plant operators, about the impact of proposals to increase the level of veterinary supervision in meat plants and to increase Meat Hygiene Service inspection charges. We have had just over 40 representations altogether.

Mr. Whittingdale: Is the hon. Gentleman aware that the cost of full-time veterinary supervision for low throughput producers has already driven four firms out of business and caused another four to deregulate to the exempt sector? Will he accept that that level of supervision is unnecessary for high-quality, free-range producers such as Kelly Turkeys in my constituency?

Will he seek to establish from the Commission, as a matter of urgency, exactly what is the legal position on this matter?

Mr. Rooker: We are seeking to establish with the Commission the issue of derogation in the poultry meat directive. Our legal understanding has always been that it applies only to the structural improvements, but we are checking on that and seeking clarification. I accept the hon. Gentleman's point, but every day in this country we slaughter 2 million chickens for us to eat. I am not prepared to put at risk the hygiene checks on the industry that are necessary for public protection.

Farm Incomes

4. **Mr. Colin Pickthall** (West Lancashire): If he will make a statement on the outcome of the May Agriculture Council concerning the recent agreement on common agricultural policy reform in relation to farm incomes. [83850]

The Minister of Agriculture, Fisheries and Food (Mr. Nick Brown): The reform will increase the market orientation of European agriculture and assist producers in their efforts to improve the competitive position of their businesses. In the short term, before the adjustments take place, there may be a small negative impact on aggregate incomes, but the hard-pressed beef sector is fully protected.

Mr. Pickthall: Does my right hon. Friend agree that the possibility for modulation according to national priorities could be a great opportunity to make the common agricultural policy more acceptable to Britain? Does he expect to be able to use the system to provide more assistance to small family farms and possibly to new entrants into farming?

Mr. Brown: I am not an advocate of modulation, but it is permitted by horizontal measure 4 of the agreement. We consulted on the issue in principle in January, before the final phase of the negotiations, and the majority of farmers liked the idea in principle and responded positively. We are consulting further and we shall be consulting the Agriculture Ministers of the devolved authorities.

Mr. Robert Walter (North Dorset): Two years ago farmers were told that things can only get better under Labour. Since then, farm incomes have collapsed. Will the so-called reform of the common agricultural policy give farmers any long-term hope? It appears that the reform is totally incompatible with the next world trade round and takes no account of the cost of EU enlargement. Can the Minister reassure farmers?

Mr. Brown: I want to make it absolutely clear that I would have liked to have seen the reform agenda advocated by the United Kingdom and others go further and be introduced more quickly than it was in the negotiations that were concluded in Berlin. The common agricultural policy is undoubtedly moving in the right direction and there are substantial benefits in it for British agriculture. The task for Ministers and, dare I say it, for Parliament is to ensure that we make use of all the measures now open to us, including the rural development measures, to ensure that small, medium and large farms come through the present downturn in the agricultural cycle to profitability, a decent return on the work that farmers are doing, on the capital they have invested and on the investment in their livestock and crops.

Mr. Dale Campbell-Savours (Workington): My right hon. Friend will know that the Conservatives are always telling us that they want to keep the veto. Is the retention of that veto helpful in renegotiating the CAP?

Mr. Brown: It is important that the Government have been able to get our country back to the heart of the negotiations with our partners in the European Union. We have been able to make substantial progress on our reform agenda in each and every area of the CAP and stabilise the budget in a way that the previous Government failed to do.

Mr. Charles Kennedy (Ross, Skye and Inverness, West): Given that the Minister has correctly acknowledged, today and previously, that the interim CAP reform will have to be revisited—for the very correct reasons referred to by the hon. Member for North Dorset (Mr. Walter)—will he confirm that the British Government's efforts in the matter will be concentrated on making the case, with renewed vigour, for shifting more funds, and fresh funds into wider rural development? We have to do that if we are to maintain the viability of our agricultural sector, particularly in the United Kingdom's less viable parts in terms of incomes.

In answering the initial question, the Minister mentioned the emerging devolved structure in the United Kingdom. Will he amplify a little more on how he sees the agricultural representatives in Edinburgh and in Cardiff contributing under that structure, and does he welcome the fact that part of the coalition deal between the Labour party and the Liberal Democrats in Scotland—[HON. MEMBERS: "Sell out."] I am interested to hear Conservative Members use that phrase. I should have thought that they would welcome the fact that we shall see the introduction of an independent arbitration service for agriculture, for which we have long been calling. Now that one is being established in Scotland, when will similar services be established across the United Kingdom?

Mr. Brown: I welcome the thrust of the hon. Gentleman's question. I set big store by the rural development measures. I am looking forward to working closely with the Agriculture Ministers from the devolved authorities—the Scottish Parliament, the Welsh Assembly and the Northern Ireland Assembly. The House will want to know that the mechanisms that I propose to use for consultations with the other Ministers are exactly the same as ones now operating within the Government, except that meetings of officials before the Council of Ministers will—I hope; it is subject to agreement with the Scottish Parliament, the Welsh Assembly and the Northern Ireland Assembly—be supplemented by ministerial meetings between me and the other Agriculture Ministers.

On the hon. Gentleman's final point, I am examining whether it would be possible to introduce such arrangements into England. However, I do urge people not to place too much hope in such a mechanism, as all

that it could do would be to confirm that the regulations—which are very rigidly drawn—are being properly operated. The scope for altering decisions that have been made is very tightly circumscribed, and there is not as much discretion in the matter as would perhaps be normal in United Kingdom law.

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy): Will the Minister confirm that, prior to the previous general election, the Labour party was in favour of modulation in support payments? May I, please, impress on him the need for a really serious look at modulation—which would assist upland farmers, who are most under strain in the current economic climate?

Mr. Brown: I am taking a hard look at it, and the consultation is a serious one. I have been struck by the response to my January consultation from farmers across a range of agricultural sectors. They were in favour of it, at least in principle, and wanted the idea to be explored further. Modulation is, of course, divisive in the agricultural sector, as those who believe that they could be beneficiaries of it are advocates, whereas those who believe that they could lose out by it are sceptical of it. We therefore have to proceed carefully.

Beef Industry

5. **Mr. William Thompson** (West Tyrone): What assessment he has made of the implications for the beef industry of a lifting of the ban on the sale of beef on the bone in one part of the United Kingdom only. [83851]

The Minister of Agriculture, Fisheries and Food (Mr. Nick Brown): The Government have made clear our wish to revoke the beef bones controls as soon as the scientific and medical evidence indicate that it is prudent to do so. Until then, we believe that United Kingdom-wide application of the controls will best protect public health and maintain confidence in beef and beef products.

Mr. Thompson: Given the fact that the ban was imposed to safeguard the health of everyone in the United Kingdom, would it not be ludicrous if the ban were lifted in Scotland and in Wales but not in the whole of the United Kingdom? Will the Minister give an assurance that, if it is lifted in Scotland and in Wales, it will be lifted also in Northern Ireland—which, currently, is the only part of the United Kingdom that is able to export beef?

Mr. Brown: The hon. Gentleman makes a fair point. We have had this discussion before. Confidence in the industry is important, but the need to protect the health of the public is of overriding importance. The Government's recommendation was based on the advice of the chief medical officer—not just the chief medical officer for England, who advises my right hon. Friend the Secretary of State for Health and me, but the separate officers who advise my right hon. Friends the Secretaries of State for Scotland, for Wales and for Northern Ireland. The Government decision was unanimous. It is difficult for Ministers to set to one side the clearly stated advice of the senior professional whose duty it is to advise them.

Mr. Barry Jones (Alyn and Deeside): I support my right hon. Friend and urge him to take no criticism from Her Majesty's Opposition, who showed great incompetence on these matters during the 18 years that they had the power of decision over that great British industry. Will he assure me that he greatly appreciates eating the roast beef of Great Britain, that he likes a pork chop and a leg of lamb and that he believes that tasting and enjoying those products of the British industry makes him a better leader and negotiator? I should like to hear such appreciation of a great industry.

Mr. Brown: I am an enthusiastic supporter of the British meat industry and an enthusiastic consumer of its products. At events organised by the Meat and Livestock Commission and others, I am pleased to be joined by hon. Members from both sides, sharing that appreciation of the best of Britain.

Mr. Tim Yeo (South Suffolk): Why is the Minister so hostile to the poor old British beef farmer? *[Interruption.]* Labour Back Benchers seem to find that extraordinarily funny. They obviously have not talked to any beef farmers recently. The Minister wants to allow imports of US beef fed on hormones that are banned in this country. He boasted last November about the end of the export ban, then waited five months before inviting European Commission officials to carry out that decision. He is destroying confidence in beef by keeping the absurd ban on beef on the bone when even the Government's chief scientist has said that it is not scientifically justified. Is it not time that Britain had a Minister of Agriculture who wanted a fair deal for Britain's beef farmers?

Mr. Brown: We agree on that, then. This country has a Minister of Agriculture who wants a fair deal for British beef farmers. It has a Minister of Agriculture who got the beef ban lifted. It has a Minister of Agriculture who ensured that the beef sector was fully compensated for the price adjustments in the CAP round. It has a Minister of Agriculture who supports the work of the Meat and Livestock Commission and is able to maintain public confidence in beef products. A political lifting of a ban imposed for health reasons would do nothing for public confidence in the industry. On hormone-treated beef from the United States I am continuing the policy of the previous Government, of which the hon. Gentleman was a member and a supporter.

Specified Risk Materials

6. **Mr. Jim Cunningham** (Coventry, South): What measures he is taking to ensure that controls on specified risk materials do not place additional burdens on the livestock industry. [83852]

The Minister of State, Minister of Agriculture, Fisheries and Food (Mr. Jeff Rooker): My right hon. Friend the Minister announced last month the deferral of industry charging for the cost of specified risk material enforcement for a further year, which is worth about £20 million to industry.

Mr. Cunningham: I welcome my right hon. Friend's deferral of the SRM charges. Will he also treat his review of other charges throughout the industry with some urgency?

Mr. Rooker: Yes. Let us be clear about this. Deferring the SRM charges means that the taxpayer is continuing to

pay for the work, which is still being done. There were about 4,000 SRM inspections last year. The industry has been successful. It is 36 months since we found any spinal cord attached to a bovine carcase. There has been excellent work in the industry, but it must be checked and audited. We have to make sure in the public interest that it is carried out properly.

So far as the other charges are concerned, we have not yet announced the meat hygiene charges for 1999–2000, and they will not be backdated. We are carrying the cost of not making the decision yet. We have undertaken a further, brief consultation that closed last week, and we will make our decision and announcements as quickly as we can.

Mr. Paul Tyler (North Cornwall): Is the Minister aware that although the review is welcome—we particularly pressed for it—the speed with which the new consultation took place was resented, particularly by smaller producers who did not feel that they were given adequate time to look at it? Does the Minister accept that the important thing is to get the right decision rather than simply a quick decision, and if that results in low-throughput abattoirs being driven out of business, the lack of competition will be devastating for the meat industry?

Mr. Rooker: We have no intention as a policy objective of driving low-throughput abattoirs out of business. We can make decisions on the basis of the consultation that we have already undertaken, and there are no surprises here for anybody. We decided to announce a further, quick check of the industry. Given the amount of letters, correspondence and representations, I accept that seven days was a short time. However, it was not as if anyone had to start from scratch in putting together their further representations. I do not accept that the consultation was only seven days. Added to the previous consultation, it makes a considerable length of time.

Mr. Gareth Thomas (Clwyd, West): The decision concerning deferral has been widely welcomed by farmers in my constituency, and is an indication that this Government genuinely listen to beef producers. However, does my hon. Friend believe that there is a need to ask some searching questions of our European competitors on their charging policy in relation to hygiene costs and specified risk material removal to ensure fair competition throughout the EU?

Mr. Rooker: SRM removal is a BSE enforcement measure. We must do that, and it is not common throughout the rest of the EU—simply because those countries do not have BSE on anywhere near the scale that we have had. I must also knock on the head the idea that the measure applies to everyone. I heard a programme the other week on which a pig farmer was bewailing the SRM charges. SRM conditions apply only to cattle and sheep, and not to any other meat. The SRM charges were the biggest section of the increase that was forthcoming. To that extent, I am sure that the deferral has received a wide welcome.

So far as the meat hygiene enforcement charges in the rest of Europe are concerned, we have put in the Library recently our assessment of the information that we have collected. We have no evidence that we are gold-plating and going over the top in comparison with other European nations. The contrary is true.

Mr. James Paice (South-East Cambridgeshire): Why does not the Minister stop bragging about abandoning a charge for one year when the truth is that it was introduced by his Government in the first place, without any concern for its impact on the industry? How can we take seriously any concern for abattoir costs when he so contemptuously allowed just seven days for a response to the consultation? Why does he not do something useful today, and lift the specified offals controls on pig-only abattoirs, as was recommended earlier? If seven days is long enough for a consultation, the Minister has had more than that to consult the MLC. He could do it now.

Mr. Rooker: Yes. We announced the introduction of charges for the removal of specified risk materials, but we did not do so through a written question or a letter. I announced it in a Committee in November 1997. There was not a single comment from any Conservative Member of Parliament present in the Committee that morning. The idea that this has just been put to the industry without any forewarning is nonsense. We put off the charges for the first year and the second year, and we will decide what to do for the third year before it starts.

Dietary Supplements

7. **Mr. Christopher Chope** (Christchurch): If he will make a statement on Government policy towards the classification of nutritional dietary supplements as food. [83853]

The Parliamentary Secretary to the Ministry of Agriculture, Fisheries and Food (Mr. Elliot Morley): Most products described as dietary supplements are considered in law to be foods. The Government have no plans to change this arrangement.

Mr. Chope: That answer is rather complacent. There is tremendous concern among health food manufacturers over the issue of definitions. There is no definition in law of a health food supplement. The manufacturers and consumers do not want the products to be banned as a result of the very wide definition that now applies to medicines. It is thought that the definition of medicines would include brandy, glucose and red wine, for example, as well as many other nutritional substances. Does the Minister accept that we need a clear definition of food supplements that ensures that they do not fall under the same regulatory regime as medicines?

Mr. Morley: The background to this is that the Medicines Control Agency is considering some of the foods that could possibly be classed as medicines rather than food supplements. There is a very clear definition of what is and is not a medicine. There have been some doubts about whether some of the foods currently on sale should be defined as medicines and regulated accordingly. That is why the MCA is acting, following an article 169 letter from the Commission asking the Government to review the question.

Some manufacturers and consumers have the impression that the MCA is seeking to reclassify supplements as medicines. That is not the case. It is

considering the definitions and will take into account the representations that it has received as part of the consultation process.

Mr. Mark Todd (South Derbyshire): I hope that my hon. Friend will reflect on the views of two manufacturers in my constituency, Peter Black Healthcare and Surepharm, which are concerned about the potential impact of MCA regulation. I welcome the reassurance that the regulation will not apply to existing products, but of course many companies will be concerned about the possible application to products developed in the future. Can we at least hasten the work of the expert group that was commissioned to consider the matter? What progress has it made?

Mr. Morley: It is certainly true that the expert group, set up in 1997, is examining the issue. It is expected to report to the Food Advisory Committee towards the end of 2000. It is a major review, and there are many issues to consider. I repeat that it is not the intention unnecessarily to restrict the sale of vitamins and minerals or indeed to apply arbitrary limits without any scientific basis, but it is right and proper to regulate certain vitamins and supplements that may have a physiological effect and could come within the definition of medicines.

Mr. Peter Atkinson (Hexham): May I stress the wide public concern about this matter? On Monday, I received a petition of nearly 1,000 signatures from a health food shop in my constituency, which shows that people do not want to be deprived of their supplements and feel that, if there is the remotest danger, they should be warned and allowed to take an adult decision. Some of the supplements and herbal remedies have been in use since Anglo-Saxon times.

Mr. Morley: Some people are concerned about the current MCA review, but the intention is not to reclassify supplements as medicines. There are some grey areas and we need to examine whether some products are in fact medicines. It is a consultative process, and the views of both consumers and manufacturers will be taken into account.

Food Standards Bill

8. **Ms Joan Ryan** (Enfield, North): How many responses he has received on the draft Food Standards Bill. [83854]

The Minister of State, Ministry of Agriculture, Fisheries and Food (Mr. Jeff Rooker): By the closing date for consultation on the draft Bill, in addition to the Food Standards Committee report, we had received 998 submissions, all of which will be placed in the Library later today.

Ms Ryan: I welcome the way in which the Ministry and the Department of Health have acted on food safety since May 1997 and the fact that the Government allowed pre-legislative scrutiny. That approach is a marked change from the attitude of the previous Government. When will the Bill be introduced?

Mr. Rooker: Hopefully, next month. We are intent on legislating in this Session on the draft Food Standards Bill. We are still dependent—not wholly, but to some extent—on the progress of the House of Lords Bill. If the hereditary peers break their word again, as they did earlier this week, we will be in some difficulty. We hope, however, to introduce the Food Standards Bill in this House next month.

Mr. John Bercow (Buckingham): Is the Minister aware that local authorities believe that between £15 and £23 of the proposed £90 Food Standards Agency tax will be spent on the costs of collection? Given the fear expressed in the recent Agriculture Committee report that the charge could rise to £600 a year—a fear that causes grave anxiety among the corner shop owners in the Aylesbury Vale district council area, which incorporates my Buckingham constituency—what estimate has he made of the number of such corner shops that are likely to have to shed staff and throw people on the dole as a result of that ill-considered imposition?

Mr. Rooker: At approximately the same time as we introduce the Bill, which is—in effect—another part of the consultation process, we will announce the result of our secondary consultation on the levy. That was a separate consultation in a separate document. We have made it clear that we take seriously the submissions made to us, and I can say that there is no shred of a possibility of a single levy charge of anything near £600. The reason for the appearance of that figure in the record of the exchanges of the Select Committee is that I gave an honest answer to an honest question that did not automatically presuppose that the rate would be £600. We will announce our decision on the charge, but we want a fair system.

Unless the levy raises some £40 million, we will not have a Food Standards Agency. Therefore, we have to raise that sum, but we have to do so fairly and in a way that is seen to be fair. We have told local authorities that, within the charge, they will be able to recover their collection charges and retain a surplus to provide more resources for enforcement.

Mrs. Ray Michie (Argyll and Bute): Does the Minister welcome the achievement of the Scottish Liberal Democrats in winning a commitment in the partnership agreement to find a fairer funding system for the Food Standards Agency? Is he, as he has perhaps indicated, likely to follow suit? It would be unfair if the small village shop had to pay the same levy as the wealthy large supermarkets.

Mr. Rooker: We shall have to be careful choosing our words now that we have devolution, especially as we are working in partnership in different parts of the United Kingdom. *[Interruption.]* No, I am ever the diplomat at the Dispatch Box. The Food Standards Agency will be a United Kingdom authority, but we will be in the unique position of setting up that UK authority in devolved subject areas. Therefore, it is crucial that the issue is addressed so that differences can be taken into account by the regulatory authorities in those areas. I am certain that we will find a satisfactory solution that is fair to small shopkeepers, is fair between England, Scotland and Wales, and is perceived to be fair by the public, because that is also important.

Pig Industry

9. **Mr. Hilton Dawson** (Lancaster and Wyre): If he will make a statement about the incomes of farmers in the pig industry. [83856]

The Minister of Agriculture, Fisheries and Food (Mr. Nick Brown): The Government are fully aware of the difficulties still facing the pig industry. However, market prices have improved by 33 per cent. since the low point in January and currently stand some 20 per cent. above the average European Union price.

Mr. Dawson: I thank my right hon. Friend for the serious and level-headed attention that he brings to that important subject, in contrast to some of the overblown rhetoric and nonsense we hear from Conservative Members. I commend to him the pigmeat products from the Lancaster and Wyre constituency; perhaps we should call it the Duchy of Lancaster pig. Will he give some serious attention to how notable firms such as North West Fine Foods can fully exploit the niche market of quality local produce, selling to quality local people and quality visitors?

Mr. Brown: I fully take my hon. Friend's point, but there is no protectionist solution to the sector's problems. The way forward is to support the Meat and Livestock Commission's campaign on assured British pork, ham and bacon. At the same time, we must urge retailers to make sure that the welfare premium for which we voted in 1991 is obtained by producers in the marketplace.

ATTORNEY-GENERAL

The Attorney-General was asked—

Crown Prosecution Service

29. **Mr. Christopher Chope** (Christchurch): If he will make it the policy of the Crown Prosecution Service to disclose to the victims of crime the reasons for deciding in any case not to prosecute. [83876]

The Attorney-General (Mr. John Morris): The Crown Prosecution Service provides to the police information about casework decisions so that the police may forward it to victims. How much information can be given may depend on the circumstances of individual cases. The CPS must balance openness with victims with the interests of others involved in cases. As to the future, the Crown Prosecution Service is considering whether or not to take over from the police the responsibility for informing victims of the reasons for CPS casework decisions. I intend to make a statement on this in June.

Mr. Chope: I am grateful to the right hon. and learned Gentleman for that reply. My question was, as he knows, prompted by a constituency case, involving Mr. Ellis, the author of a book entitled, "Thoth: The Architect of the Universe". After it was published, the book was subject to massive plagiarism by Random House, one of the world's largest publishers. No fewer than 70 pages and some diagrams from his book were reproduced word for word in a Random House book. The publishers were put on notice that Mr. Ellis objected, and they undertook not to carry out publication. However, they did publish, taking advantage of their position in the market as one of the largest publishers. My constituent went to the police to seek redress under section 107 of the Copyright, Designs and Patents Act 1988.

Many months later, Mr. Ellis received a letter from the CPS saying that it would not prosecute but giving no reason. That is most unsatisfactory, and I hope that the Attorney-General can explain to Mr. Ellis why—

Madam Speaker: Order. The hon. Gentleman is raising a constituency case across the Floor of the House. He might do better to make proper written representations to the Attorney-General, which would give the right hon and learned Gentleman an opportunity to consider it.

Mr. Chope: Further to your remarks, Madam Speaker, I have written to the Attorney-General, and I have had no reply.

Madam Speaker: Well, the right hon. and learned Gentleman knows about it now.

The Attorney-General: I am grateful to the hon. Gentleman for giving me notice this morning of the matters in which he is interested. He wrote to me as recently as 30 April concerning his constituent, Mr. Ellis, about whom he is obviously concerned. The hon. Gentleman's letter has been transferred to the Home Office for an answer. As I understand matters from the hurried inquiries that I have been able to make, the case is at present a matter for the police. So far as I know—and I shall have to make further inquiries following what the hon. Gentleman said—the CPS is not involved. I may be wrong on that point, but I have been unable to make further progress on it during the past two hours. I will write to the hon. Gentleman as the situation develops.

Shona McIsaac (Cleethorpes): In cases involving death, what is the policy of the CPS towards keeping bereaved families informed of casework decisions, which cause much concern to many people?

The Attorney-General: I share my hon. Friend's concern. In cases involving death, a senior CPS lawyer will be available to meet bereaved families to explain CPS casework decisions and relevant criminal law procedures. That is the long-established policy of the CPS, and it is reflected in its commitments to the victims charter. The policy recognises the special sensitivity that must be given to handling homicide cases.

Sir Nicholas Lyell (North-East Bedfordshire): On the broader issue of communicating with victims, is not the real problem the continuing lack of effective communication between the prosecutor and the officer in the case and, through him, the victim? Is that because the Crown Prosecution Service does not explain matters to the police administration support units, or is it because the message does not get from those units back to the officer and the victim? Does the Attorney-General recall that in his report, Sir Iain Glidewell made a number of recommendations both for research and action in that area? Will he please tell us what is happening?

The Attorney-General: The right hon. and learned Gentleman and I know from long experience that the

system is not perfect—hence Sir Iain Glidewell's recommendations. As the right hon. and learned Gentleman will recall from my earlier answer, the CPS is considering the matter to find out how the situation can be improved, given that there are two inputs—initially the police and, secondly, the CPS. I intend to make a statement because I know of the concern about the matter—it was registered by Sir Iain—when I make a further statement on his recommendations in June.

30. **Mr. Nigel Beard** (Bexleyheath and Crayford): What progress has been made in implementing the Glidewell report in London. [83877]

The Solicitor-General (Mr. Ross Cranston): Sir Iain Glidewell's review of the CPS made three recommendations specific to London. First, that CPS London should be organised broadly along the same lines as other CPS areas covering large conurbations. This has been accepted. A new chief Crown prosecutor for London has been appointed, supported by an area business manager. Secondly, Sir Iain recommended that assistant chief Crown prosecutors be appointed. That has been implemented. Thirdly, he recommended that the special problems of London required greater co-operation between all the criminal justice agencies. The detail of that recommendation, especially in relation to trial issues groups, remains under consideration. My right hon. and learned Friend the Attorney-General will make a statement in June, as he said a moment ago.

Mr. Beard: I thank my hon. and learned Friend for that answer. Is he aware of the long-standing concern among police and magistrates in Bexley at the avoidable delays and inefficiencies that have arisen because the nearest office of the Crown Prosecution Service is at the Cooperage, London Bridge, rather than local? For that reason, the Glidewell report was welcome: it promised an integration of the police, the magistrates and the CPS and definite benefits arising from that. Indeed, space was reserved in the new Bexleyheath police station for a CPS unit.

Now those who were previously encouraged are dismayed at the way in which they believe the Glidewell report is being implemented. The dismay arises on three counts. One is the understanding that the nearest CPS office to Bexley will be in Croydon—the journey there is more difficult than it is to the Cooperage at London Bridge. The second count is that information technology arrangements are poor and reflect the lack of resources that are being put into the arrangement. The third is that the present reorganisation of magistrates courts in London is not being taken into account.

Will my hon. and learned Friend please review the arrangements in south-east London with a view to bringing the CPS as near as possible to the police and magistrates?

Madam Speaker: Order. Questions should be brisk and to the point. The hon. Gentleman is raising an Adjournment debate. I hope that the Minister will not take as long in his response, or we shall never move down the Order Paper.

The Solicitor-General: I would not dare, Madam Speaker, given what you have said.

I can tell my hon. Friend who is assiduous in pursuing criminal justice issues in his area, that there are no plans at present to transfer work that is being undertaken by the Bexley team at London Bridge to Croydon. Also, as a result of an earlier review, the branch has already implemented a system whereby a dedicated team of staff work at Bexley magistrates court. [HON. MEMBERS: "Write!"] Following that suggestion from Opposition Members, I will write to my hon. Friend with full details of the matter.

Private Sector Lawyers

31. **Mr. Harry Cohen** (Leyton and Wanstead): What plans he has to increase the use of private sector lawyers by prosecution services. [83878]

The Solicitor-General: The Crown Prosecution Service and the Serious Fraud Office have no immediate plans to increase the use of private sector lawyers. The CPS is working with the Bar to foster closer working relationships while seeking to increase the use of in-house lawyers employed by the CPS who have achieved success in obtaining the higher court advocacy qualification. The aim is to increase competition, improve standards and quality, and achieve best value for money.

Mr. Cohen: Is there not an increasingly good case for hiring the best local solicitors to reduce delays in getting prosecution cases to court and get better results in more complicated cases? Is there not an opportunity to turn some of the poachers into gamekeepers?

The Solicitor-General: All prosecution services can instruct private sector lawyers or in-house lawyers with the higher court advocacy qualification. The decision depends on the circumstances of the case. There has been no significant change in their use recently, one way or the other. My hon. Friend's comment has a certain validity. If there are suitable local lawyers, I am sure that the CPS will consider employing them.

Mr. John Burnett (Torridge and West Devon): Does the Solicitor-General have any proposals to encourage experienced lawyers in mid-career to join the CPS? Will he assure the House that no stigma will attach to lawyers applying to rejoin the CPS, on the ground that early in their careers they had been members of the service?

The Solicitor-General: I am sure that we would encourage lawyers in private practice to join the CPS. The CPS advertises and has very flexible arrangements for extended leave. That is particularly advantageous to married women who may go on maternity leave and then want to stay away for longer. We encourage outside people to apply to the CPS. No stigma will attach to those who left service some time ago.

International Court of Justice

32. **Mr. Tam Dalyell** (Linlithgow): How many cases he has been involved in within the jurisdiction of the International Court of Justice at The Hague in the last 12 months. [83879]

The Attorney-General: I represented the United Kingdom on 10, 11 and 12 May in proceedings brought before the International Court of Justice by Yugoslavia against the United Kingdom and nine other NATO States. My hon. Friend asked about cases "within the jurisdiction" of the ICJ. The question whether the Court has jurisdiction over Yugoslavia's claims against the UK and the other defendants is one of the central issues that the Court has to determine.

I have also followed developments in the case brought by Libya against the United Kingdom and the United States arising from the tragedy over Lockerbie in 1988, but I have not myself been directly involved before the Court in that case.

Mr. Dalyell: As cluster bombs are not very different from landmines, on which there has been international legislation—much to the credit of this Government—has anything been said about the legality of the use of cluster bombs? In particular, was either the Solicitor-General or the Attorney-General consulted about the dropping of cluster bombs on the centre of the city of Nis? Was either of them told of the proximity of a hospital in Belgrade to a target before permission was given, on the legal basis on which I understand they are consulted, for the attack to go ahead, with the tragic resulting death of patients?

The Attorney-General: The matters that my hon. Friend raises are matters for my right hon. Friend the Secretary of State for Defence. I confirm that I have offered advice to colleagues in relation to some of the legal issues that have arisen during the process of approving targets for attack by UK forces. I am unwilling to be drawn further. I am confident that the Government and UK forces act in accordance with international law. Legal advice is available at every level of the process of approving targets for attack.

Court of Appeal

33. **Mr. Dominic Grieve** (Beaconsfield): How many unduly lenient sentences he has referred to the Court of Appeal since 1 May 1997. [83880]

The Attorney-General: Since 1 May 1997, leave has been sought in respect of 171 offenders, and 117 applications have been heard. Leave was granted in 112 applications and the sentence increased in 96, which is 83.4 per cent. of references that have been heard.

Mr. Grieve: Does the Attorney-General consider that those figures reflect satisfactorily on the sentencing system in this country, or does he think that the number of cases on which he sought to make reference suggests that uniformity of sentencing is not being properly achieved?

The Attorney-General: Only a tiny proportion of cases before the Crown courts are referred. They are those in which it is necessary so to do to ensure that public confidence is maintained. Over the years, the figures have been roughly the same; there was a dip in 1996 and 1997, and an increase in 1998 to a figure nearer to what it used to be in 1995. Generally, the figure is about the same. I believe that that is right and that it is shown in the results in the figures from the Court of Appeal that I have already given.

Business of the House

12.31 pm

Sir George Young (North-West Hampshire): May I ask the Leader of the House to give us the business for next week?

The President of the Council and Leader of the House of Commons (Mrs. Margaret Beckett): The business for next week will be as follows.

MONDAY 24 MAY—Until about 7 o'clock, Second Reading of the Commonwealth Development Corporation Bill *[Lords]*.

Motion to approve the second report from the Modernisation Committee on sittings of the House in Westminster Hall.

TUESDAY 25 MAY—Debate on the European Union on a motion for the Adjournment of the House—the pre-Cologne debate.

WEDNESDAY 26 MAY—Until 2 o'clock, there will be debates on the motion for the Adjournment of the House which will include the usual three hour pre-recess debate.

Motion to approve the first report from the Administration Committee on the proposal to re-open the line of route during the summer adjournment.

Motion relating to Members' travel to EU institutions.

Motion on financial assistance to Opposition parties.

Motion on quorum of concurrent meetings of Select Committees.

Motion on the parliamentary contributory pension fund.

The House may also be asked to consider any Lords messages which may be received.

The provisional business for the first week back after the Whitsun recess will be as follows:

TUESDAY 8 JUNE—Second Reading of the Pollution Prevention and Control Bill *[Lords]*.

WEDNESDAY 9 JUNE—Until 2 o'clock, there will be debates on the motion for the Adjournment of the House.

Remaining stages of the Health Bill.

THURSDAY 10 JUNE—There will be a debate on defence in the world on a motion for the Adjournment of the House.

FRIDAY 11 JUNE—Private Members' Bills.

Sir George Young: The House is grateful for next week's business and for an indication of the business for the week after the Whitsun recess. Will the right hon. Lady confirm that she has not lost sight of the promised debate on the House of Lords White Paper? That debate could have been held today, but for the Government's shameful decision to guillotine the Welfare Reform and Pensions Bill.

Will the Government table any amendments to the Health Bill before we rise next week, so that Members and people outside the House have ample opportunity to respond to them? What has happened to the Food Standards Bill, which completed its passage through a Special Standing Committee some time ago and is now languishing on some parliamentary shelf?

The House is expecting several statements in the near future: on genetically modified foods, drugs and freedom of information. We shall also expect to be updated on Kosovo before we rise. Will the Leader of the House indicate when we might expect which announcements? In relation to genetically modified foods, the Government will want to address the widely held belief, confirmed in the leaked letter to Friends of the Earth, that the Government are obsessed with presentation at the expense of policy.

Last week, I asked the Leader of the House if she would

"assure the House that if there are any important changes in Government policy next week, the appropriate Minister will make a statement to the House?"—[*Official Report*, 13 May 1999; Vol. 331, c. 416.]

That was in connection with the Government's U-turn on the Tote. The right hon. Lady rejected the charge of discourtesy, but was not insult added to injury by the behaviour of the Home Secretary yesterday, when he announced a new policy—the opposite of the previous one—on the "Today" programme? Has the right hon. Lady read what Madam Speaker said yesterday about the matter? She stated:

"The House knows that I deprecate statements that are made in the written press or in the media before they come to House. I do so very much again today."—[*Official Report*, 19 May 1999; Vol. 331, c. 1074-75.]

Will the right hon. Lady now apologise to the House on behalf of the Government?

Mrs. Beckett: First, may I apologise to the House for something completely different? Two pages of the business statement were stuck together and I did not tell the House something that I am sure it wishes passionately to know.

On Wednesday 9 June, there will be a debate on the global navigation satellite system in European Standing Committee A. Details of the relevant documents will be given in the *Official Report*.

[*Wednesday 9 June:*

European Standing Committee A—Relevant European Union document: 6528/99, Global Navigation Satellite System; Relevant European Scrutiny Committee Report: HC 34-xvii;(1998–99).]

I apologise for denying the House that important information.

I have not lost sight of the Lords White Paper, and of course we will return to that matter. As for what the right hon. Gentleman called the shameful decision to guillotine the Welfare Reform and Pensions Bill, I have looked for the most notable and sensible precedents to follow. In 1985–86, when the Government of whom the right hon. Gentleman was a member and a supporter were passing major social security legislation—which was more substantial even than the Welfare Reform and Pensions Bill—

Mr. Eric Forth (Bromley and Chislehurst): That was then, this is now.

Mrs. Beckett: Yes. The then Government guillotined the Bill in Committee and provided two days on the Floor of the House to debate the remaining stages and the

Third Reading. That amounted to some 13 hours in which to discuss legislation that covered literally every kind of benefit from the cradle to the grave.

In this instance, the Government provided one day's debate on the Floor of the House and were not asked to allocate more time. There were 13 hours of debate on the Welfare Reform and Pensions Bill on that one day, so we have already discussed the legislation for the same amount of time as was allocated in 1985–86. The Government have now provided another full day for debate. It is quite clear that we are providing more than adequate time for the debate should the Opposition wish to use it actually to debate the Bill—but that is a matter for them.

The right hon. Gentleman asked that amendments to the Health Bill be tabled next week. I cannot give him that assurance today because I genuinely do not know, however, I shall certainly draw his observations to the attention of my right hon. Friend the Secretary of State for Health. The Government are currently finalising the Food Standards Bill in light of public consultation and the report of discussions in the Food Standards Select Committee. We aim to introduce the legislation in this Session if time is available.

The right hon. Gentleman asked about a string of things—GM foods, drugs, freedom of information and Kosovo—and inquired as to when announcements might be made. We will endeavour to make as many announcements as we can before the recess. In response to the right hon. Gentleman's observations about presentation rather than policy and the comments by Opposition Front-Bench spokesmen on the radio this morning, I simply point out that the document which has been leaked—and about which there has been much excitement—states that it is important to write publications in clear language so that people can understand what is said. I do not think there is anything revolutionary about that—especially as the original memo, which is quoted in the Friends of the Earth press release, goes on to say:

"Ministers needed to guard against the charge that the Government was seeking to influence the findings of the paper."

It must be quite obvious that the Government are trying only to make policy clear. There does not seem to be anything in that document other than sheer common sense.

As for the matter of statements, the Government endeavour at all times to ensure that important statements are made to the House. The right hon. Gentleman referred to statements being made outside the House, and I understand that hon. Members sometimes wish to explore subjects more fully. However, my right hon. Friend the Home Secretary did announce the policy change to which the right hon. Gentleman referred—which, I might add, was leaked extensively—in a written parliamentary question. So it was already announced to the House: there was simply no statement. The Under-Secretary of State for the Home Department, my hon. Friend the Member for North Warwickshire (Mr. O'Brien), apologised fully to the House yesterday. The right hon. Gentleman and all Opposition Members are perfectly well aware that the Home Secretary is assiduous in his courtesy to the House and in his attempts to ensure that the House is informed properly. As to the Opposition's pretence that the Government somehow withhold statements from the House—

Mr. Forth: Yes.

Mrs. Beckett: I do wish that the hon. Member for West Derbyshire (Mr. McLoughlin) could possess his soul in some slight silence—Whips are normally silent. *[Interruption.]* I beg the hon. Gentleman's pardon: it was his right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) on that occasion.

In the 1992–93 Session, the then Government made some 96 statements about Government policy. In the equivalent period this Session, this Government have made 117.

Mrs. Alice Mahon (Halifax): The Leader of the House will have heard about the bombing of a hospital in Belgrade last night, in which three people were killed and members of staff and patients were injured. Given the increasing number of civilians who are being killed, and the growing belief that NATO is running out of military targets and that there could be more such tragedies, will the Government initiate a debate before the recess on the effects of the bombing on the civilian population in Yugoslavia, both in Serbia and in Kosovo?

Mrs. Beckett: Everyone in the House regrets and deeply deplores the fact that there have been civilian casualties. My hon. Friend refers to the belief that NATO is running out of military targets. I understand—I believe that this is not contested—that it is clear that the target was a military barracks not far from the hospital, and possibly one of the bombs aimed at those barracks went astray. As to the effects of that, at the moment we have only limited information because the Serbian Government are not allowing people into the area. Clearly, we shall make every attempt to find out as much information as possible.

I cannot offer my hon. Friend a special debate on that particular aspect of the matter, but I assure her that the Government will continue to make statements and find time for debates on all the issues surrounding that action.

Mr. Paul Tyler (North Cornwall): Does the Leader of the House recognise that there is widespread and genuine confusion about the Government's position on genetically modified food and crops? Every day, we seem to receive conflicting reports. Will she arrange for a full statement and a full debate so that we can find out precisely what action the Government intend to take on those extremely important issues? Those are of concern not only to farmers and consumers, but to hon. Members on both sides of the House. Will the right hon. Lady ask the Prime Minister to reconsider the proposition put before him by my party that this is a classic case that the royal commission on environmental pollution, which has already done useful work on the subject, could be asked to revisit?

We understand why the Government did not make the statement that was expected today on the draft Bill on freedom of information. We have all been waiting so long for that statement that two or three days' delay is not a disaster. However, will the right hon. Lady now guarantee

[Mr. Paul Tyler]

that there will be a statement when the draft Bill is published, which we anticipate will be next week, and that there will be a recognition of the concern that the original intentions set out by the Home Secretary appear to have been diluted?

Will the right hon. Lady agree also that the situation in Scotland—and, for all I know, in Wales—means that it is extremely important for us to make progress on that matter in this House? My hon. and learned Friend the Member for Orkney and Shetland (Mr. Wallace), the new Minister for Justice in Scotland, may be able to make more progress on it than is being made in this Parliament.

Will the right hon. Lady give an undertaking that open government and freedom of information in relation to the activities of the European institutions will also be addressed, albeit separately?

Mrs. Beckett: The hon. Gentleman asked about the conflicting reports and confusion about GM foods and crops. I agree that there is more confusion than there should be, but that is because people seem to want to sow confusion. For example, I heard such reports from people in the news media and, I am sorry to say, normally respected organisations that are campaigning on this matter.

The Government chief scientist was extensively quoted this morning, and he has made it plain that he was misquoted and misreported. I have his full letter before me in which he refers to what he believes is the only scientifically defensible position and says:

"I do not see a problem"—

with the Government's stance. The hon. Gentleman will be aware that the letter has been reported in a way that seeks to imply, and indeed asserts, that the Government chief scientist is in dispute with the Government's position.

Mr. John Bercow (Buckingham): He is.

Mrs. Beckett: The hon. Gentleman may say that, but he is talking through the back of his neck. He should read the letter, the first line of which says:

"I do not see a problem here".

Mr. James Paice (South-East Cambridgeshire): I have the letter.

Mrs. Beckett: Well, if the hon. Gentleman has the letter, I suggest that he reads it and digests its contents. I have read it all, and it clearly says that there is no dispute about the science and with the Government's position.

The hon. Member for North Cornwall (Mr. Tyler) asked about referring the matter to the royal commission, but of course the Science and Technology Select Committee has reported on the matter this week, and we are studying all the reports and considering the recommendations. However, I believe that the last thing that any of us wants to do is to kick into the long grass a sensible debate on the science of this matter, which is more than necessary and becomes more necessary with every day that misleading statements are made by the various campaigners on the issue.

The hon. Gentleman asked me to guarantee a statement on the freedom of information Bill, and I do so. I can also tell him that I know that my right hon. Friend the Home Secretary intends, as always, to explain with absolute clarity the position that the Government are taking and why he has reached his decisions.

The hon. Gentleman asked me to take account of the issue of the principles of open government with regard to EU policy and so on. To the extent that that is within this Government's control, we do so.

Mr. Jim Marshall (Leicester, South): Is my right hon. Friend aware of increasing speculation in the United Kingdom and in other countries in Europe about the future of the Western European Union, especially the rumour that it might be integrated into the European Union? Does she accept that that issue should be debated in the House? She may argue that there are two opportunities in the next two parliamentary weeks to do so, but I urge her to hold a special debate so that we may debate that specific issue and the wider issue of European security.

Mrs. Beckett: I have a faint recollection of having heard rumours to that effect from time to time over the years, which have always turned out to be unfounded press speculation. I fear that I cannot offer my hon. Friend a special debate on the matter, although I understand its importance. However, I draw to his attention the fact that there is to be a debate on the European Union next Tuesday. It will focus on the pre-Cologne Council, but there is no reason why the matters raised by my hon. Friend may not be relevant—subject to Madam Speaker's opinion. In addition, I have just announced that there is to be a debate on defence in the world just after the recess, so that might provide another opportunity to my hon. Friend.

Mr. Peter Brooke (Cities of London and Westminster): As we enter the final straight towards the millennium, we realise that some people are apparently less well prepared than they should be in terms of the millennium bug. When that is pointed out, however, they say that that criticism is based on out-of-date information. Would the Leader of the House therefore contemplate accelerating the frequency of the admirable reports that she gives to the House, so that unnecessary apprehensions are not created?

Mrs. Beckett: I am most grateful to the right hon. Gentleman. I have every intention of doing so. The next statement is due in the relatively near future, and I intend thereafter to make monthly updating statements to the House.

Dr. Tony Wright (Cannock Chase): My right hon. Friend will know that, over the years, hon. Members from both sides of the House have asked whether, when statements are made, we might have the text a little earlier in the day—perhaps by noon on the day that the statement is to be made—so that questions can be more focused and more informed. Would not the statement on freedom of information be exactly the right occasion on which to institute such a new procedure?

Mrs. Beckett: My hon. Friend makes an interesting point, but I have slight reservations, although obviously it

is a matter that could be considered. If I may say so without disrespect to any hon. Member on either side of the House, I would like to be absolutely and immediately confident that producing a copy of a statement at an earlier time would not mean that its precise details appeared in the news media before it was made in the House. I consider that it would be difficult to have such absolute confidence and certainty about that, but I will bear in mind that suggestion.

Mr. Nigel Evans (Ribble Valley): Will the Leader of the House arrange for an early debate on national health service trust management? I do not know whether she is aware that three non-executive directors of the Guild health care trust in Preston exposed mismanagement of that trust by the chief executive, which was brought to light in an independent report entitled, "The Care and Treatment of Daniel Holden." The chief executive was suspended by the trust board. There was a further investigation, by an independent panel, which endorsed that action and confirmed that the trust had been mismanaged. The trust was told, via the regional office, by the Secretary of State for Health, that the three non-executive directors should resign, and that, if they did not, they would be sacked to give the trust a fresh start.

Madam Speaker: A question, please.

Mr. Evans: Yes, Madam Speaker. Yesterday, the three non-executive directors were sacked. My great fear—I wonder whether the Leader of the House agrees—is that the morale of non-executive directors throughout the country will be affected by that decision.

Mrs. Beckett: I understand the hon. Gentleman's anxiety about the morale of non-executive directors but, to be honest, I do not see why that should be affected. My right hon. Friend the Secretary of State made it plain at a much earlier stage that he felt that, sadly, it was not in the interests of the trust or of the health service as a whole for the members of the previous team to stay in post. He invited them to resign, and they were not willing to do so. These are clearly special circumstances and we must all hope that they are unique.

Mr. Tam Dalyell (Linlithgow): In answer to my hon. Friend the Member for Halifax (Mrs. Mahon), the Leader of the House said that not very much is known about the tragic hospital bombing in Belgrade. If there is such a lack of information, should not bombing stop, or should not there at least be a pause? In particular, could not a statement be made on Monday, when a little more will be known about the facts?

Mrs. Beckett: The House understands my hon. Friend's strong views on this matter and I accept that he is saying that, on those grounds and on this occasion, there should be a pause in the bombing. I simply say to him, however, that there are different views on it, which are held by people in all good conscience, and draw to his attention what I understand to be the recent remarks of the Catholic Archbishop of Belgrade, who said that any pause in NATO action would be taken by President Milosevic as a sign of weakness.

Mr. Michael Jack (Fylde): A moment ago, the Leader of the House was dismissive of the request made by my hon. Friend the Member for Ribble Valley (Mr. Evans) for a special debate on what has been happening at the Guild health care trust in Preston. In the light of her specific comments on the unique nature of this matter, may I press her to arrange for either an oral or a written statement, before the House rises for the Whitsun recess, to deal with those factors?

The sacked non-executive directors, who were acting in their capacity as whistleblowers on mismanagement, feel that their circumstances draw attention to the role of non-executive directors who raise certain issues and find themselves in the firing line of the Secretary of State. We need a statement urgently to clarify that matter.

Mrs. Beckett: May I remind the right hon. Gentleman that, no doubt inadvertently, the hon. Member for Ribble Valley (Mr. Evans) did not ask for a debate on that specific matter? He did not get round to that. I am afraid that I cannot find time for an extra and specific debate, but I can of course draw to his attention the fact that there is a pre-recess debate on Wednesday, in which any matter can be raised.

Mr. David Chaytor (Bury, North): In view of the publication earlier this week of the long-awaited and excellent White Paper on sustainable development—which has profound implications for Government policy on both social exclusion and environmental protection—can my right hon. Friend find time for a debate on this issue in the near future, particularly as no questions have been asked in the House, no Government statements have been made on it and there has been very little interest in the media?

Mrs. Beckett: My hon. Friend is right to say that the White Paper will have profound implications, and it also merits most careful and thorough consideration and debate. I fear that I cannot undertake to find time for such a debate in the near future, although, again, he may be able to raise the matter in the pre-recess debate and I am sure that the House will return to it.

Dr. Julian Lewis (New Forest, East): Given that, for better or for worse, the penalty of capital punishment for murder was abandoned many years ago, will the Leader of the House find time for a statement, either by the Home Secretary or by one of the Law Officers, on why those paratroopers who are, rightly or wrongly, accused of murder on Bloody Sunday will be required to sign their own death warrants in the forthcoming inquiry by revealing their full identities to the public at large and to the terrorists in particular?

Mrs. Beckett: That point could have been raised during questions to the Attorney-General, which have just taken place. I am always hesitant about dealing with matters that might in any way be sub judice, but I will draw the hon. Gentleman's observations to the attention of the relevant Minister.

Mr. Martin Salter (Reading, West): Is my right hon. Friend aware of reports that three British National party candidates in the forthcoming European elections have submitted nomination papers bearing false addresses in order to qualify for a party political broadcast and an election freepost to 20 million households at

[Mr. Martin Salter]

public expense? Does she not agree that there is an urgent need for the House to review election law, to prevent our democratic processes from being subverted by racist and fascist organisations seeking a platform for their vile and odious views?

Hon. Members: Hear, hear.

Mrs. Beckett: My hon. Friend is entirely right—and I am pleased to note that the whole House agrees with him.

I am aware of the reports to which my hon. Friend refers, and I have little doubt that they are being studied with great attention, even as we speak. As my hon. Friend will know, the Home Office is in any case conducting an election review, and this is exactly the kind of matter that it will be studying. As my hon. Friend says, we need to ensure that it cannot happen again.

Mr. Michael Fallon (Sevenoaks): May we have an early debate on the rising cost of special advisers? The cost is now some £3.9 million a year, double the amount during the last year of Conservative government. May we also discuss the new practice of political advisers going on foreign jaunts with their Ministers? We are talking about 170 trips at public expense. How would Ministers defend this new kind of political tourism?

Mrs. Beckett: I am sure that we are likely to discuss that. I can even suggest a good slot: it can be discussed when we debate the financing of the Opposition parties.

Mr. Desmond Swayne (New Forest, West): Will the Leader of the House examine the order of questions to the Secretary of State for Northern Ireland next Wednesday? Will she confirm my estimate that there will be no opportunity for the Secretary of State to make a statement about the conduct of Lord Saville's inquiry—indeed, the shameful conduct of that inquiry? Will she arrange for the Secretary of State to make a statement, hopefully announcing the winding up of the inquiry, given that Lord Saville has said that there will now be a lack of candour, and that the inquiry cannot possibly add anything to Lord Widgery's original inquiry?

Mrs. Beckett: As I am sure the hon. Gentleman is well aware, what comes out of the questions hat is a mixture of chance and what hon. Members have tabled. However, I have already undertaken to draw the observations of his hon. Friend the Member for New Forest, East (Dr. Lewis) to the attention of my right hon. Friend the Secretary of State, and I will do the same with his observations.

Mr. Eric Forth (Bromley and Chislehurst): May we, as a matter of urgency, have a debate on early-day motion 669?

[*That this House deplores the fact that the Right honourable Member for Cardiff South and Penarth is being allowed to hold simultaneously the posts of Secretary of State for Wales and First Minister for Wales; believes that the existence of such a dual mandate creates an unacceptable conflict of interests; and deplores the fact that the total salary payable to the Right honourable Member for Cardiff South and Penarth as an honourable Member, Member of the National Assembly for Wales, Secretary of State for Wales and First Minister for Wales at £187,122 is higher than that paid to the Prime Minister and is amongst the highest remuneration of a public servant in the United Kingdom despite the fact that there is nothing the Right honourable Member can do as First Minister for Wales that he cannot do as Secretary of State for Wales.*]

The Leader of the House will be aware of—and may well have participated in, over the years—the ritual condemnations by Labour Members of "fat cats" and Members of Parliament who hold several jobs. The right hon. Member for Cardiff, South and Penarth (Mr. Michael) is a Member of the Welsh Assembly, Secretary of State for Wales and First Minister for Wales. That is four jobs, by my reckoning. Will the right hon. Lady give us an opportunity to discuss how on earth any individual, no matter how worthy, can hold four important jobs and justify a salary of £187,000 a year?

Mrs. Beckett: As I am sure the right hon. Gentleman knows, the Secretary of State for Wales, my right hon. Friend the Member for Cardiff, South and Penarth (Mr. Michael), has already made it plain that he has no intention of drawing more than his present salary.

Mr. Shaun Woodward (Witney): Is the right hon. Lady aware of the difficulties in which the Paymaster General found herself during this morning's sitting of the Finance Bill Standing Committee, in regard to changes to widows bereavement allowances? In the light of the confusion that the Paymaster General allowed to be created, is this not an opportune time for the Chancellor to make a statement clarifying the position? Undoubtedly, in a forthcoming year, many tens of thousands of widows will suffer because of the Government's changes to the Welfare Reform and Pensions Bill.

Mrs. Beckett: I am afraid that I am not aware of what happened in Committee this morning and, I say with respect to the hon. Gentleman, have some doubt about taking at face value Conservative Members' observation that there was confusion. I am certain that there will not be confusion about Government policy. I am also clear that the Government's changes are, for the first time, beginning to ensure that our reformed welfare system resembles the work and family patterns of today, as opposed to those of 50 years ago.

With regard to the overall approach and treatment of widows, I am mindful, for example, that the bereavement allowance, which was introduced by the Conservative party in 1986 to replace an allowance that was paid over six months, was introduced at a lower rate. It cut the funding that was made available to widows; it was introduced at a level of £1,000. During the rest of the 13 years that the Conservative party was in power, it never increased it by so much as a ha'penny, whereas we are about to double it, so we do not need to listen to strictures from Conservative Members about penalties on widows.

Mr. Robert Syms (Poole): Will the Leader of the House put some pressure on the new Secretary of State for Scotland to come to the House to answer questions on the "Partnership for Scotland" document which has been agreed between the Labour party and the Liberal

Democrats as a basis for running the Scottish Parliament? I have been looking through it and I am sure that it has major financial implications for the United Kingdom taxpayer. I am very anxious that we should protect the UK taxpayer and, indeed, my English constituents from paying additional costs north of the border following that agreement with the Liberal Democrats.

Mrs. Beckett: I am sure that the hon. Gentleman has noticed that it is Scottish questions on Tuesday and he will be able to ask the Secretary of State himself.

Mr. Peter Atkinson (Hexham): Will the Leader of the House arrange for the Chancellor of Duchy of Lancaster or, indeed, the Prime Minister to come to the House to explain why No. 10 Downing street leaked the announcement of the appointment of the poet laureate, thus ruining what was going to be an important occasion next week, and at the same time gratuitously insulting the Queen?

Mrs. Beckett: It is my understanding that that is not what happened at all. As I understand it, the announcement was made through No. 10 that the Queen had approved the appointment of the poet laureate. That is the norm and is the way in which all such previous announcements have been made.

Mr. John Bercow (Buckingham): Further to the question from my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) and the reply by the Leader of the House, will she confirm that, if what she says is right—namely, that the right hon. Member for Cardiff, South and Penarth (Mr. Michael) intends to take only the salary that is currently received by his Cabinet colleagues—there is an excess of £97,122 a year? Will she confirm that that money will in no circumstances be taken? Furthermore, does she not agree that, if we have a debate or statement on the subject, it will afford to the right hon. Gentleman the opportunity to confirm that, far from wasting the money by directing it back to the Chancellor of the Exchequer to misuse, he will instead donate it to worthy charities?

Mrs. Beckett: That is an ingenious suggestion. I am sure that, somewhere in his comments, the hon. Gentleman meant to welcome the restraint that has been shown by my right hon. Friend the Secretary of State for Wales—and, indeed, all those in the Cabinet—in taking substantially less than the pay to which they are entitled, unlike, I fear, the Leader of the Opposition. I can assure the hon. Gentleman that, when my right hon. Friend says that he will not take any more than the salary that other members of the Cabinet are drawing, that is precisely what he means. As to the suggestion that my right hon. Friend should draw the rest of it and give it to charity, I just wish that I thought that Conservative Members would take that at face value if he did.

Mr. Dominic Grieve (Beaconsfield): May we have an early opportunity to debate Home Office proposals to restrict trial by jury? Will the right hon. Lady arrange for the Home Secretary to come to the House to give a statement, especially in light of the fact that, as late as February 1997, he was saying that such proposals were not only wholly wrong, but short-sighted and likely to prove ineffective?

Mrs. Beckett: We have already done that; there was an answer to a private notice question yesterday. My right hon. Friend the Home Secretary has made his position plain. He has said openly and honestly that that was the view that he expressed in 1997, that he has given the matter further consideration and that he has changed his mind. He has dealt with one of the main anxieties at that time—that there was no appeal against a decision about the form of trial—so the matter is plain. While no doubt the matter can be raised from time to time during Home Office affairs, there is no reason for extra time on it now.

Mr. Norman Baker (Lewes): I should like to know when we are to have the statement on GM crops and GM food. I suggest that it should be sooner rather than later given that the Government's policy is unravelling at a rate of knots. Will that statement deal with the biotechnology presentation group—the spin unit—which no one had heard about until yesterday? Will the right hon. Lady give an undertaking that the terms of reference, dates of meetings and minutes of that spin unit will be published for all to see? Will she give a categoric assurance that, contrary to the implication in that leaked letter, there will be no attempt by Ministers to alter in any way, shape or form the recommendations from the chief medical officer and the chief scientific adviser?

Mrs. Beckett: First, there is no such thing as a spin unit. Secondly, the hon. Gentleman asked me to insist that there will be no attempt to interfere. If the hon. Gentleman read the leaked document, he would see that it says plainly that there is no attempt by Ministers to interfere or even to appear to interfere. All that is intended is that there should be as clear a presentation of policy as possible. Clearly, that is much needed so that hon. Members such as the hon. Gentleman do not continue to insist that our policy is unravelling in the face of a letter which says quite clearly that the policy is correct.

Mr. Paice: Will the right hon. Lady reconsider this business of genetically modified crops and have a full day's debate, not just a statement, whenever that may be? The responsible Minister could then account for why the document to which we have just referred says that the

"revised draft should be cleared by a future meeting of the presentation group."

That refers to the recommendations of the chief medical officer and the chief scientific adviser. If that draft has to be cleared, how can the right hon. Lady guarantee that there will be no power to interfere with it? The relevant Minister would also be able to deal with the final point in Sir Robert May's letter, to which we have also referred and from which the right hon. Lady quoted earlier. Having just said that he does not see how Ministers could contemplate giving permission for commercial release of GM crops until January 2003 at the earliest, Sir Robert May went on to say:

"Obviously I could have written a shorter letter by just saying that I agreed with this sentence, right from the start!!"

[Mr. Paice]

If that is the case, will the right hon. Lady point out when and where any Government Minister has said that?

Mrs. Beckett: The Minister for the Environment has said precisely that.

Mr. Paice: He has not.

Mrs. Beckett: He has said that. I am sorry, but if the hon. Gentleman did not hear him, that is his problem. I shall come back to whether he has put a date on it. On the issue of why the matter should be cleared at a future meeting by people such as the chief medical officer and the chief scientific adviser, it is precisely in order to ensure that what is said is accurate, is in no way misleading and is scientifically sound. I do not believe that Ministers in the previous Government did not have proper and sensible arrangements for ensuring that what was said was agreed and sound. If they did not, it certainly accounts for the perceived incompetence that they displayed for so long.

I have read the last paragraph of the letter—I have read the whole letter. In the last paragraph, the chief scientific adviser says that he could have agreed with that sentence about GM crops "covered by this research." The reason for the previous page to that letter is that he points out that there are more GM crops to be considered than just those covered by the research. He says that there is no point in having a simple date or a simple moratorium—such as that being called for by some campaigners—because some GM foods might require longer periods of experimental evidence and others might require shorter periods. The request is irrelevant and a waste of time. He does not use those words, but he makes it clear that there is no scientific justification for saying, "Let us have it on that date." I cannot imagine how anyone can read his letter and read into it anything other than that.

Mrs. Cheryl Gillan (Chesham and Amersham): Last week, a written answer gave a brief account of the outcome of the ministerial meeting of the European Space Agency. As the Leader of the House will know, that was the first such ministerial meeting since 1995. I hope that she will find time for a debate on space policy, which is so important for British industries. We need to know the Government's thinking and plans on space policy, but have not had an opportunity to debate the matter since they took office.

Mrs. Beckett: I do not remember precisely everything that we debated in our first year in office, but think that the hon. Lady may well be right to say that there has not been a major debate on space policy for quite some time. I understand the interest in the matter. She might try to work it into the debate on the global navigation satellite system—in European Standing Committee A, should she care to attend. Nevertheless, despite understanding the issues' importance, I cannot undertake to find time in the near future to debate them in the House.

Mr. Bercow: Sort it!

Madam Speaker: Mr. Bercow, I want no sedentary comments.

Mr. Oliver Letwin (West Dorset): In the light of the Prime Minister's repeated failure to give clear answers on the Government's willingness, or otherwise, to hold a referendum before they have established clear rules for referendums, will the Leader of the House make time for either a statement or, preferably, a debate on the question whether the Government will guarantee not to hold any referendum until they have implemented the draft legislation that they are promising to bring before the House?

Mrs. Beckett: I am not aware of any confusion on the matter; the Government have always made the position clear. We established the Neill committee, and we take its recommendations, which we are studying, very seriously. In due course, we shall come forward with proposals and—undoubtedly, if it is required—with legislative change.

Sir Patrick Cormack (South Staffordshire): The right hon. Lady declined to give the apology for which my right hon. Friend the Member for North-West Hampshire (Sir G. Young) asked in respect of yesterday's rather shocking episode about the statement on jury trial. She said that we had an apology yesterday. May I respectfully point out that what appears in column 1066 of *Hansard* is certainly not an apology to the House? Will she make such an apology? It really is deeply regrettable that such an announcement was slipped out in the way that it was. Will she also have a word with the Prime Minister and tell him that what the Government need is not an enforcer but a plumber?

Mrs. Beckett: I have never come across a Government who did not need plumbers. As for the apology, I simply said that it was my understanding that, yesterday, the House received a very full apology from my hon. Friend the Under-Secretary. Again, I remind the right hon. Gentleman and the House that the matter was dealt with and a statement was made to the House in a written parliamentary answer. Of course, if there are those who feel that there was insufficient opportunity to debate the issue, that is always a matter of concern. However, yesterday, Madam Speaker did the House the courtesy of finding time to raise it by granting the private notice question.

Personal Statement

1.13 pm

Mrs. Teresa Gorman (Billericay): I rise to make an apology to the House.

The Select Committee on Standards and Privileges has investigated a complaint against me and found that my entry in the Register of Members' Interests was inadequate and incomplete. I fully accept the way in which the complaint was investigated and the Committee's conclusions. I am most grateful to the Committee for giving me the opportunity to answer its questions in person. The omissions in my entry were due to an oversight on my part. I accept the Committee's findings. I make no excuses, and I offer my most sincere apologies to the House.

Madam Speaker: Thank you, Mrs. Gorman; the House is most appreciative.

Welfare Reform and Pensions Bill (Allocation of Time)

1.14 pm

The Secretary of State for Social Security (Mr. Alistair Darling): I beg to move,

That the following provisions shall apply to the remaining proceedings on the Welfare Reform and Pensions Bill—

Order of consideration

1. The Bill, as amended, shall be further considered in the following order, namely amendments relating to Clauses 53 to 56; remaining New Clauses; amendments relating to Clauses 1 to 6, Schedule 1, Clauses 7 to 16, Schedule 2, Clause 17, Schedule 3, Clauses 18 and 19, Schedule 4, Clauses 20 to 29, Schedule 5, Clauses 30 to 44, Schedule 6, Clauses 45 to 50, Schedule 7, Clauses 51 and 52, Clauses 57 to 61, Schedule 8, Clauses 62 to 64, Schedule 9, Clause 65, Schedule 10, Clauses 66 to 70, Schedule 11 and Clause 71; New Schedules; amendments relating to Clauses 72 and 73, Schedule 12, Clauses 74 to 76, Schedule 13 and Clauses 77 to 79.

Timetable

2.—(1) Proceedings on Consideration in respect of amendments relating to Clauses 53 to 56 shall be completed at today's sitting and, if not previously concluded, shall be brought to a conclusion four and a half hours after the commencement of proceedings on this Motion.

(2) The remaining proceedings on Consideration and Third Reading shall be completed at today's sitting and, if not previously concluded, shall be brought to a conclusion six hours after the commencement of proceedings on this Motion.

Questions to be put

3.—(1) For the purpose of bringing any proceedings to a conclusion in accordance with paragraph 2(1) the Speaker shall forthwith put the following Questions (but no others)—

(a) any Question already proposed from the Chair;

(b) any Question necessary to bring to a decision a Question so proposed;

(c) the Question that any remaining amendments to Clauses 53 to 56 standing in the name of a Minister of the Crown be made to the Bill;

(d) any other Question necessary for the disposal of the business to be concluded.

(2) For the purpose of bringing any proceedings to a conclusion in accordance with paragraph 2(2) the Speaker shall forthwith put the following Questions (but no others)—

(a) any Question already proposed from the Chair;

(b) any Question necessary to bring to a decision a Question so proposed;

(c) the Question that all remaining amendments standing in the name of a Minister of the Crown be made to the Bill;

(d) any other Question necessary for the disposal of the business to be concluded.

Miscellaneous

4. Standing Order 15(1) (Exempted business) shall apply to proceedings on the Bill at today's sitting, and the proceedings shall not be interrupted under any Standing Order relating to sittings of the House.

5. Standing Order No. 82 (Business Committee) shall not apply to proceedings on the Bill.

6. No Motion shall be made, except by a Minister of the Crown, to alter the order in which any proceedings on the Bill are taken or to recommit the Bill; and if a Minister makes any such Motion, the Question on the Motion shall be put forthwith.

7. No dilatory Motion shall be made in relation to the Bill except by a Minister of the Crown; and if a Minister makes any such Motion, the Question on the Motion shall be put forthwith.

8. The proceedings on any Motion made by a Minister of the Crown for varying or supplementing the provisions of this Order shall, if not previously concluded, be brought to a conclusion one hour after they have been commenced; and Standing Order No. 15(1) shall apply to those proceedings.

9. If at today's sitting a Motion for the Adjournment of the House under Standing Order No. 24 (as that Standing Order has effect in accordance with the Order of the House [16th December 1998]) stands over to Four o'clock and proceedings on this Motion have begun before that time, the Motion for the Adjournment shall stand over until the conclusion of proceedings on the Bill.

10. If the House is adjourned at today's sitting, or the sitting is suspended, before the conclusion of proceedings on the Bill, no notice shall be required of a Motion made at the next sitting by a Minister of the Crown for varying or supplementing the provisions of this Order.

I shall speak to the motion as briefly as possible, as I sense that both sides of the House want to get on and discuss the main business before us—which is the resumed consideration of the Welfare Reform and Pensions Bill, and particularly the Government's proposals on disability benefits.

However, I must point out that after 13 hours of debate on Monday, we had completed consideration of less than half the amendments down for discussion. I made it clear the following day that the Government wished to bring the matter back to the House at the earliest opportunity and were keen to discuss our proposals—which will improve the condition of many disabled people—in prime time. By bringing them back today, when the House sits during the day, we shall ensure that the debate takes place in prime time. It is in the interests of the House and the country that people should understand exactly what the Government are proposing.

The Bill was in Committee for more than 65 hours and 25 sittings. That is the most sittings that a social security Bill has had for 10 years. There were 180 Opposition amendments. We spent 13 hours in debate on Monday. A lot of that debate was on matters on which the Opposition apparently supported us, such as extending maternity allowance to people who previously did not get it. We spent two and a quarter hours on the single work-focused gateway, which the Opposition apparently support. We spent some considerable time discussing our proposals for extending bereavement benefits before the Opposition withdrew their amendment.

At no point did the Opposition ask us for more time to discuss the Bill. We would have been happy to timetable the Report stage over two days rather than one. I stress again that I am more than happy to set out the Government's proposals, which will bring more help to severely disabled young people and to those who can work and want to do so, while bringing the benefit system up to date to reflect changing conditions. This wide-ranging welfare reform Bill implements the first stage of our pensions proposals, extends benefits to people who lose their spouse and have young children, and reforms disability benefits, as well as modernising the workings of the social security system. Those are all matters that the majority of the people in the country and in the House will support.

[Mr. Alistair Darling]

If we can dispose of the debate on the guillotine motion quickly, the House will have four and a half hours to debate these important matters. That is probably longer than we would have had if there had not been a guillotine. I am anxious that all hon. Members should have as much opportunity as possible to put their point of view. If I am lucky enough to catch your eye later in the afternoon, Madam Speaker, I shall be happy to respond to the points that are put.

1.17 pm

Mr. Iain Duncan Smith (Chingford and Woodford Green): The Secretary of State said that the Bill had one of the longest Committee stages in recent years. That is not surprising. This huge Bill is essentially four Bills in one, so that is no justification for the guillotine.

I intend to be brief, because we do not want to take too much time from the key debates on the proposals. However, it is important to point out that it was unnecessary for the Government to push the guillotine forward. The Secretary of State said that we could have asked for extra time, but we did not need extra time. We would have completed the consideration of the amendments in good time in one sitting.

It is all very well for the Secretary of State to say that the situation is everybody else's fault. He carried out one-to-one briefings with the press lobby, winding up the process by saying that there would be no discussion and no concessions, that the Government would take the so-called rebels head-on, that there would be a real clash and that he was looking forward to it. We have a bargain basement Arnold Schwarzenegger who has pumped up the debate; but half way through consideration, he cut and ran, failing to face up to a serious debate.

The Secretary of State now blames everyone else. Apparently, we were going to bump the Kosovo debate the following day or we were filibustering the debate. [HON. MEMBERS: "Yes!"] Well, a glance at the amendments reinforces the point that the Government tabled new clauses on three new subjects that had had no previous consideration. Two of them—on very big subjects—were tabled at the last moment. One—which changed the relationship of people with their pension funds in insolvency—was dramatic, and changed the nature of the Bill. The second, and perhaps most important, was the clause that we believe will destroy the livelihoods of self-employed people, particularly those in the information technology industry.

The last section of the clause, which is all about giving powers to the Treasury, states that

"the Treasury may with the concurrence of the Secretary of State by order make such modifications of the preceding provisions of this section as the Treasury think appropriate for that purpose."

Those powers are vast, and mean that the Treasury can change anything it likes—at a whim, by order. No wonder we needed to debate those matters, and the Government tabled those new clauses ahead of everything else. The Leader of the House told us that these were minor considerations. They were not.

We heard earlier that it was a huge Henry VIII clause, but it is not so much Henry VIII as Louis XIV. The Prime Minister, Louis XIV himself, is the absolute monarch, ruling all he surveys. This is a clause in his mind and his body. He had his Chancellor going around that night on one-to-ones with the Secretary of State, leaning on those of his colleagues who took a different view. The Chancellor, the cardinal, is responsible to Louis XIV, but the Secretary of State is the man in the iron mask.

So busy was the Secretary of State with the Chancellor that he managed to come into the Chamber for this vital Bill—his Bill—for four minutes and 23 seconds out of 14 hours. But who is counting? The Secretary of State made an appearance like a rabbit and went out like a rabbit when it was time for a one-to-one.

After all that, the right hon. Gentleman has the cheek to come here and blame everybody else—the man who briefed and built up has now been blown away. He may discover that, as in all one-to-ones, it is good to talk, but it is also good to listen. The Secretary of State has not been listening. He did not listen to his advisory forum, all of whom resigned in disgust; he is not listening to his colleagues who have a problem with the proposals; and he is not listening to the Opposition. If he were listening more than lecturing, he might have learned of the serious problems with his proposals.

After such incompetence—and with the Secretary of State now standing in the shadow of the only guillotine that really matters to him—I suggest that he looks to the famous lines of Sydney Carton:

"It is a far, far better rest I go to than I have ever known."

The Government are a shambles and out of control. The guillotine today is a sign of the bully—all bluster and bravado, but when it comes to the crunch, no backbone.

1.23 pm

Mr. Gerald Kaufman (Manchester, Gorton): I strongly support this guillotine motion, and I would like to explain why—particularly to my hon. Friends, all of whose views I respect on this matter of great importance.

I look at this matter in the context of my experience of previous Labour Governments with previous contentious issues, such as the reform of the House of Lords in the 1966 Parliament. At that time, it was not opposition from Conservatives or Liberals, but disagreement within our own party that led to the reform of the House of Lords being frustrated and prevented. It has had to be resuscitated 30 years later by a Government so concerned about it that they have had to resort to the desperate measure of appointing me as a member of a royal commission to look at it.

Labour Members—Opposition Members could not have done it—inserted in the original Scottish and Welsh devolution legislation the 40 per cent. referendum provision that led to the fall of the Labour Government, 18 years of Conservative government and, incidentally, a 20-year delay in the introduction of devolution.

We are to debate a major issue after we approve the guillotine. I respect fully the views of all my hon. Friends, but they should be aware that the Government will win today, regardless of Labour Members' votes against or abstentions. They will win because of the loyalty of the overwhelming majority of members of the parliamentary Labour party, including old lags such as myself.

What will be the consequence if there is a substantial failure among Labour Members to support the Government? Whatever our views, we will all go from

here tonight and campaign for our party in the European elections. If there is a substantial reduction in the Government's majority because of the views of some of my hon. Friends—and they are friends in both senses—who will be pleased?

The Government will not be pleased. My hon. Friends who have reservations or disagreements with the Government will not be pleased, because they will have lost. Who will be pleased? The BBC, which has set itself up as a kind of alternative Opposition party, will be pleased. It is waiting breathlessly for its news bulletins to be able to start with the headline, "Labour suffered a serious rebellion and setback in the House of Commons this afternoon."

Who else would benefit? Let us consider the Liberal Democrats who, we must never forget, voted with Margaret Thatcher to bring down the Labour Government who would have introduced devolution. They are responsible for Thatcherism, together with the Conservatives. There are quite a few pretty nice guys among Liberal Members of Parliament, but those of us who have nests of Liberal Democrats in our constituencies know that they are not the same thing at all. They are opportunists, fluttering from issue to issue and alighting like flies on garbage heaps.

The Liberal Democrats in our constituencies are waiting to prepare their grubby "Focus" leaflets to put through letter boxes. That is what they will do, regardless of the views of their Members of Parliament who, as I said, share the responsibility for 18 years of Thatcherism.

What about the Conservatives? If there is—as I trust that there will not be—a substantial reduction in the Government's majority this afternoon, that will bring the first smirks to their faces since May 1997. It will give great comfort to the people who are responsible for the entire problem facing the Government today, because the number of people on incapacity benefit today derives from the fiddling of the unemployment figures by the Conservative Government.

I do not decry in any way the sincerity with which my hon. Friends approach this issue. However, they should consider the consequences of their actions this afternoon, because I sat here for 18 years under a Conservative Government and I do not want another. Just look at that hypocritical rabble now. The Conservatives were responsible for the issue and they are trying to cash in on it, but they have offered no solutions. They are beaten and battered, but they are hoping to drag something out of this afternoon.

1.30 pm

Mr. Paul Tyler (North Cornwall): The right hon. Member for Manchester, Gorton (Mr. Kaufman) is normally an eloquent advocate of parliamentary democracy. The argument that he has just advanced is that his colleagues on the Government Benches should not listen to their consciences or to the arguments, but should vote now and go home. I hope that Labour Members will realise that that is a jaundiced view from the right hon. Gentleman and may be influenced by the fact that on 6 May, more people voted Liberal Democrat in his constituency than voted Labour.

I shall not follow the two previous contributors with 30-year or even 300-year precedents. I wish to address the implications for the good management of business in this House now, which is as important as this Bill. I must correct the Secretary of State: the principal Liberal Democrat spokesman on social security made it clear that we thought that it would be necessary to have two days of debate for Report and Third Reading, because in Committee, there was not a single Labour Member who took a view different from the Government's on the issues. Dissenting Labour Members could not put forward their views in Committee and would wish to do so on Report. That is why the proceedings are so important and why we need time.

I wish to offer a gentle and modest word of advice to the Secretary of State and his colleagues on the Front Bench. They should show a little bit less of their macho aggression towards those who will be pleased by what may happen this afternoon, towards those who are genuinely in receipt of disability benefits and towards the groups that represent them. They are listening to this debate carefully, because they want to know what has happened to the Labour Government whom many of them supported in 1997.

Surely the Government recognise that the attitude they have adopted is likely to cause more resentment, not less. A more thoughtful and responsive attitude would have been much more successful. What will the Secretary of State say to Labour Members who will have to go back to their constituencies this weekend and confess that they voted for a more devastating attack on the living standards of that particular group than even the Conservatives were prepared to make? That is the reality of the situation.

The guillotine should not have been necessary and the Secretary of State was wrong. Had the proceedings continued in the early hours of Tuesday morning, we could have had about 10 more hours of discussion without affecting the business on Tuesday. We could have dealt adequately with all the issues, including those that will be raised today by Labour Back Benchers. Now he is allowing us just six hours.

The Secretary of State for Education and Employment (Mr. David Blunkett) *rose—*

Mr. Tyler: I shall not give way because we are being brief. [HON. MEMBERS: "Give way."] Nobody else has taken interventions and I shall not do so, because I wish to get on with the debate.

Mr. Blunkett *rose—*

Mr. Deputy Speaker (Mr. Michael J. Martin): Order. I cannot have two Members standing at the same time.

Mr. Tyler: Nobody—no Minister and no Whip—ever explained on behalf of the Government why it was necessary to stop the debate at that hour in the morning on Tuesday. The guillotine should not have been necessary, because we could have continued on Tuesday morning and given adequate attention to the Bill.

It would be absurd for me to make an extensive speech at this stage, but I believe that the Government are wrong to try to steamroller the Bill through instead of sticking to the original proposal of a proper debate with plenty of time to enable all views to be heard. The Government will regret the impression that will be given by pursuing this course of action.

1.34 pm

Mr. Richard Shepherd (Aldridge-Brownhills): The hon. Member for North Cornwall (Mr. Tyler) is quite wrong. The Government have not permitted six hours for debate on the Bill. They have in fact contemplated limiting debate to just three hours. The allocation of time motion is entitled to three hours in itself.

Ms Ann Coffey (Stockport): Sit down and let us get on with it then.

Mr. Shepherd: No, I will not.

Mr. Deputy Speaker: Order. When I call an hon. Member to speak, I expect him to be heard.

Mr. Shepherd: Those who shout "sit down" should reflect on who is placing the motion before the House. Who seeks to curtail debate?

The right hon. Member for Manchester, Gorton (Mr. Kaufman) gave us an old Stalinist, new Labour speech. His complaint that he had endured 18 years of Thatcher government reminded me that many Members think that we have had, as of 4 May, 20 years of Thatcher's principles and government.

The Government are utilising a guillotine to defeat proper debate on matters of conscience, judgment and the representative function. Across the Chamber, I see the nodding heads of the nodding donkeys. I have seen the same during 20 years in this House. The Government are seriously telling the House that around 60 Back-Bench Members have expressed dissent, but that they can be bundled out in one and a half hours. They are telling us that if they can shut up the House, there might be four and a half hours of debate. Notice how the Government are trying to swivel the finger of blame towards others when it points firmly at the Secretary of State who is proposing this extraordinary guillotine.

I want to take apart one of the Secretary of State's arguments. He announced that the Bill spent 65 hours in Committee. Many Members sitting here have served in Committees lasting well over 100 hours. The new fashion of Government is no longer to seek consent or even to settle for acquiescence. The Crown in Downing street is prepared to ram through, in just 90 minutes, contentions that are matters of conscience and the representative function.

Every hon. Member who votes for the guillotine will be saying that he or she accepts that he or she may have no freedom of speech to express his or her wishes and his or her judgment.

Kali Mountford (Colne Valley) *indicated dissent.*

Mr. Shepherd: I see the hon. Lady baying at me, but if she reflects on what I am asking, she will see that this matter should be debated without a vicious guillotine. Members must weigh two propositions. Are they prepared to vote to deny themselves the ability to address these issues properly? That is the question that they must ask themselves. We shall see who goes through the Lobby, saying, on the one hand, "Yes we should not discuss this matter", but saying on the other hand, for the wider public, "We protest against this issue."

There is a fundamental contradiction in voting for the motion. We hold it in our hands to send a message to the Government that including guillotine motions in the time for consideration of the Bill—only six hours, including three for the guillotine—is deceitful. That deceit is intended to screw down proper debate and reasoned opposition. When the Secretary of State says that he has allowed six hours, we all know that that is phooey. It is a monstrous demonstration of the Executive's control over the representative body of the electorate of the United Kingdom.

1.38 pm

Sir Richard Body (Boston and Skegness): Over the past 40 years, I have debated many guillotine motions, but I have never been so saddened as I am on this occasion. All of us know that the true purpose of a guillotine is to suppress debate. There can be no other reason for one. On this occasion, there should be plenty of time, because no right hon. or hon. Member has no disabled people in his or her constituency.

The only way in which we can persuade the Government that this measure is unjust is by giving examples of case histories. By their nature, those must take some time to set out. To restrict debate is a cruel and a wrong device. I regret the guillotine motion enormously. Every Labour Member who wants to speak, and who will be prevented from expressing the concerns of constituents who will be affected by the Bill, must protest. However they vote later, they ought to vote against this motion, which is as wicked a guillotine as has ever fallen on the House.

1.40 pm

Mr. Darling: The hon. Members for Aldridge-Brownhills (Mr. Shepherd) and for Boston and Skegness (Sir R. Body) have always spoken against guillotine motions. They spent 18 years supporting the Tory Government, but arguing against those motions, so there is nothing new there. I understand their views, which are well held—*[Interruption.]* I know that the hon. Members did not vote for them. Indeed they were something of a bother to the previous Administration and they are entitled to take their view. However, it is important to point out that by 3am on Tuesday morning, we were halfway through all the amendments that had been put down for debate. It does not do anyone any good to discuss—*[Interruption.]*

Mr. Deputy Speaker: Order. I do not want any interventions from the Front Bench.

Mr. Darling: It does not do any of us any good to start debating such an important matter after being up all night, having discussed dozens of issues, and in that state of mind. I have been here only 13 years, but I know a filibuster when I see one and I saw what was happening on Monday night. We are ensuring this afternoon that the majority of the House has adequate time to debate what is an important issue.

I now turn to the two arguments of the two Opposition parties. On consultation, I must point out, as I dare say that it will come up later, that I am sorry that some members of the disability benefits forum decided that they could no longer serve. I was encouraged by the fact that

they wrote to me on the same day that they resigned, saying that despite their differences—there had been differences—they wanted to come back and discuss the detailed proposals as well as others. Some of the members of the forum have already been in the Department and one group is coming tomorrow afternoon to discuss service delivery. I am sorry that those people decided to leave, but the door is always open to anyone who wants to discuss any aspect of our welfare reform.

I have some sympathy with my right hon. Friend the Member for Manchester, Gorton (Mr. Kaufman). People voted for the Labour party in May 1997 because it created the welfare state in the 1940s, and we believe in the welfare state now. We were elected to clean up the mess that the Tory party left us. The Labour party has introduced measure after measure to combat poverty and the causes of poverty.

I can deal quite simply with the Liberal Democrats. One of the most important steps that we have taken to combat poverty for everyone, including disabled people, is the new deal. The Liberal Democrats opposed the means of funding that new deal. They cannot pretend today that they are the friends of those who have benefited from the new deal without admitting that, if they had had their way, there would have been no new deal in the first place.

I sense that the majority of Members in the House want to get on to debate the important matters before us. I am happy to do so and we should now proceed to do that, I hope without a Division and without further delay.

Question put:—

The House divided: Ayes 377, Noes 145.

Division No. 190] **[1.43 pm**

AYES

Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Armstrong, Rt Hon Ms Hilary
Ashton, Joe
Atherton, Ms Candy
Atkins, Charlotte
Austin, John
Banks, Tony
Barnes, Harry
Barron, Kevin
Battle, John
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Begg, Miss Anne
Bell, Stuart *(Middlesbrough)*
Benn, Rt Hon Tony
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry, Roger
Best, Harold
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Boateng, Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brinton, Mrs Helen
Brown, Rt Hon Gordon *(Dunfermline E)*
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Butler, Mrs Christine
Byers, Rt Hon Stephen
Cabom, Rt Hon Richard
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Campbell–Savours, Dale
Cann, Jamie
Caplin, Ivor
Casale, Roger
Caton, Martin
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Coleman, Iain
Colman, Tony
Connarty, Michael
Cook, Frank *(Stockton N)*
Corbett, Robin
Corbyn, Jeremy
Corston, Ms Jean
Cousins, Jim
Cox, Tom
Cranston, Ross
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Rt Hon Dr Jack *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Curtis–Thomas, Mrs Claire
Dalyell, Tam
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dean, Mrs Janet
Denham, John
Dismore, Andrew
Dobson, Rt Hon Frank
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Drown, Ms Julia
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Lorna
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Foulkes, George
Fyfe, Maria
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Dr Norman A
Goggins, Paul
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Gunnell, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Harman, Rt Hon Ms Harriet
Heal, Mrs Sylvia
Healey, John
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Hoey, Kate
Hood, Jimmy
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Ingram, Rt Hon Adam
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Mrs Fiona *(Newark)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jowell, Rt Hon Ms Tessa
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keen, Ann *(Brentford & Isleworth)*
Kelly, Ms Ruth
Kemp, Fraser
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Laxton, Bob
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Liddell, Rt Hon Mrs Helen
Linton, Martin
Lloyd, Tony *(Manchester C)*
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McCartney, Rt Hon Ian *(Makerfield)*
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John

McFall, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
Mackinlay, Andrew
McNamara, Kevin
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
Mahon, Mrs Alice
Mallaber, Judy
Mandelson, Rt Hon Peter
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Martlew, Eric
Maxton, John
Meacher, Rt Hon Michael
Meale, Alan
Merron, Gillian
Michael, Rt Hon Alun
Michie, Bill *(Sheff'ld Heeley)*
Milburn, Rt Hon Alan
Miller, Andrew
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Ms Julie *(Cardiff N)*
Morgan, Rhodri *(Cardiff W)*
Morley, Elliot
Morris, Ms Estelle *(B'ham Yardley)*
Morris, Rt Hon John *(Aberavon)*
Mountford, Kali
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Murphy, Rt Hon Paul *(Torfaen)*
Naysmith, Dr Doug
Norris, Dan
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
O'Hara, Eddie
Olner, Bill
O'Neill, Martin
Organ, Mrs Diana
Osborne, Ms Sandra
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Piaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quin, Rt Hon Ms Joyce
Quinn, Lawrie
Radice, Giles
Rammell, Bill
Rapson, Syd
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Reid, Rt Hon Dr John *(Hamilton N)*
Robertson, Rt Hon George *(Hamilton S)*
Robinson, Geoffrey *(Cov'try NW)*
Roche, Mrs Barbara
Rooker, Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruane, Chris
Ruddock, Joan
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Short, Rt Hon Clare
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Rt Hon Chris *(Islington S)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stewart, David *(Inverness E)*
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Stoate, Dr Howard
Stott, Roger
Strang, Rt Hon Dr Gavin
Straw, Rt Hon Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Temple-Morris, Peter
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Vaz, Keith
Vis, Dr Rudi
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Wills, Michael
Wilson, Brian
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Woolas, Phil
Worthington, Tony
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Ayes:
Mr. David Hanson and Jane Kennedy.

NOES

Amess, David
Arbuthnot, Rt Hon James
Atkinson, David *(Bour'mth E)*
Atkinson, Peter *(Hexham)*
Baker, Norman
Bercow, John
Blunt, Crispin
Body, Sir Richard
Brady, Graham
Brand, Dr Peter
Brazier, Julian
Breed, Colin
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Malcolm *(Gordon)*
Burnett, John
Burns, Simon
Burstow, Paul
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Clappison, James
Clifton-Brown, Geoffrey
Collins, Tim
Colvin, Michael
Cormack, Sir Patrick
Cran, James
Davey, Edward *(Kingston)*
Davies, Quentin *(Grantham)*
Day, Stephen
Dorrell, Rt Hon Stephen
Duncan, Alan
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Fearn, Ronnie
Flight, Howard
Forsythe, Clifford
Forth, Rt Hon Eric
Fowler, Rt Hon Sir Norman
Fraser, Christopher
Gale, Roger
Garnier, Edward
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Gorrie, Donald
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Hammond, Philip
Harris, Dr Evan
Hawkins, Nick
Heath, David *(Somerton & Frome)*
Heathcoat-Amory, Rt Hon David
Hogg, Rt Hon Douglas
Horam, John
Howarth, Gerald *(Aldershot)*
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Johnson Smith, Rt Hon Sir Geoffrey
Jones, Nigel *(Cheltenham)*
Keetch, Paul
Kennedy, Charles *(Ross Skye)*
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Kirkwood, Archy
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lloyd, Rt Hon Sir Peter *(Fareham)*
Llwyd, Elfyn
Lyell, Rt Hon Sir Nicholas
McIntosh, Miss Anne
Maclean, Rt Hon David
McLoughlin, Patrick
Maples, John
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moore, Michael
Morgan, Alasdair *(Galloway)*
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
Oaten, Mark
Ottaway, Richard
Paice, James
Pickles, Eric
Prior, David
Randall, John
Redwood, Rt Hon John
Rendel, David
Robertson, Laurence *(Tewk'b'ry)*
Roe, Mrs Marion *(Broxbourne)*
Russell, Bob *(Colchester)*
St Aubyn, Nick
Sanders, Adrian
Sayeed, Jonathan
Shepherd, Richard
Simpson, Keith *(Mid-Norfolk)*
Smith, Sir Robert *(W Ab'd'ns)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Streeter, Gary
Stunell, Andrew
Swayne, Desmond
Swinney, John
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Matthew *(Truro)*
Taylor, Sir Teddy
Thompson, William

Tonge, Dr Jenny
Townend, John
Tredinnick, David
Trend, Michael
Tyler, Paul
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Wardle, Charles
Waterson, Nigel
Webb, Steve
Wells, Bowen
Welsh, Andrew
Whitney, Sir Raymond
Whittingdale, John
Willis, Phil
Woodward, Shaun
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Noes:
Mr. Oliver Heald and
Sir David Madel.

Question accordingly agreed to.

Resolved,

That the following provisions shall apply to the remaining proceedings on the Welfare Reform and Pensions Bill—

Order of consideration

1. The Bill, as amended, shall be further considered in the following order, namely amendments relating to Clauses 53 to 56; remaining New Clauses; amendments relating to Clauses 1 to 6, Schedule 1, Clauses 7 to 16, Schedule 2, Clause 17, Schedule 3, Clauses 18 and 19, Schedule 4, Clauses 20 to 29, Schedule 5, Clauses 30 to 44, Schedule 6, Clauses 45 to 50, Schedule 7, Clauses 51 and 52, Clauses 57 to 61, Schedule 8, Clauses 62 to 64, Schedule 9, Clause 65, Schedule 10, Clauses 66 to 70, Schedule 11 and Clause 71; New Schedules; amendments relating to Clauses 72 and 73, Schedule 12, Clauses 74 to 76, Schedule 13 and Clauses 77 to 79.

Timetable

2.—(1) Proceedings on Consideration in respect of amendments relating to Clauses 53 to 56 shall be completed at today's sitting and, if not previously concluded, shall be brought to a conclusion four and a half hours after the commencement of proceedings on this Motion.

(2) The remaining proceedings on Consideration and Third Reading shall be completed at today's sitting and, if not previously concluded, shall be brought to a conclusion six hours after the commencement of proceedings on this Motion.

Questions to be put

3.—(1) For the purpose of bringing any proceedings to a conclusion in accordance with paragraph 2(1) the Speaker shall forthwith put the following Questions (but no others)—

(a) any Question already proposed from the Chair;

(b) any Question necessary to bring to a decision a Question so proposed;

(c) the Question that any remaining amendments to Clauses 53 to 56 standing in the name of a Minister of the Crown be made to the Bill;

(d) any other Question necessary for the disposal of the business to be concluded.

(2) For the purpose of bringing any proceedings to a conclusion in accordance with paragraph 2(2) the Speaker shall forthwith put the following Questions (but no others)—

(a) any Question already proposed from the Chair;

(b) any Question necessary to bring to a decision a Question so proposed;

(c) the Question that all remaining amendments standing in the name of a Minister of the Crown be made to the Bill;

(d) any other Question necessary for the disposal of the business to be concluded.

Miscellaneous

4. Standing Order 15(1) (Exempted business) shall apply to proceedings on the Bill at today's sitting, and the proceedings shall not be interrupted under any Standing Order relating to sittings of the House.

5. Standing Order No. 82 (Business Committee) shall not apply to proceedings on the Bill.

6. No Motion shall be made, except by a Minister of the Crown, to alter the order in which any proceedings on the Bill are taken or to recommit the Bill; and if a Minister makes any such Motion, the Question on the Motion shall be put forthwith.

7. No dilatory Motion shall be made in relation to the Bill except by a Minister of the Crown; and if a Minister makes any such Motion, the Question on the Motion shall be put forthwith.

8. The proceedings on any Motion made by a Minister of the Crown for varying or supplementing the provisions of this Order shall, if not previously concluded, be brought to a conclusion one hour after they have been commenced; and Standing Order No. 15(1) shall apply to those proceedings.

9. If at today's sitting a Motion for the Adjournment of the House under Standing Order No. 24 (as that Standing Order has effect in accordance with the Order of the House [16th December 1998]) stands over to Four o'clock and proceedings on this Motion have begun before that time, the Motion for the Adjournment shall stand over until the conclusion of proceedings on the Bill.

10. If the House is adjourned at today's sitting, or the sitting is suspended, before the conclusion of proceedings on the Bill, no notice shall be required of a Motion made at the next sitting by a Minister of the Crown for varying or supplementing the provisions of this Order.

Orders of the Day

Welfare Reform and Pensions Bill

As amended in the Standing Committee, further considered.

Clause 53

INCAPACITY BENEFIT: RESTRICTION TO RECENT CONTRIBUTORS

1.56 pm

Mr. Roger Berry (Kingswood): I beg to move amendment No. 12, in page 52, line 18, leave out Clauses 53 and 54.

Mr. Deputy Speaker: With this, it will be convenient to discuss the following amendments: No. 5, in page 52, line 18, leave out Clause 53.

No. 3, in page 52, leave out lines 23 to 27 and insert—

'(a) subject to a minimum period of contributions actually paid of one year, contributions actually paid for a period of less than 10 years shall allow payment of a proportion of benefit to be calculated depending on the number of years for which contributions have been made; and'.

No. 6, in clause 54, page 53, line 1, leave out Clause 54.

No. 113, in page 53, line 16, at end insert—

'(aa) for a person in employment to be treated in prescribed circumstances as in contracted-out employment for the purposes of this section;

(ab) for any reduction under subsection (1) to be made only where the person entitled to incapacity benefit was for any period treated for the purposes of this section as in contracted-out employment;

(ac) for the duration of such period of periods to be taken into account in a prescribed manner in calculating the amount of any such reduction;'.

Government amendment No. 31.

No. 86, in clause 55, page 54, line 3, leave out Clauses 55 and 56.

No. 7, in clause 56, page 54, line 38, leave out Clause 56.

Mr. Berry: Before I explain what the amendment does and why we have tabled it, I must make two comments. First, I entirely support the Government's curtailing debate at a ridiculous hour on Tuesday morning and I entirely support the guillotine motion. Timetabled debates are a credit to the House, and what happened in the early hours of Tuesday morning was a discredit to the House.

Secondly, I do not want the political party that, when in government in 1995, inflicted the biggest ever cuts in benefits for disabled people who were unable to work to start attacking this side of the House. It is true that one or two Conservative Members hold views about incapacity benefit that are the same as my own. I respect their views and the lobbying that they have taken as fellow members of the all-party disablement group. However, the Conservative Government's policy in 1995, when they cut literally billions of pounds off benefit for disabled people who were unable to work, does not give them great moral authority in the Chamber this afternoon.

My right hon. Friend the Member for Manchester, Gorton (Mr. Kaufman) made a very important point about the occasions when those who support this Government passionately might find themselves in the same position as several of my colleagues and I this afternoon. I will not weary the House with a long defence. I simply say this: the first rumours of possible cuts to incapacity benefit appeared in the media 18 months ago. My right hon. and hon. Friends on the Front Bench will acknowledge that many Labour Members requested meetings with Ministers—I am grateful that our requests were granted—and expressed our concerns. There may be a difference of opinion at the end of the day, and I do not demand that Ministers change their view. However, it must be recognised that our concerns about clauses 53 and 54 have not appeared suddenly in recent weeks.

Many of us expressed concern when rumours first appeared in the media 18 months ago. Some of us have made a regular trek—in my case, from my office in Millbank—to the Department of Social Security. This is not a Johnny-come-lately concern. Disagree we may, but let nobody say that attempts were not made to avoid the situation that we face today. I would have given almost anything to avoid it. The problem is, of course, that clauses 53 and 54 will do so much damage.

2 pm

I regret that discussions have, unfortunately, brought about no change, but I feel regret also because my colleagues and I have consistently applauded the Government's very great achievements in securing a better deal, fairness and more equal opportunities for disabled people. In the new deal, progress on civil rights and a range of other policies, the Government's performance contrasts dramatically with that of the previous Government.

I last spoke in a debate in the House three or four weeks ago to express the strongest possible enthusiasm for the Disability Rights Commission Bill. The Government care about a fair deal for disabled people, which is why I regret having to stand here today and say that clauses 53 and 54 are, sadly, in sharp contrast to their commendable policies elsewhere, including many in the Bill. I welcome many of the Bill's measures—not least the increased benefits for severely disabled young people—because they will help disabled people.

Why, then, is there such concern about clauses 53 and 54? Clause 53 will withdraw entitlement to incapacity benefit from new claimants who have been unable to make national insurance contributions in the previous two years. Clause 54 proposes to means-test incapacity benefit.

One might ask, "What is the problem?" The problem is that the two clauses would reduce benefit for disabled people who are unable to work. In the first year, 45,000 disabled people who cannot work would be worse off, and that figure would rise to 335,000 after 10 years. That is equivalent to more than one in five of those who currently receive incapacity benefit.

Those figures are not mine or those of the disability movement; they are the figures in the regulatory impact assessment produced by the Department of Social Security. The plan is that the long-term effect should be that more than a third of a million disabled people who are unable to work will be worse off. The average net cost to those people in the first year will be £28 a week, and the cost will rise thereafter. Of course, many will be worse off even than that. That cost allows for tax and benefit changes, as set down in the regulatory impact assessment.

Clause 53 will deny 170,000 people entitlement to any incapacity benefit. That is the figure in the Green Paper. The media have quoted that figure as if disability organisations have plucked it from the air, but they have not. Those people will not be entitled to incapacity benefit because they have not paid sufficient contributions in the previous two years. They will not suddenly be fit for work. In the strange language of disability benefits, they will have "passed" the all-work test, or whatever replaces it. They will be unable to work, due to long-term illness or disability, not because their GP or their disability organisation says so, but because the Benefits Agency's own doctors say so. Such people might have made national insurance contributions for 20 or 30 years, but if they have not made enough contributions in the last two years—perhaps because they lost their job and have been unemployed—they will be denied incapacity benefit.

We are told that the measure restores the original intention of incapacity benefit. Incapacity benefit was introduced by the previous Government in 1995. I had thought that the benefit was intended to provide financial support for disabled people who were unable to work. I assumed that if, in 1995, there had been any doubt about the intention of the benefit, the contribution conditions would have been changed to take that into account. I assume that those who were in this place in 1995 knew what contribution conditions were set down in that legislation, and I cannot imagine for a moment that anyone inserted contribution conditions that did not reflect the purpose of the benefit. With the greatest respect, I find it difficult to understand the argument that the Bill restores the original intention of incapacity benefit.

Clause 54 proposes that, for those who do qualify for incapacity benefit in future, that benefit—which is, rightly, taxable—will also be means-tested. In other words, anyone with a personal or occupational pension of more than £50 a week will lose 50p of incapacity benefit for every extra £1 of pension. As soon as the pension of a disabled person who is unable to work reaches £2,652 a year, they will start to lose incapacity benefit. People who are unable to work, who have made personal provision for their future financial security, would face an effective marginal tax rate of 50 per cent.—greater than that of the highest-income earners in the country, and of Members of Parliament.

I believe that people who have put aside money for their security in later life—who have put money into a personal pension or an occupational pension—will feel that they have been misled. I believe that they understood that if they made personal provision, it would top up incapacity benefit, should they ever be unable to work.

I have many friends who fall into that category. Many of them have a deteriorating condition. They are currently in work. They are planning for the future, when—perhaps at the age of 50—they will be physically unable to work. They will not slip into incapacity benefit; they will be judged by Benefits Agency doctors to be physically unable to work. They have a condition that makes that probable. Therefore they do what all Governments say that they should do—they save. They put money into a personal pension or make other arrangements, in order to top up the incapacity benefit that they believe that they would be entitled to. They will feel aggrieved because they will feel that, whereas they have fulfilled their part of the contract, the Government are modifying their version of what constitutes the Government's part of the contract.

Inevitably, apart from causing great hardship, the measure will discourage saving. How could it be otherwise? And yet we all want to encourage people to extend personal provision for later life. Incapacity benefit will start to be lost when those people's pension reaches the princely sum of £2,652 a year.

Why are the Government doing this? I have been asked that question frequently in recent days, and my answer has always been that I do not know; and I genuinely do not know, because this is not a necessary part of the welfare reform programme, which I passionately support. I do not believe that the arguments suggesting that it is necessary are entirely convincing.

My right hon. Friend the Member for Gorton referred earlier to the growth in the number of people in receipt of incapacity benefit. At Prime Minister's questions yesterday afternoon, a question, which was entirely right and which has clarified things enormously, was asked about people currently in receipt of incapacity benefit who might or might not have ended up on incapacity benefit because of the policies of the previous Government. I have no quarrel at all with that question or with what my right hon. Friend the Member for Gorton said earlier, but we need to recognise that clauses 53 and 54 have nothing whatever to do with existing claimants; they relate to future claimants.

It is therefore a fact that whatever the Tories did or did not do to encourage people on to incapacity benefit and off unemployment benefit is totally irrelevant to the clauses that are giving rise to contention today. Although it seems obvious—the point has been made many times by disability organisations, and I made it on Second Reading, with all humility, as did many others—I repeat that there cannot possibly be a justification for clauses 53 and 54, which cut incapacity benefit for future claimants, that rests on what the Tories might or might not have done.

If the Government believe that, in the future, people who are not entitled to incapacity benefit may receive it, the solution is simple: look at the gateway to the benefit, look at the eligibility criteria, look at the all-work test and give different guidance to the Benefits Agency doctors.

Mr. Tom Levitt (High Peak): That is being done.

Mr. Berry: From a sedentary position, my hon. Friend makes the point that that is being done. He is entirely right, but it is also right to say that that has nothing whatever to do with the amendment, which would delete clauses 53 and 54. I do not want to be ruled out of order; I want to stick to a discussion of those clauses, but can we please recognise that that argument is not relevant?

We are told that something must be done about incapacity benefit—there is a "something must be done" school of thought—because the number of people in receipt of it has tripled and so on. I do not want to detain the House by discussing why that might have happened. Governments are spending more on supporting disabled people; most of the time we take credit for that, but if we are now supposed to be embarrassed, okay. With the greatest respect, comparing the present situation with that of 20 years ago is not relevant. The last time incapacity benefit was examined—indeed, the year in which it was introduced to replace invalidity benefit—was not 20 years ago, but 1995.

[Mr. Berry]

I have referred to 1995 once before this afternoon. It seems to be the year that has been Snopaked from history in the debate on these matters in recent weeks—it is as if 1995 never occurred. However, that was the year when the Conservatives scrapped invalidity benefit and replaced it with the far less generous incapacity benefit. Since then, spending on incapacity benefit has fallen. It is currently about £7.4 billion a year; four years ago, it was nearer £9 billion a year—and it is falling as a result of the latest changes that are feeding through the system. The idea that further cuts to incapacity benefit are necessary because of escalating spending is simply wrong.

If we look at the latest Department of Social Security figures on the number of claimants for incapacity benefit, we see that, since 1995, there has been a fall in the number of people in receipt of it. The figure is 5 per cent. down on that for 1995, and benefit rates have of course fallen in value. That is why spending on incapacity benefit is falling; that is what the previous Government were trying to achieve in 1995.

The previous Government did not go through all the problems of revising benefits for disabled people who are unable to work for any reason other than to reduce spending. That is what they did, and they did it by reducing benefit rates and the number of claimants. Let us be perfectly clear: as of today, spending is falling and the number of claimants is falling, and their policies are the reason for that. I doubt very much that Labour Members would want to worsen that situation.

2.15 pm

We are told that we should means-test incapacity benefit because more people have occupational or personal pensions than when it—or, more correctly, its predecessor—was introduced. That was the justification for the 1995 cuts. It is interesting to re-read those debates, although I shall not quote from them so that I do not get into even more trouble.

The reason given by the Government of the day for the change was that more people had personal or occupational pensions. For example, that was the justification for the specific policy of removing the earnings-related element of the benefit. The growth in occupational pensions was taken into account four years ago. With the greatest respect, that argument has already been used to cut incapacity benefit. What on earth could be the justification for doing so again? I do not know; perhaps the Tories did not cut enough. *[Interruption.]* Yes, it is a shame, given the situation that we have inherited, that we should be considering further cuts.

The argument could be made that, because the basic state pension is a contributory benefit and many pensioners have occupational pensions, we ought to means-test it. The Government are quite rightly steadfastly opposed to that, as we all are. I simply make the point that the same argument could be made for incapacity benefit. Both are contributory benefits, both are rightly taxable, and in both cases we want to encourage people to make personal provision.

We are told that some incapacity benefit claimants have a high income, and that that justifies the means-testing. Again, the same argument could be made to means-test the basic state pension. Quite rightly, the Government are strongly opposed to that. Disabled people who are unable to work and who have a pension income of £2,652 are hardly well off, but, on that pension income, they will start losing incapacity benefit.

It has been said that we need clauses 53 and 54 to help severely disabled people. I do not believe that that can be justified. The clauses save the Government, in the long term, £700 million. The changes to severe disablement allowance will save £100 million in total. That is more than the cost of the disability income guarantee and the improvement in disability allowance for three and four-year-olds. It is therefore not the case that the £700 million saving resulting from these proposals is being recycled to help severely disabled people.

It is not clear, either, that, if that were the case, the most equitable way of helping severely disabled people would be to redistribute not from the general population, but from less severely disabled people. Moreover, severely disabled people will be hit by the cuts in incapacity benefit envisaged in the clauses. There are severely disabled people who have not been able to pay national insurance contributions for the previous two years. There are severely disabled people who will be means-tested. There is no reallocation of money to assist severely disabled people.

I shall bring my comments to a close, because many hon. Members want to speak. At the beginning of my speech, I said that there had been meetings between the all-party disablement group, of which I have the honour to be the secretary, and Ministers over the months. I place on record my gratitude to my right hon. Friend the Secretary of State and his ministerial colleagues—and, indeed, to his predecessor and her ministerial colleagues—for a series of extremely courteous and helpful meetings. While, obviously, I regret the outcome of the meetings, that constitutes no criticism. The openness that they featured should be applauded.

I am more concerned about the fact that disability organisations which know a lot about disability benefits, the way in which people are affected from day to day and the effect that the proposals might have feel that their views have been cast aside. Sadly, last week 12 organisations resigned from the disability benefits forum that the Government rightly set up to advise on disability benefits, including the Carers National Association, the Royal National Institute for the Blind, the Royal National Institute for Deaf People and the Royal Association for Disability and Rehabilitation.

Those organisations do not make decisions in haste. Their chief executives are not people who rush to criticise anyone; they have a job to do, and they want to get on with it. They support 99 per cent. of what the Bill is doing to help disabled people—as, indeed, do I, and as do my colleagues who have joined me in tabling the amendment. They felt, however, that they had something important to say. They were and are aggrieved, and, in fairness, the House should take that into consideration.

Clauses 53 and 54 are unfair. Hundreds of thousands of disabled people who are unable to work will be worse off as a result of them. The Government's commitment to welfare reform, which I strongly share, does not depend on those clauses. I believe that they should be removed, and that is what amendment No. 12 would achieve. I therefore urge my right hon. and hon. Friends to support it.

Mr. Edward Leigh (Gainsborough): I shall speak for only a short time, because I suspect that the House would rather hear from Labour Members. Some of them nod; I shall not disappoint them.

The House wishes to hear from Labour Members because the time has come for the posturing to end, and for Labour to govern. The time has come for Labour to learn the hard lessons of government. Occasionally, Governments must do unpopular things and disappoint their supporters. Labour Members must either have the courage of their convictions and do what they know in their hearts is right, thus disappointing their natural constituency, or support the Government.

There has been enormous criticism of what the Conservative Government tried to achieve in regard to social security. There has been criticism of so-called salami-slicing government. That, however, is precisely what this Government are doing today, in an attempt—no doubt orchestrated by the Treasury—to save money. As the proposal has been designed by new Labour, it will of course affect people in the future; but that will not soften the row that is already brewing. This attempt to save £750 million is not part of the grand strategy for welfare reform. It is a mean measure—and it is, above all, a means-testing measure.

The two clauses are so wrong not because the social security budget is too large, although it is too large; not because the social security budget must be cut, although it must be cut; not because some groups in society will suffer, although, sadly, they will. They are wrong because they target people who are neither very rich nor very poor, but who have made a modest attempt to save for their old age.

It is appalling to assume that someone with a modest pension who has not sustained his or her contributions over the past two years should be denied an ever-increasing amount of incapacity benefit. So many conditions gradually catch up on people. So many people in future will not be able to maintain their contributions—people who have saved a little, and who will suffer if these clauses are agreed to. I hope that all hon. Members will look to their consciences, and vote against the clauses in four hours' time.

Mr. Levitt: I oppose amendment No. 12, and support the Bill as drafted. I do so with some regret. My hon. Friend the Member for Kingswood (Mr. Berry) and I have worked together on a number of disability issues for many years, even before I was a Member of Parliament, and I am sorry that our views differ in this instance. Let me explain why that is.

Some of my colleagues find the whole concept of what they call means-testing distasteful. I understand their reasons, but I think that ensuring that money goes to those who need it most is what government is all about. Clauses 53 and 54 will enable resources to be targeted at those who are most in need: disabled people and their carers, and others on low incomes.

Clause 54 is, I feel, the more significant of the two. It creates a link between occupational pensions and incapacity benefit. Occupational pensions are deferred income: there is a tax advantage for those who contribute to them at the time of their contribution. It behoves us to examine the treatment of occupational pensions in other parts of the benefits system.

A person receiving a jobseeker's allowance who also has an occupational pension loses his or her jobseeker's allowance pound for pound against the occupational pension. Those who move to old age pensions from incapacity benefit lose their incapacity benefit completely, and some who make such a move do so by taking a cut in income. I do not necessarily defend those two states of play; I am saying that the Bill's proposals are much more generous to those who will be on incapacity benefit in the future than we are now to those receiving jobseeker's allowance, or experiencing the transition to old age pensions.

Incapacity benefit is not strictly a disability benefit. It is there to compensate people for the loss of income caused by incapacity; it does not address the disability itself. There has been no mention in the debate of disability living allowance, the principal benefit for disabled people, which deals with the actual costs of disability. The Bill makes no change to that allowance. It will not be means-tested, and, in that sense, it is true to say that the Bill does not provide for a general means test for disability benefits, despite the way in which it has been portrayed.

Mr. Steve Webb (Northavon): Will the hon. Gentleman give way?

Mr. Levitt: I will not, because plenty of hon. Members want to make their case, and I want as many as possible to be able to do so—as I am sure the hon. Gentleman does as well.

What will be the position of new claimants? Those in receipt of incapacity benefit plus an occupational pension of up to £50 a week will not be affected by the Bill. That applies to four out of five people receiving incapacity benefit who either have no occupational pension, or have an occupational pension of less than £50 a week. Only those with incomes of £10,000 a year or more consisting of a combination of incapacity benefit and occupational pensions will have their incapacity benefit withdrawn.

Moreover, we should consider the effect of the measure on those people's guaranteed income—bearing in mind that the Government are guaranteeing income to certain parts of the population. The income that those at the top of the taper on occupational pensions will receive is higher than the pensioners income guarantee that we have introduced, higher than the disabled persons income guarantee and considerably higher than the national minimum wage, in the case of someone working a 40-hour week. It is more or less equivalent to the working families tax credit. Thus even at the top of the taper, it is still the highest guaranteed income for any group for which the Government are undertaking to guarantee an income.

2.30 pm

Mr. Webb: Will the hon. Gentleman give way?

Mr. Levitt: I have already explained to the hon. Gentleman that I am sure he will get his chance.

Other Labour Members have expressed the view that the £50 limit—the £50 cut-in—of the occupational pensions taper is too small. It may be, but the £50 is not in the Bill. Indeed, the Bill provides the mechanism for

[Mr. Levitt]

changing the level; it gives the Secretary of State the power to change that level. That ability must be there, but the £50 itself is not in the Bill.

Others object for reasons—which my hon. Friend the Member for Kingswood rightly mentioned—to do with the deficiencies in the way in which the Benefits Agency's medical and tribunal services operate. Those are good points, but they too are being addressed through other measures, many of which do not require legislation. It is therefore not necessary to have them in the Bill.

It has been said that there is a disincentive to save, but let us look at another clause in the Bill: the one to introduce stakeholder pensions. It ensures that anyone whose income is less than £9,000 per year, which will include a lot of disabled people, will receive stakeholder pension credits as though they were receiving £9,000 a year. It would not be possible to fund that measure without the funding made available by clauses 53 and 54.

That stakeholder pension element, from which many disabled people will benefit, has to be factored into the equation when people assess whether it is a cuts Bill. The measures will lead to an extra £1 billion being spent on disabled people's benefits during the current Parliament. If we take into account the changes to the stakeholder pension, to the carers allowance and to the disability income guarantee—which, again, is not in the Bill because it is a Treasury measure—we will find not a deficit of £750 million in 10 years' time, but a net increase resulting in extra funding going to that wider group of people.

I ask my colleagues on the Labour Benches to consider the following situation. At their next advice surgery, they may have in front of them a three-year-old girl who has been born with no legs, and her parents; a 17-year-old boy who has been a promising student, but is now paraplegic after a road accident; a disabled adult on a low income who is never likely to be able to save for a pension; and a bank manager who has taken early retirement with a back problem. He has £70,000 in savings, a £150,000 house, an occupational pension worth £25,000 or £35,000, and £3,500 a year of incapacity benefit on top of that.

The Bill will, for the first time, give that three-year-old girl access to disability benefits. It will give that 17-year-old boy the highest level of non-contributory benefits—higher than incapacity benefit—to meet the needs of his severe disability. As I have already explained, it will give that disabled person a stake in a stakeholder pension. It will allow that bank manager to keep his £3,500 incapacity benefit because he is an existing claimant, but it says that the incapacity benefit of the tiny minority of people who have such an occupational pension, some of whom are on the highest rate of taxation, is better spent on the other people who can benefit from the Bill.

As someone who has been involved with the disability world for a long time, my dream is that everyone who has to leave work early because of incapacity or disability—perhaps through failing eyesight, hearing, dexterity or mobility—will be helped to stay in work for an average of five more years through educating employers about their needs, providing technology for them and other support at work, and preventing discrimination against them in employment. Those measures will retain skills in the work force, and maintain the dignity and income levels of disabled people. They will have the knock-on effect of reducing the amount that the state pays out in benefit.

All those measures are in train. Those on the new deal and access to work are up and running. We should be celebrating because, this morning, the Disability Rights Commission Bill completed its Committee stage with helpful amendments that were asked for by the disability lobby. The Bill will outlaw, and give teeth to the outlawing of, discrimination, but the third leg of that stool is the Welfare Reform and Pensions Bill. That addresses the real needs of disabled people and finances the measures by redirecting some of the funds from some relatively wealthy people to those who have nothing. Amendment No. 12 does not help the people at the bottom in any way. I oppose the amendment and support the Bill.

Mr. David Rendel (Newbury): I am pleased to have the chance to talk a little about the amendments because they are critical to the whole of the Bill. I should like to follow through some of the Government's arguments and then talk a little about what their aims are. I hope to demonstrate thereby that their arguments are illogical and contain internal inconsistencies, and that their aims will not be met by the measures that they seek to introduce.

When the Government started to talk about welfare reform, they said that the cuts that they planned to introduce were perhaps needed to meet the requirement to reduce the welfare bill—welfare costs in total. They said that those costs had been going up over a period, that they looked like continuing to go up in the foreseeable future, and that it was important to bring them down.

However, when we discussed clauses 53 and 54 in Committee, the Under-Secretary of State for Social Security, the hon. Member for City of York (Mr. Bayley), made it clear that, on the contrary, the clauses were not Treasury driven and that the amount of money that was due to be saved was incidental: it just happened that there would be savings, but that was not the point of the clauses.

The previous Secretary of State for Social Security had made it clear that, if there were to be any cuts in benefits for disabled people, they would be given back to those people in some other way; there would be no net cut in their benefits. Clearly, therefore, although there may be a need to reduce the welfare bill overall, the intention of clauses 53 and 54 cannot be to achieve that.

Another reason that the Government gave for introducing the clauses was that the Tory party and the previous Government had moved people off the unemployment register on to incapacity benefit, and that that was the wrong thing to do. They said that that policy had to be reversed, yet when we questioned them in Committee on the point, they said, "It is not true to say that anyone receiving incapacity benefit does not deserve it, or is not truly incapacitated."

The Government said that all the doctors who had been doing the tests to decide whether those people were really due incapacity benefit had been doing a good job, and that everyone who was currently getting incapacity benefit was due it. What is more, they told us that they did not intend to change the tests, or to give the doctors concerned any other advice. They are changing the name of the test, but they told us clearly that they had no intention of making it more severe, or more difficult to get through;

they have no intention of making it more difficult to receive incapacity benefit following changes in relation to the tests. Their argument that, in some way, what they are doing now will reduce the number on incapacity benefit and push up the unemployment register—which they appear to think is the right thing to do—is inconsistent and illogical.

The Government have said that, wherever possible, they want to encourage people with disabilities to get back into work. My hon. Friends and I share that view and there is probably not a Member in the House who does not believe that, when it is possible for people with disabilities to get back to work, they should be encouraged and enabled to do so. Yet the Government have to answer the question that they failed to answer in Committee, which is how restricting incapacity benefit to people who have worked recently, and restricting the amount of incapacity benefit for people with occupational pensions, will help disabled people to get back into work. It is likely to have the opposite effect. Those who are becoming more disabled through some progressive illness will be tempted to get out of work as quickly as possible because they will need to do so at a time when they have recently paid contributions and will be eligible for incapacity benefit.

The Government say that it is all part of a package. The hon. Member for High Peak (Mr. Levitt) made that point too. In fact, it is not a necessary part of the package. We were told just now that we cannot have the other things in the Bill, such as the increase in severe disablement allowance for some young people, unless we have these two clauses. Yet, as I said already, the Government have made it clear that the savings that they are introducing in these two clauses are peripheral and are not a necessary part of the package. It is therefore illogical to pretend that we cannot have the other parts of the package, which may be welcome, unless we have these two clauses.

What have the Government said about their aims? They have said that their aim is to help the most vulnerable and there are things in the Bill which help to do that. There are things which my hon. Friends and I have not hesitated to welcome. Only a small part of the cuts being introduced in this Bill is going back to the most vulnerable. In these two clauses we see a net cut in the long term of £700 million a year. That is not giving help to the most vulnerable.

Had the Government come here today and said that they needed the cuts because the money was needed to help the most vulnerable, that would have reassured many Labour as well as Opposition Members. They would have believed that that was the right way to spread the available money. Liberal Democrats have no intention of saying that we suddenly want to increase the welfare bill by a huge amount in order to help the most vulnerable. We accept that there is only a certain amount of money available and that, where possible, it should be spread to the most vulnerable. In that sense, we approve of the Government's aim, but we disapprove of the fact that they are not achieving that aim by means of these two clauses.

The Government want to encourage work. We, too, want to see work encouraged where possible. After all, for those who have some incapacity, work is often a means of increasing self-confidence and self-worth. For that reason alone, apart from the financial incentive, it is worth trying to encourage people back to work where possible.

Clause 53 restricts those who will receive incapacity benefit. In the future, it will not go to those who have worked for a long time and been able to make their national insurance contributions over some years. Instead, there will be an arbitrary cut-off which says that if one has not done the right amount of work within the past two years, one cannot get incapacity benefit. Surely, if the Government were really out to encourage work, they would be trying to encourage those who have been working the longest by giving them the most help when they become incapable of working.

The Government said that they want to encourage saving—so do we, because it is a good aim. The Government are introducing disincentives to saving by increasing the amount of means-tested benefits for those with disabilities. In practice, although the Government's aim of encouraging saving is one of which we approve, once again, they are failing to achieve it by what they are doing.

There is one aim that the Government will achieve, however, and that is their aim to reduce welfare spending. They will do so by cutting benefits at the expense of some of the poorest and most vulnerable people in our society, including some who have severe disablement and perhaps have never been able to work or make national insurance contributions. The Government have invented for themselves a new slogan: work for those who can, cuts for those who cannot.

2.45 pm

Mr. Tom Clarke (Coatbridge and Chryston): I support amendment No. 12. I fear that, for the first time in 16 years in this Parliament, I may not be in a position to support the Government if, as I see it, they remain intransigent on this matter. It will be the first time that I have not supported my party in all my time here, and I say that of the party I love.

Many of my remarks will echo those of my hon. Friend the Member for Kingswood (Mr. Berry) and the all-party disablement group, including Lord Ashley, who leads it, Alf Morris, Brian Rix and many others. I thank them for the help they have given me in seeking to make some sense of this debate and the various views expressed in it. I also thank my right hon. Friend the Secretary of State for Social Security, who has been unfailingly courteous to me. I do not join those of my colleagues who think that, in the society in which we live and with the pluralism that we enjoy, it is wrong of a member of the Government or someone from the Whips Office to give us their views. Our job is to win the debate and get this Government of ours on the right lines.

Like me, many of my colleagues have been pleased to be part of a Government who, in two short years, have done so much to benefit the lives of millions of our disabled fellow citizens, honouring the commitment I gave on behalf of the shadow Cabinet at the party conference before the last election.

Of course, I warmly support the new deal for disabled people and the disabled persons tax credit. I welcome what my right hon. Friend the Secretary of State has been able to do for children and those under 25. However, it is against that backdrop that I argue for this amendment, largely because I proudly endorse the Government's initiatives, particularly on disability and employment.

[Mr. Tom Clarke]

There is no difference between my right hon. Friend the Secretary of State and me when he argues that replacing benefits with paid work is common sense for any person, disabled or not. It restores dignity and self-esteem. In the autumn of 1998 the then Secretary of State for Social Security and the all-party disablement group, together, said:

"future savings would come from helping disabled people to get jobs rather than reducing benefit entitlement."

That commitment is the inspiration behind amendment No. 12.

I have been surprised that it is proposed in the future to remove the benefit entitlement of tens of thousands of people who are unable to work. More in sorrow than in anger, I say that the Government have failed to recognise in clause 53 that not all disabled people are able to work. Indeed—according figures recently published by the Government, not me—170,000 people will suffer from the provisions. They will be excluded from incapacity benefit, but will not be provided with a safety net. It cannot be right to exclude those people from benefit if we are genuinely pursuing social justice. It cannot be right to exclude them if our test really is to respond to the needs of the many, not the few.

What is the purpose of clause 53? What will it accomplish? If it is being suggested that, now or in the future, people on incapacity benefit are not sick or disabled, the way of dealing with the problem is by using the entitlement test. Very clearly, the issue should be one of whether those people are able to pass the gateway-to-benefit test, rather than—as many people believe the Bill would do—moving the goal posts without changing the eligibility criteria.

Given the reforms of the all-work test, on which I have pressed my right hon. Friend the Secretary of State before—and which we must assume go a long way towards meeting the Government's objectives; otherwise, why did we make them?—I fail to see why it is necessary to go even further by abolishing entitlement to incapacity benefit for so many people. It is especially difficult to understand why abolition is necessary when we hear that the Bill is not cuts driven.

The evidence from my own surgeries—like that, I suspect, from the surgeries of hon. Members on both sides of the House—tells me that it is not easy to get incapacity benefit. The tests are very stringent and, for many people, require great effort. The reforms of 1995—as recently as that—made the all-work test even more rigid. Extravagant claims of huge abuses—of many disabled people lying idle and receiving benefit—are quite simply wrong.

Although I want disabled people to find work, I fail to understand how denying benefits to those who have not made contributions in the past two years, as they have not able to work in those years, will help to achieve that objective. In fact, denying benefit to those disabled people could have the perverse effect of deterring them from seeking work. Many people believe that, if they return to work but again fall ill, they may not be able to receive benefit. For many people, that is a disincentive to find work—which is the complete opposite of all that we want to achieve.

I do not fall for the argument that everyone who is unemployed does not want a job. The argument does not hold true of the people who come to my constituency surgeries, and does not accord with the evidence and observations of which I am told weekly by other hon. Members. I cannot believe, and will not accept, that the argument is true in the cases of people who have to be helped into my surgeries—and who tell me that, after the shortest medical tests, they are being cut off completely from benefit. That is wrong and must be corrected.

Clause 53 proposes taking money from disabled people who cannot work, and giving it to those who can. Therefore, effectively, those who are unable to work will be subsidising those who can. Where is the fairness in that? It is fine that those who are currently receiving incapacity benefit will not be made any worse off by the provisions, but protecting the benefits of today's disabled people cannot justify penalising tomorrow's disabled people. Quite simply, it would be wrong to do that.

Some argue that certain people currently receiving incapacity benefit should not be doing so. The argument has been made by my hon. and dear Friend the Member for High Peak (Mr. Levitt), whom I helped in the previous two general elections. I offer to help him in the next election—although, after this speech, the offer may not be quite so welcome. I also tell him that the Bill will not address the issue of people wrongly receiving incapacity benefit. They will continue to receive the benefit, but it will be denied to those who should qualify for it after passing the most rigid tests ever created. There is absolutely no justification for denying those people benefit.

As the consultation document said, many people have access to occupational and personal pensions—but those are their nest eggs, not luxuries. Many of them pay a high proportion of a relatively low income into a private pension scheme. They are likely to feel deeply betrayed when they discover that—yet again, as under the previous Government—they are being penalised for their action by a reduction in incapacity benefit.

If people are receiving benefit that they do not need, the problem will have to be tackled—I accept that—but we must do so in a manner that does not undermine those who are on low incomes. We cannot redress the perception that many wealthy people are receiving benefit—although, as it happens, they made their contributions over the years—by seeking to take funds from those who are in lower-income brackets.

I am glad that—according to the lunchtime news bulletins—my right hon. Friend the Secretary of State for Social Security will be giving us further information on that matter. It would not have been acceptable if people receiving as little as £50 a week were effectively to be taxed at a rate of 50 per cent. It would not be possible for me to defend taking from those people 50p out of each pound. That was not the policy that I offered in the three years when I had the privilege of being the shadow Cabinet spokesperson on disability.

We understand the Government's concern about the rising costs of welfare spending. However, we shall not reduce those costs if—because of the provisions of clause 54, which may adversely affect their benefits entitlement, making them feel cheated—people feel less inclined to invest in a pension for their latter years.

Again more in sorrow than in anger, I say that it would be a tragedy if the Government, by not accepting amendment No. 12, were to tarnish what has so far been an excellent record of protecting disabled people's interests. I am sincerely convinced that the clauses would lead to hardship for many of our constituents who will become disabled.

In that spirit, and in all honesty, I cannot support a policy that is logically flawed and, in the eyes of many, morally without justification. Even now, at the 11th hour, I plead with the Government to think again.

3 pm

Mrs. Angela Browning (Tiverton and Honiton): I shall speak briefly to amendment No. 86. The debate so far has focused primarily on the means-testing of incapacity benefit and the changes to it. Amendment No. 86 would delete clauses 55 and 56. Clause 55 deals with incapacity in youth and clause 56 contains the Government's proposal to abolish severe disablement allowance.

The right hon. Member for Coatbridge and Chryston (Mr. Clarke) rightly drew attention to the fact that there are many people who will never work, however much we may wish to make available to them the facilities of supported employment. Many young people currently qualify for SDA on the ground that they are born with a disability. The Government have made the concession of broadening the contributions rule to exempt those up to the age of 25, rather than their original proposal of 19.

We all recognise that for someone with a lifelong severe disability, education or training can go on well into their 20s. Even after that, the chances of paid employment may be limited or may require a protracted process. They may be required to do voluntary work or get into the world of work through the therapeutics earning rule to begin with. I am concerned that those young people who currently qualify for severe disablement allowance on the ground of their disability once they have come through the education system will now come within the catch-all of the new rules for incapacity benefit.

The hon. Member for High Peak (Mr. Levitt) said that incapacity benefit was not necessarily regarded as a disability benefit, but as a benefit that gave substitution for income. I hope that I have not misrepresented him. Those currently qualifying for severe disablement allowance who have never worked and who realistically will never hold down full-time or well-paid part-time employment do not have to fulfil the criteria for an income replacement benefit; they get SDA on a medical assessment of the severity of their disability. That is to change and they are to come within the remit of the incapacity benefit rules. I ask the Government to look again at that.

The more we debate the issue, the more the Government's repeated lectures about the many and the few ring in my ears. The weakness throughout the Bill is that the few are ignored—those with specific disabilities or groups of disabilities whom the Government have not recognised or who will be adversely affected. The abolition of SDA will adversely affect people who were born with disabilities and for whom full-time paid employment is not a realistic possibility or can be achieved only in modified form.

Mr. Tony McWalter (Hemel Hempstead): Does the hon. Lady accept that the change allows the people she is talking about to move to incapacity benefit, which is more generous than severe disablement allowance?

Mrs. Browning: Incapacity benefit is means-tested and departs from the non-contributory nature of SDA. I have already acknowledged that the Government have increased the age limit to 25, but others over 25 will come within that remit for many of the reasons that I have given, but will for the first time fall foul of the contributory rule. I do not want to repeat what I have already said, but for some people with a lifelong disability, often one present from birth, it is appropriate to extend education and training for as long as possible, perhaps well beyond 25, not necessarily because there is a great expectation of them fulfilling a role in paid employment, but because it is a therapeutic programme that may be in their best interests, depending on the type and severity of their disability. I ask the Government to look again at the detail for the few who will be affected by the abolition of SDA, particularly the typical programme for some of the very young people for whom education and training will go on for a very long time in their own best interests.

Mr. Frank Field (Birkenhead): I wish to bring the House back to the chilling speech of my right hon. Friend the Member for Manchester, Gorton (Mr. Kaufman). He was assuredly right to say that Labour Members have much to congratulate the Government on in welfare reform and other areas. Because he was so conscious of the time available, he failed to remind us that he was a member of the previous Labour Government. I shall come back to that point at the end of my speech.

I hope that there are few who are keener than I am on new Labour. For long years I sat on the Opposition Benches as a member of a party that found it difficult to keep its core vote, let alone take the argument beyond that to win elections. However, we have to remember that parties have histories. We are new Labour, but we were the Opposition. That helped to form our character and led us to present ourselves to the electorate in a certain light.

When the Tories attacked the national insurance fund a dozen times or so, we did not oppose them for fun. When we stayed up all night, it was not because it was our only weapon, because we did not need sleep, or because we were ideologically driven by an opposition to means tests; we did it because we saw what Tory policies were doing to our communities. The Tories' endless attack on the welfare state that they inherited and their endless push to means-test were undermining decent working-class morality in our constituencies. They used the power of the state machine to teach people not to work, not to save and not to tell the truth.

When we are taken through the looking glass, like Alice, in our constituencies, knowing that people trust what we say, we can see how deeply corrupting that form of welfare has been. We had to attack what the Conservatives did to our communities, denying people jobs in shipyards and steel mills and throwing them on to means-tested benefits, mocking their every decent

[Mr. Frank Field]

instinct. People were penalised if they saved or if they told the truth, and woe betide them and their chances of getting help if they found employment.

New Labour comes with a history, which has helped to form us. Our opposition was not theoretical, but one that represented the heartlands of our communities. It was a plea that we should have welfare reform which would make difficult decisions, but would build with the grain of human nature and exhort the most decent aspects of mankind—not denigrate or undermine them.

My right hon. Friend the Member for Gorton—perhaps without knowing it—gave vent to why the Bill concerns some of us so much. Whichever way we vote tonight, most will do so with heavy hearts and, at some stage, the Bill will come back to us. If one of the reasons for reform is what the Conservatives—that gang over there—did to manipulate unemployment figures and to push people on to incapacity benefit, the solution is to deal with that evil.

The solution is not to say, "Never mind who you are. Never mind what your circumstances are. Never mind what your contribution is. We will get some of you later to get the bill down." Maybe hon. Members on both sides have not been as careful as we should have been when raising individual points about people being treated badly under the benefit integrity project. Perhaps there has been a loss of nerve. The job of policing benefits remains to be done, and is wholly separate from what the Bill is about.

I want to speak to amendment No.12, because clause 53 is an attack on what the Green Paper on welfare reform said and what the Prime Minister has told the country that welfare reform is all about. The Green Paper said that we would move slowly but carefully to a system of contract welfare. We would make sure that it was transparent, that people would build up their entitlements, that they would rely on them and that they would be rewarded for doing so. Clause 53 strikes at the very heart of that concept. Clause 53 also strikes at the Prime Minister's comments about wishing to move us from a something-for-nothing society to a something-for-something society. How can we justify the two clauses that we are debating if we take seriously, as I do, what the Prime Minister has said and continues to say?

My right hon. Friend the Member for Gorton referred to the duty that we have as Labour Back Benchers to sustain our Government and to help direct our Government. He talked of some of the difficulties that previous Labour Governments got into with House of Lords reform. I must remind him of the anguish that some of us feel at this stage of the debate.

The 1974 Labour Government were committed to introducing child benefit but, for certain reasons, decided that it would be best to put that commitment aside. There was a leak of Cabinet papers, and some hon. Members faced action under the Official Secrets Act. Some who were in the House then—they are listening to the debate now—bravely spoke in favour of Labour reasserting that promise. They must have felt the anguish that those of us debating the clauses today feel. They had to go through the fire.

I had the privilege to fight the first election that I won in Birkenhead on a platform stressing that one of the great promises that we had delivered was on child benefit. It was pressure from the Back Benches that delivered that promise, which I found to be so much of a vote winner in Birkenhead. It remains so today.

3.15 pm

There is no case for us to behave irresponsibly. As my right hon. Friend the Member for Gorton said, the Whips should have done their job. That is their duty—to get the Government's business through today. Unfortunately, we as Back Benchers have two duties to balance. One is to sustain, with pride, our Government. The other is that when we look back on our stewardship, we do so with real pride in what the Government have achieved.

On the new deal and so many other matters, the Government have made such a clear difference from those characters in the Conservative party who used to occupy the Government Benches. Their policy was to drive people off the rolls, to strengthen the hands of staff, to harass claimants and to push them out. We have not done that. We have provided a £5 billion budget, and people have to behave responsibly, carefully and maturely. However, there are real options. There was clear, red water between our reform programme and what the Conservatives did in power.

In looking back at the Conservatives' dozen attacks on the national insurance fund—which we so opposed—what is the difference from what we are proposing in clauses 53 and 54? Where is the clear water between both sides? It is marvellous to see the Conservative Moonies who have had a mass conversion to national insurance. The Unification church would blush at the way in which the Conservatives have taken to their new roles. If I were not so nervous, I would be able to remember the high priest of the Unification church. We could choose which Opposition Member fulfils that role.

This day will pass and, whatever difficulties we have, we are part of this great party that will deliver the reform programme. Of course, we must bear in mind—as my right hon. Friend the Member for Gorton said—what happened to the last Labour Government. However, we must look also at what Back Benchers have managed do to in sustaining and directing the Government. I am sure that we will be successful in that.

I make this plea to Ministers. They will win their vote tonight, given the size of the majority. Many who support them will do so easily, but many others will do so with heavy hearts, and they will be looking for real changes when the Bill comes back from the other place.

Mrs. Theresa May (Maidenhead): In his comprehensive and measured speech, the hon. Member for Kingswood (Mr. Berry) referred to the delegations taken by the all-party disablement group to meet Ministers over the past two years to discuss the issue of disability benefits, particularly when there were reports in the press that such benefits were under threat.

When I was the joint chairman of the all-party group, I was able to be a member of a number of those delegations, alongside the hon. Gentleman. What was noticeable about Ministers' reaction to our concerns about the threat to disability benefits was their consistent insistence that there was no Treasury-led intention to cut

the amount of money that was being paid in disability benefits, and that any savings would come from disabled people being helped back into the workplace.

That intention was repeated by the right hon. Member for Coatbridge and Chryston (Mr. Clarke), when he referred to the joint statement by the then Secretary of State and the all-party disablement group in March 1998, which said:

"There was agreement that future savings would come from helping disabled people to get jobs rather than reducing benefit entitlement."

That theme was repeated in the Green Paper where, on page 54, the Government said that, over time, less money would be spent on incapacity benefit

"as more people make a successful return to work and fewer people remain on benefit."

Sadly, clauses 53 and 54 break that commitment.

The Government have said that the changes to incapacity benefit in clauses 53 and 54 are necessary because an awful lot of people are currently in receipt of incapacity benefit who, frankly, are not eligible for it; but they have produced no concrete evidence to support that argument. They make the political assertion—it has been repeated today by several hon. Members—that it was all the fault of the previous Government, who used incapacity benefit to get people off the unemployment figures; again, I have seen no hard evidence for that.

As some Labour Back Benchers have said, if the Government really believe that people are incorrectly receiving incapacity benefit now, the solution is not to prevent disabled people from receiving it in future. The Government argue that something must be done about incapacity benefit because of the increasing numbers of people claiming it. The hon. Member for Kingswood set out the statistics on both the number of claimants and the amount that is being spent, showing that argument to be wrong. Even if his figures are wrong, the Government have failed to appreciate the fact that many people—especially women—are now in the work force and can qualify for receipt of incapacity benefit, whereas in the past they would not have been able to do so.

The answer to the problems that the Government have identified is not what is proposed in clauses 53 and 54. Those proposals will hit genuinely disabled people who deserve to receive incapacity benefit because they are incapable of work.

Disabled people with progressive and deteriorating conditions will be especially badly hit. People with multiple sclerosis, for example, may work full-time for many years and contribute to national insurance and then become unable to work full-time as their condition progresses but, wanting to remain as long as possible in the workplace, they may move into part-time work, eventually falling below the lower earnings limit. Such people may then work for a period without paying the national insurance contributions necessary to qualify for incapacity benefit. When they become completely incapable of working, they will be disqualified from claiming the benefit.

Women will also be badly affected. Women may work for some years and then leave the workplace to look after a family. To meet their family responsibilities, they may return to work, perhaps in two part-time jobs that pay below the lower earnings limit. Women in that position who develop an illness or disability that prevents them from working will not qualify for incapacity benefit. Such people should not be written off as ineligible, or as scroungers. They would genuinely be in need of the benefit and should qualify for it.

This is not about redistributing benefits to severely disabled people; it is about cutting the amount of benefit available to disabled people. As such, it is a clear breach of commitments given by Ministers to Members of Parliament. It is nothing less than a betrayal of disabled people.

Kali Mountford: I rise in pride to support and sustain the Government. I was one of those who spent 65 hours in Committee, not as a nodding donkey, as some Opposition Members have said, but taking a full part in the debate. Conservative Members who served with me in Committee could assure the House that that is true. I am proud of the fact that we worked on the Bill, in its entirety, including clauses 53 and 54.

The Bill hangs together extremely well. It is cogent. It makes sense of national insurance contributions and of how we pay benefit and deal with people in extreme poverty. It tackles some of the inequities in the current system. Both Government and Opposition Members have spoken of problems that we have had in the past that have nothing to do with the Bill and have already been dealt with. I agree entirely that the benefit integrity project caused incredible pain and harm and I am glad that our Ministers abolished it; we should be proud of that. The House should be aware, though, that it is no longer a problem.

If people want to look for a problem to deal with, let it be the Benefits Agency medical service. I have been aware of that problem for some time, but we should recognise that it has nothing to do with the Bill, and that the Government are considering doctors' qualifications and the criteria to which they will have to work to ensure that the system works better than it has in the past.

The all-work test was an abomination, but if hon. Members are concerned about what new regulations are to take its place, let them lobby on that issue in the right place. Clauses 53 and 54 contain no reference to the all-work test. This is the wrong place and the wrong time to raise those objections. I am sure that the Government's plans for checking the gateway into benefits are the right way of dealing with the problem. It is right to consider what people's abilities—rather than disabilities—are now and will be in the future.

It has been mentioned that the Bill does not address the fact that the previous Government took people off unemployment benefit and put them on incapacity benefit. That is entirely true, but it is not the point of what I want to say. I was a member of the Employment Service when there were loads of changes to forms and regulations, taking people off unemployment benefit and putting them on to a range of other benefits, including invalidity benefit and then incapacity benefit.

Civil servants were told that if the questions about people's health and capabilities were answered in a certain way, they should advise the claimant to go elsewhere and claim a different benefit. The effect of that is important in the context of clauses 53 and 54. Anyone who knows about the psychological effects of unemployment and what happens to people who spend a long time without work will know that despair begins to set in after about two years.

[Kali Mountford]

People on incapacity benefit are very likely to remain on it for at least that long, away from the workplace and with no future opportunity to reintroduce themselves to the labour market, simply by virtue of the fact that they have been away from it for far too long. Confidence is sapped and they become dependent on the benefit, because all other opportunities seem closed. I do not want people to live that life. A life on benefits is no joke; it is no fun. People on benefits are not well off.

We have a duty to consider whether the qualification for incapacity benefit makes sense. It is an income-related benefit, designed to replace the income that people had when they were fit for employment. It seems sensible to ask what is the link between the period of employment and the period of receipt of benefit.

There must come a time at which we can argue that the benefit is no longer an income-replacement benefit. The Government's proposals make sense. It is not as though the qualification is onerous and difficult. Let us consider someone on average male earnings. It would take that person only four weeks to qualify. Even somebody on the minimum wage would qualify after 12 weeks of employment. That is not an onerous requirement, but it is sensible. It maintains the link between work and the benefit and is not too difficult to achieve. Therefore, I do not find that a mean measure.

3.30 pm

It certainly is not a mean proposal, if we consider it in the context of other benefits to which people are entitled. I am most concerned about those entitled to income support, and the Bill will add £5.70 to the premium for disability paid to those claiming income support. That is a generous increase and takes account of the fact that people who are likely to suffer ill health for some time face extra costs. However, it does not make sense to argue that those costs should be covered by a national insurance contributory benefit. It is right not to leave people floating on a sea of despair, and I would not support any measure that did so. However, the Bill would introduce stability into the system and people would know exactly where they stood in relation to work and their incapacity.

The impression has been given this afternoon that people on incapacity benefit are permanently disabled. That is not always the case and some people will improve. It would be wrong for the House to leave the impression that we have been talking about all disabled people in all circumstances, because that is not the case.

I have been concerned to hear people talking about income support in the way that it has been talked about in the past, which—when I worked in the benefits system and for a welfare rights organisation—caused me great despair. Income support is sometimes stigmatised, but that does a great disservice to all recipients of income support. All people should be treated with dignity, including those who have to claim income support.

Income support is claimed because an individual has no other income. That is the whole point. When I considered the issues before the House today, I looked at their impact on the very worst off, but the amendments do not address that issue. Nothing in the amendments would redistribute funds to the worst-off. The only redistribution would be the redistribution of the £5.70 increase in the disabled premium on income support.

I started my speech by saying that I was proud to have supported the Government on the Bill. My view has not changed during the debate, although I have listened with interest to the various contributions. I urge those hon. Members to reconsider their remarks in the light of the totality of the Bill and all that it can achieve. It would be easy to support all the wonderful measures that have been discussed this afternoon, but hon. Members have been cherry-picking with gay abandon. They have walked through the cherry orchard with their baskets and enjoyed every minute. However, the baskets need to be filled by the Bill and all its clauses.

Mr. Howard Flight (Arundel and South Downs): The hon. Member for Kingswood (Mr. Berry) presented an argument that all fair-minded hon. Members must surely accept. The arrangements proposed in clauses 53 and 54 would not just means-test the benefit against pensions but would affect whether someone could take a pension early. If people can take their pensions early, they would be disqualified from incapacity benefit. That is morally wrong. If people take their pensions—for which they have saved during their lives—early, the price they pay is a substantially lower pension for the rest of their lives. Under the Bill, if people choose not to take their pensions early so that they can look after themselves in old age, they will not be entitled to incapacity benefit. That is unacceptable, even for those who can stomach the concept of means-testing pensions per se.

Other hon. Members have drawn attention to the fact that the changes in the national insurance contribution rules will have perverse effects. The changes are likely to hit people who have debilitating diseases, and spouses—both male and female—who stop work, whether to care for children or an ill spouse. The changes will encourage anyone who may be vulnerable to leave work and get the benefit before they are at risk. The proposals would not even achieve the objective that the Government claim they are seeking to achieve.

I attended Prime Minister's Question Time on Wednesday and the Prime Minister made the point that it was outrageous that one in four retired men draws incapacity benefit. He made the party political point about unemployment benefit versus incapacity benefit, but he also suggested that the system of medical examination could not be working if it delivered that figure. If the Government's primary objective is to stop wrong assessments or people milking the system, the proposals would not achieve that. They will create a different regime for the future, but they will not tidy up what is wrong today. To justify clauses 53 and 54 on those grounds is a travesty of the argument.

It is not acceptable for anyone who seeks to take a fair approach to camouflage what is a cut of £570 million—which will be achieved by imposing harsh and probably perverse tests on qualifying for incapacity benefit—with all the other arguments. I cannot see how Labour Members can support this measure, given the commitments they made when the Conservative party made certain mistakes on the issue of means-testing.

Audrey Wise (Preston): The social security system has three components which are contributory benefits, such as pensions; non-contributory benefits, which are paid for a particular circumstance, such as child benefit or, at the moment, severe disablement allowance; and means-tested

benefits which the Labour party have always regarded as a safety net. All three components are necessary and important.

The current proposals to which we object would materially alter the balance between the three components. We have been told that clause 53, which reduces eligibility for incapacity benefit by changing contribution record rules, is being introduced because people should be recently in touch with the labour market. However, contributions records are a poor guide to whether people are in touch with the labour market, or even in it at all. Many people, particularly women, work part-time below the contributions threshold. There are many reasons for part-time work. Women may take it because of child care or it may be all that they can get. They be unwell but want to keep on working as much as they can.

Although those people are below the contributions threshold, they are in the labour market. However, the Bill rules them out. Some 180,000 women have two part-time jobs, both of which fall beneath the contributions threshold. Are we telling them that they are ineligible because they are not in touch with the labour market? Can they have two jobs and still not qualify? Contributions records are a poor guide.

Why should a recent record be required in any case? Someone may have paid for 20 years and still be rendered ineligible by clause 54. Someone else may have paid only one year's contributions, but still be eligible. Where is the fairness in that? Where is the relationship between benefits and contributions? The clause makes nonsense of the contributory principle.

Some people may be unwell, but continue to work to the best of their ability. What advice should we give to constituents in that case? If the clause is enacted, we should benefit them by suggesting that it would be safer to cease work while they qualify. I do not want to give people that advice. I do not have to do so now. I can tell people to keep on working, and I believe that it is best for people to work if they can.

We have heard some extraordinary statements about incapacity benefit, implying that loads of people are on it just because they decided that it would be nice. We are told that people take early retirement and go on incapacity benefit. We are told that there are so many people on the benefit because it is a substitute for unemployment benefit.

In fact, the big problem of social security is how complicated it is. There are many different benefits and qualifications, and names of benefits change. It is true that the Tories tried to get people off the unemployment register and on to sick benefits, but incapacity benefit did not then exist. Invalidity benefit was created for that purpose.

Incapacity benefit came into being in 1995 because the Tories wanted to reverse the position. We opposed it vigorously in 1995, deploring the fact that many people who qualified for sick pay would no longer qualify. In a Labour party briefing we said:

> "There will be a new and more stringent functional test of incapacity under which many people will lose entitlement to benefit."

We did not say that people could go on to the benefit just because they fancied it or wanted to retire early. We said that a new and harsh rule was being introduced by the Conservatives. It was not me who said so, but a brief from Labour's economic secretariat, red rose and all. Labour Members were all encouraged to think those things, because they were true.

Now, we are told that people are on incapacity benefit because they have taken early retirement. In 1995, we said:

> "There is growing evidence that concerns about the new benefit will mean that many people will choose to take out private insurance, at considerable personal expense, rather than risk the uncertainties attached to the new eligibility test."

We were saying that incapacity benefit would force people to take out private occupational insurance to gain themselves a pension because they would be deprived of benefits.

Over the years, a lot of people, encouraged by the trade union movement, have taken occupational pensions. Trades unions have demanded proper superannuation benefits and so on. The private part of the retired person's income has gradually increased. We said that that process would be hastened for the wrong reason by Tory cuts. Now, however, we say that everyone who has taken out private insurance or who has a good occupational pension that will give them something decent when they retire, even if it is early, will be too well off. Never mind that they have paid through national insurance for many years.

Having between £5,000 and £9,000 is defined as being too well off. Some of us say that we could do with a bit of redistribution, but we do not mean redistribution from some disabled people to some other disabled people. We want redistribution from those who are really well off, but we are told that that is politically unacceptable. All sorts of arguments and non-arguments are used, but that is a no-go area for us. If there is to be redistribution, it should be through the tax and contributions system, not by taking money from some allegedly less-deserving chronically sick or disabled people and giving it to chronically sick or disabled people whose conditions are even worse. That is not the sort of redistribution that I want, and nor do I think that the population wants it.

3.45 pm

Restrictions, the 50 per cent. tax on occupational pensions over £50 and matter of the contributions records are dealt with in amendment No. 12, to which 68 of my hon. Friends have put their names. I do not know whether amendment No. 7, which amends clause 56, will be pressed to a vote, but I should certainly vote for it. If it is not divided on, I shall regard my vote on amendment No. 12 as standing as a proxy for that amendment because clause 56 is also objectionable.

I know that the youngest people are passported on to incapacity benefit. That is great, and I am all in favour of it. I do not even ask that the same should be done for the rest. All I ask is that we preserve the status quo for the rest. Mark my words: the amendments are not about making improvements; they simply preserve benefits that people have at present, and I think that no one receives excessive benefits.

One problem with benefits is that their names change. I have been around a fair time, and I was here when the precursor of severe disablement allowance was introduced

[Audrey Wise]

by the last Labour Government—we could talk about pride in Government then—on 21 November 1974. Barbara Castle said that it

"will provide new, non-means-tested help for those of working age who are deprived of the opportunity to earn their living and who have no rights under existing contributory insurance schemes."

It was, she said, a brand new benefit. She said:

"This is quite an historic moment. We have made an important breakthrough here. These are only the first steps towards a new policy for the disabled over a wide field. These first steps bring a new non-means-tested security to nearly 250,000 people whose needs we have neglected for too long."—[*Official Report*, 21 November 1974; Vol. 881, c. 1555.]

I do not want to be in this House at another historic moment—when that benefit, which was so proudly introduced, is removed by this Labour Government. I do not think that that was what was meant when it was said that this was the first step in a new deal for disabled people—not at all.

We hear that the amount spent on disabled and chronically sick people has increased. It is a lot more than it was in 1974. It has gone up and so it should have, because it used to be disgraceful. The activities of Labour Members, who increased eligibility and introduced new benefits, paved the way for it to increase. That is not a cause for complaint. It has given people a new dignity and new rights. It is part of the reason why so many disabled people are now in a position to assert themselves, and they do so. They claim their full humanity.

I do not want to be a part of any backtracking. It is not enough to say that we are improving the situation for some people. Of course, I welcome that and our amendment would not destroy that. At the moment, we will be spending rather more than we were, which is good, but we will gradually be saving at the expense of some of the disabled and the chronically sick and I object to that.

It seems extraordinary that we are told that we cannot cherry-pick. I do not see this Bill as a cherry orchard in any case. Surely, the purpose of the parliamentary process is to consider legislation and, if one decides that it is good, to support it, but if one decides that it is a terrible error, to say so and act on it. One acts on that, even if it is against one's own Government.

My right hon. Friend the Member for Birkenhead (Mr. Field) reminisced about the time shortly before we came to the House when child benefit was in prospect. I remember that vividly. I have looked round and tried to see a fellow face who was here at that time, who would share my memories. I will share my memories with all my right hon. and hon. Friends. Child benefit was the brainchild of Barbara Castle, who originally tagged it with the name child endowment, which then became the prospect of child benefit. However, we were told that there was a snag and that the trade unionists did not like the measure because it would transfer money from the wallet to the handbag, so it would be dangerous. We were told that some of our supporters might not support us if we introduced child benefit because we were abolishing the child tax allowance. We were told that it was, "dangerous."

Talk about pressure—we were a very tight House then and at a meeting of the parliamentary Labour party in 1976, those of us who were campaigning for the rapid introduction of child benefit were told by the then Prime Minister, Jim Callaghan, that if we persisted, he would resign and there would be a general election three weeks hence. Compare that with the pressure today. We stuck and child benefit was introduced. The Prime Minister did not resign and there was not a general election in three weeks—it was another three years and then, as my right hon. Friend the Member for Birkenhead said, all the candidates were able to stand with pride on a platform of improvement for children.

I do not want my hon. Friends to feel that the only way to be loyal to our Labour Government is to accept without question everything that comes from those on the Front Bench. It is also our duty to try to improve our Government's legislation. When all is said and done, we are here to represent our constituents.

I do not ask those hon. Members who do not agree with the amendments to support them. Those who do not agree and who feel that they have a legitimate argument, such as my hon. Friend the Member for Colne Valley (Kali Mountford), should vote the amendments down by all means—that is their duty. However, I suggest to all those who feel uneasy about stepping back and removing existing rights that the best way to feel at ease with oneself in these circumstances is to support our amendment. I hope that quite a lot of my hon. Friends will be in that Lobby tonight.

Mr. Oliver Letwin (West Dorset): This afternoon's debate is similar to the debate that we had at a similar time, but in the morning and not the afternoon, a few days ago. In great part, it has been illuminating to those of us who care about the history of political parties. We have heard from Labour Members passionate and powerful speeches about the Labour party discovering itself.

The right hon. Member for Birkenhead (Mr. Field) also said something about the Conservative party; he accused us of being the Unification church. I for one would remind him that the religion of which he is one of the prime advocates in this country also believes in the road to Damascus. The Conservative party has gone through that sort of conversion. *[Interruption.]* Yes, we have, because we made an honourable, and dreadful, series of errors. They were honourable and those on the Treasury Bench should not pout too much at this point because they are susceptible to a similar error today.

The error that we made was to suppose that we could endlessly target, that the result of targeting and means-testing would be that we would deliver a smaller amount of taxpayers' money to a smaller group of people who most needed it and that by those means, we would better distribute income with a lower call on the taxpayers' funds. We were abundantly wrong: we increased dependency and the social security budget, thus increasing the call on the taxpayer. That is the history of the matter.

Today, as on Monday night, we are talking about the direction of change. No one imagines that the measure, the clauses and the amendments will suddenly transform the whole of social security. We all know that it is a question of incremental change of direction. What will be decided when hon. Members from both sides of the House, I hope, go through the same Lobby later this afternoon is whether we are to announce that as a collectivity—all of us in the House—we believe that we have to change direction and move to a position in which

instead of increasing continually the amount of means-testing and dependency, we increase instead the incentive for people responsibly to look after their own affairs so that they do not need to depend so much on benefit.

I merely wish to say that I entered the House two years ago with one great hope above all others—that this would be the Parliament in which we would find, and this phrase is more popular on the Labour than the Conservative Benches, a consensus on this matter, which is of the greatest possible long-term national significance. I thought that we had come to a moment when, because we had learned from our mistakes and the Labour party had benefited from the wise advice of the right hon. Member for Birkenhead and others, we would be able to agree on a change of direction in social security. This afternoon, we will find out whether there is a sufficient consensus to persuade the Government to live up to those high hopes, which Conservative Members now have of the Government, many Labour Members have and, what is much more important, both of our electorates share—the electorate who vote Conservative and the electorate who vote Labour. That is a national hope. This afternoon, there is a chance that it will be fulfilled or dashed. It is up to Labour as much as to Conservative Members to ensure that it is fulfilled.

4 pm

Mr. Chris Pond (Gravesham): The hon. Member for West Dorset (Mr. Letwin) invited Labour Members to join him in the Lobby. One of the main reasons why I will support the Bill as its stands and oppose the amendments is that, after working for 20 years for the poverty lobby and seeing what the Conservatives did to the poorest and most vulnerable, under no circumstances could I join them in the Lobby.

The Conservatives say that perhaps they were wrong. A moment ago, the hon. Member for West Dorset was on the Damascus bypass. In the early hours of Tuesday morning, the hon. Member for Brentwood and Ongar (Mr. Pickles) offered to slip into a hair shirt, albeit one designed in Savile row. Despite what they are now saying, for 18 years they supported a Government who did much damage to the living standards, hopes and aspirations of the poorest. They were all looking the other way. It was the longest lapse of concentration that we have seen. For 18 years, they did not notice what they were doing. They did not notice their doubling and trebling of the extent of means-testing or their attack on national insurance benefits and the national insurance principle. However much synthetic compassion they can manufacture in this debate for party political purposes, I will not join them in the Lobby. We must ensure that no one forgets what they did in government and what they would do again to the poorest, if they ever had the chance.

What the Conservatives did in those 18 years shapes the welfare reform debate. They created a climate of fear. It is not only the cuts throughout the 18 years; one of the most cynical cuts was the benefit integrity project, introduced only three days before the general election with the explicit purpose of cutting the benefits of the most severely disabled. I am proud that our Government have changed that and are ensuring that people get the benefits to which they are entitled, no more and no less.

I know that few people are listening to the debate, so I can quietly divulge that the Select Committee on Social Security recently went on a junket—to Loughborough. We get some privileges in this House. We heard about some research carried out by the specialist social policy research unit at the university. We found that currently, disabled three and four-year-old children get only half their mobility costs covered. The Bill will ensure that about 80 per cent. of those costs are covered. It will help children and their families.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich): Does it occur to my hon. Friend that those of us who tabled the amendment, which does not relate to the clause to which he refers, do not follow the logic of telling Labour Members who are concerned about this aspect of the Bill that because we want to do something about disabled four-year-olds, it is necessary to bring in cuts that will affect others who may be older?

Mr. Pond: I thank my hon. Friend. I hope that she will allow me to develop my argument. I do not suggest that those who support the amendment against clauses 53 and 54 are unconcerned about disabled three and four-year-olds. Nor do I suggest that they are unconcerned about the fact that the Bill will help younger disabled people up to the age of 25. However, the debate about the Bill has been shaped by the assumption that all welfare reform is about cuts. That is not the case.

Much of the debate on clauses 53 and 54 has been useful, but it has turned into a discussion of the contributory national insurance principle. It has become a debate about contributory benefits, universal benefits and means-testing. It is a helpful debate which we should pursue, but it does not throw much light on the two clauses. In some ways, one could argue that clause 53 strengthens the insurance principle by ensuring that contributions are much more closely related to benefit entitlement. It may be that other aspects of the Bill go in different directions, but it is a sensible debate which we have to have, and I am pleased to say that the Social Security Committee will have it. Perhaps that can feed into future discussion.

Mr. Webb: The hon. Gentleman had some sport at the Tories' expense, which is always good fun and we enjoyed it, but the hon. Member for Kingswood (Mr. Berry) asked the most pertinent question. If is wrong to means-test the basic state pension—I believe that it is, and I think that the hon. Gentleman does too—why is it right to means-test incapacity benefit?

Mr. Pond: If the hon. Gentleman will bear with me, I will deal with that point when I come to clause 54.

Much heat has been generated, understandably, by both clauses. I want to shed a little light by citing research published last year by the Policy Studies Institute and carried out in early 1997. It considered a group of people who left incapacity benefit, voluntarily or because they had been disqualified under the all-work test, which the Bill also reforms. The largest group—one in three—of IB leavers went into full-time jobs. The second group—about a quarter—went back on to IB a few months later. The linking rules in the Bill and the regulations allow that. A smaller group relied on other benefits, such as jobseeker's allowance and income support

The importance of that research is that it helps us to assess the impact of the clauses. It found that IB recipients fell into two main groups. The first was those who saw

[Mr. Pond]

incapacity benefit as a bridge between work and retirement. The second was those who saw incapacity benefit as a short-term earnings replacement. The majority left incapacity benefit to go into employment, normally with an income much higher than IB.

The people in the first group were predominantly those who had been on IB for a considerable period. They had been written off, lacked hope and found it much more difficult to go into employment afterwards. The second group tended to be newer claimants. That is relevant because clause 53 applies to new claimants, the group who, with, I hope, the assistance of the new deal, the single work-focused gateway, the tax credit for the disabled and other Government measures, will be assisted to get into employment. As many hon. Members have said, the Bill applies to new claimants in that respect. That is the group that the Policy Studies Institute says should be given every assistance to make the transition back into work. Perhaps as a result of that research, that is what the Government are doing.

The hon. Member for Northavon (Mr. Webb) asked about means-testing the basic state pension and incapacity benefit in relation to occupational pensions. Let us consider the treatment of both. As my hon. Friend the hon. Member for High Peak (Mr. Levitt) pointed out, clause 54 proposes the withdrawal, above a certain level, of incapacity benefit for those with an occupational or personal pension. The Green Paper suggested a £50 disregard and a 50 per cent. withdrawal rate. Those figures are not in the Bill, as the Secretary of State said. It may be sensible to consider them in the context of the review of capping and savings limits in social security generally. However, let us take those figures as read for the moment—a £50 disregard and a 50 per cent. withdrawal rate. Hon. Members will note that, once one starts to receive the state pension, there is a 100 per cent. withdrawal rate of incapacity benefit and no disregard whatever.

Mr. Field: Is not my hon. Friend confusing two things? The first is that people should not receive two benefits for the same cause—therefore, they can draw only one. The second relates to the question put by the hon. Member for Northavon (Mr. Webb): if it is right to withdraw incapacity benefit, why is it not right to withdraw the retirement pension?

Mr. Pond: I thank my right hon. Friend for that intervention. I have enjoyed working with him over the years; no doubt I shall continue to do so during these debates. My point is that, if the benefit were now being devised, given the number of people who now receive occupational pensions and the fact that a considerable proportion of them—about a quarter—draw those pensions before retirement age, I suspect that, although the situation was different in 1971, a measure of this sort would have been built into those earlier provisions.

Mr. Simon Burns (West Chelmsford): Rubbish.

Mr. Pond: From a sedentary position, the hon. Gentleman suggests that that is rubbish.

Mr. Letwin: I have a genuine question. Does the hon. Gentleman believe that there is no disincentive to save, if benefits are so constructed that those who save receive fewer benefits?

Mr. Pond: Several hon. Members have made the point that if we are to offset occupational or personal pensions against incapacity benefit, presumably some years in advance of that—in some cases, some decades in advance—people would have to make judgments about whether it was worth saving because, if they did so, their national insurance contributions would buy less. I suggest that most people who make decisions about saving for an occupational or personal pension are planning to save for their retirement—something that they can predict will happen. They do not insure themselves against the possibility that they will become disabled or incapacitated a few years before they reach retirement age.

As other hon. Members have pointed out—it was certainly made clear by my hon. Friend the Member for High Peak—only about a third of incapacity benefit recipients receive non-state pensions. Of those, four in 10 would be unaffected by clause 54. That means that eight out of 10 of those recipients will not be affected at all.

Mr. Berry: Given that the possibility of becoming unable to work is uncertain—as my hon. Friend points out—is not that an even greater reason for not means-testing a benefit that arises due to unforeseen circumstances?

Mr. Pond: The point is that, when people are saving for their retirement in the form of an occupational or personal pension, that element of savings is not there to offset the possibility of becoming incapacitated. There may be many other ways of saving to meet that risk and other reasons for saving, but that is not one of them.

Dr. Norman A. Godman (Greenock and Inverclyde): Will my hon. Friend give way?

Dr. Lynne Jones (Birmingham, Selly Oak): Will my hon. Friend give way?

Mr. Pond: No, I want to finish my remarks. I have made some specific points on the clauses and I know that other Members want to speak.

For many years, I have argued for welfare reform. I defy any Member of the House to tell us that the social security system, as it currently operates, works perfectly in every respect. None of us believe that to be the case. All of us believe that some changes should be made. If we are committed to the idea of welfare reform, we cannot simply leave the current system in place and add a few bolt-on extras. We shall have to make some difficult decisions; we must modernise the system and put right some of the mistakes of the past. I believe that the clauses and the Bill will do so.

4.15 pm

Mr. Mark Oaten (Winchester): I speak in favour of amendments Nos. 5, 3, 6 and 7, tabled in my name and the names of my hon. Friends. I want to make it clear that the Liberal Democrats have strong objections to clauses 53, 54 and 56.

I am surprised that we are holding this debate. When the rumours of these changes were growing—sadly, in the national press—about 18 months ago, I could not believe that there would not be some form of concession from the

Government. Even at the 11th hour, during the past 10 days or so, I have been surprised that the Government have not chosen to grant some moderate concessions. I do not want make great play of Monday night's events, but the Government have shown almost a pleasure in driving through some of their policies without being prepared to listen to the many arguments that have been put forward.

I do not want to be too harsh on the Government. One of the good things that has come from the debate is that Members on both sides of the House have not chosen to make a cheap football out of issues relating to disabled people. The quality of the debate has been excellent. However, I point out to the Government that there is a sense of arrogance: although I can understand that they want to reject the arguments of the Opposition parties, I find it strange that they have chosen to ignore the arguments that have been put forward by some 68 of their own Back Benchers.

In that connection, I praise the hon. Member for Kingswood (Mr. Berry) for the superb and excellent speech with which he introduced the amendments. I praise also the integrity of the Members who signed those amendments; many of them have a record in the House of fighting hard on disability issues. They have shown that they put those issues almost above party politics. They should be commended for that action. I can understand that the Government might even reject the calls of some those Members. However, I am surprised that although they are prepared to listen to and to work so closely with organisations such as the Royal National Institute for the Blind, the Royal National Institute for Deaf People, Scope and the Royal Association for Disability and Rehabilitation—RADAR—when it does not suit them to listen, they turn down the requests that were put so strongly by those groups.

Much that is in the clauses goes against the Government's own thinking. I and other hon. Members spent Tuesday morning and this morning attending the final Committee sittings on the Disability Rights Commission Bill. I warmly praise what the Government have been doing to enhance the rights of disabled people. The Government should be praised for that; they have taken action fast—within two years of coming into power. However, there is a contradiction. On one hand, they have made good progress, but, on the benefits side, they are not able to be consistent with their principles of working for disabled people. Disabled people tell me that it is all very well to have enhanced rights, but, if one does not have enough money to live on each week, some of those rights are pretty hollow.

Against that backdrop of organisations saying that the Government are wrong, we must examine why they persist in going ahead with these changes. The Government's argument is that welfare spending is out of control and that far too many people have been taking up incapacity benefit. However, is it not the case that, in recent years, that trend has declined? Perhaps we are beginning to see the kicking in of reforms made by previous Governments.

We are left with the conclusion that the reason for the changes is not the welfare of disabled people and that the only reason is to try to save money, even though the problem may not necessarily exist. What disappoints me about the debates that have taken place during the past 18 months is that we might not have spent as much time as we should have done in examining whether there is a problem. We have assumed that the problem exists. We have certainly not spent as much time as we should have done in examining the gateway for those benefits.

The all-work test is a bad test; it is rightly being replaced with a different test. However, perhaps that new test is also wrong and we should put some more work into examining it. There is a contradiction: the Government claim that individuals are trying it on—trying to get a benefit to which they are not entitled—but, on the other hand, the Under-Secretary of State for Social Security clearly stated in Committee that he did not envisage that, under the new test, there would be any change in those who would be entitled to the benefit. We should do more work on that matter.

I was interested in the point developed by the right hon. Member for Birkenhead (Mr. Field). He said that although the benefit integrity project had been flawed, perhaps the policing of benefits and of the gateway was not yet right. I hope that the replacement for the benefit integrity project will go some way to address that point. I draw the conclusion that it would have been wiser for the Government to have waited for a few years so that some of the changes could bed down. They should have waited to see whether the trends that were identified would decline, whether the new capability test would make a difference and whether the problem that they sought to solve through these measures existed in the first place.

Clause 54 goes to the heart of the means-testing principle that concerns many hon. Members. The Government are in a ridiculous situation. On the one hand, they are trying to create a society in which individuals are thrifty and put money aside. Yet, on the other hand—despite the comments of the hon. Member for Gravesham (Mr. Pond)—they are sending a clear signal through these changes that there is no incentive to save. As a result of the changes, a couple on a combined income of £10,000 will not be entitled to receive benefit. That seems strange given that that income figure falls below the poverty line. The Government surely did not intend to put such a couple in that position.

If the Government insist on going down this route, we call on them, at this eleventh hour, to change the threshold at which the changes will kick in. The hon. Member for High Peak (Mr. Levitt) said that the £50 figure is not on the face of the Bill. May I derive some hope from that comment? When the Secretary of State responds to the debate, will he compromise for the first time and change the figure? I heard the Secretary of State say via various media outlets that he did not have to decide on a figure until 2001. Let us hope that he will say today that the £50 figure is wrong, and that a higher threshold will ensure that the burden is easier and fairer.

Clause 53 introduces a double standard. If new Labour made one thing clear, it was their desire to try to change the benefit culture, and to introduce a contract between the citizen and the state that said, "You will get something out if you put something in". These changes clearly contradict that approach. As the hon. Member for Preston (Audrey Wise) said, it must be wrong that someone's contributions spanning 10, 15 or 20 years will be wiped out and ignored. Why did such people bother to contribute at all ? What was the point, if they will not receive benefit because they have not applied two years before they claim? That makes a nonsense of the years of making contributions. I do not believe that that measure was in the Labour manifesto. I certainly do not believe that Labour

[Mr. Mark Oaten]

Members and the many millions of people who voted for them could have envisaged the introduction of this major change to contributions so early in a Labour Administration.

It is disappointing that the Government were not prepared to accept in Committee some sensible amendments that would have at least reduced the impact of the changes. During 64 hours of consideration in Committee, the Government did not make a single concession. It is the first time that I have served in Committee, and two months into the process, I wondered why I was wasting my time. The Minister and the Under-Secretary of State for Social Security, the hon. Member for City of York (Mr. Bayley), could not have been more reasonable, but they did not move an inch. Perhaps that is the Committee's fault. It might have been more constructive if the Committee's membership had reflected more clearly the opinion within the Labour party. We could then have had a healthier debate in Committee.

Dr. Godman: The hon. Gentleman mentioned a threshold figure of £50. What kind of threshold would be acceptable to his party: £100, £150 or £200?

Mr. Oaten: The hon. Gentleman is tempting me to suggest a figure. That would imply that I am in favour of the proposal; I am not. I would not want to suggest any figure because I think that the measure is wrong. We offered the Government a compromise on a bad system, and any revised figure should not see individuals with an income of £10,000 who are on the poverty line fall short of benefit. The Government should at least increase the figure above that point.

Amendment No. 3 suggests that, rather than stating that contributions must be made in one of the two years before the benefit kicks in, the Government should allow at least one year in the 10 previous years. That is a simple amendment which would reduce the negative impact of the changes.

I hope that the Secretary of State will address the important issue of carers raised by the hon. Member for Preston. While we welcome the fact that the Government have acknowledged that it will be difficult for carers to build up national insurance contributions and have provided a linkage with the carers allowance, it is estimated that only 400,000 out of 5 million carers in this country receive carers allowance. What will happen to the carers who do not have that link? How will they access incapacity benefit?

Amendment No. 7 offers the House the opportunity to reverse the decision to abolish the severe disablement allowance. That is an essential safety net, and the Government's proposed changes will mean that 16,000 people will lose out each year. Time is short, and the hon. Member for Preston developed that point very clearly. Other hon. Members may wish to catch your eye, Mr. Deputy Speaker, to emphasise that point.

We will push the matter to the vote. We feel strongly that the Government have not thought through the proposals. They have tried to solve a problem that I suggest is not there. The Government have missed good opportunities to develop the welfare state in new ways and they have broken some important principles in relation to contributions and means testing. In doing so, their actions have been extremely unfair. My party and I are left with the sad conclusion that this Bill is about the interests of the Treasury, not the welfare of disabled people.

Dr. Lynne Jones: Few Labour Members—including me—would argue against the need for substantial reform of the social security system, given our inheritance from the Conservative party. The previous Government reduced the system to a means-tested, low-grade safety net for the poor. That reform option was specifically ruled out in the Green Paper, and rightly so.

Yet, as many of those who responded to the consultation process—including Age Concern—pointed out, the Government failed to review the welfare state comprehensively. Instead, they advanced proposals without discussing alternative principles. Those groups said that the Green Paper failed to discuss clearly the role of social insurance, universal benefits and means-testing within the social security system. Much of today's debate has focused on the social insurance principle and means-testing. Labour Members have fought hard for years to preserve the contributory principle, so I am saddened to see that we have abandoned that principle today.

Far from criticising support for the amendment as cherry-picking, I argue that the amendment will act to support the Government's aim of providing work for those who can and security for those who cannot. We welcome the new deal that encourages people to enter work and to save. That is an essential part of a welfare reform package. We welcome also the additional assistance for young people who are severely disabled, and I acknowledge that the linking law will ameliorate some of the effects of these changes. They are good measures. However, it is counter-productive to their fundamental aims for the Government to alter the contribution requirements and to means-test incapacity benefit.

4.30 pm

We argue that our aim is to modernise the social security system, and we should modernise a system that was set up at a time when families had one breadwinner—usually the man—and wives stayed at home and looked after the children. However, one income is no longer adequate, and very few people are fortunate enough to stay in one type of employment for most of their lives, which was commonplace when the Beveridge reforms were introduced. Instead, we have so-called flexible working, job insecurity and many part-time jobs.

We must not forget that even people who are being paid the minimum wage and are working 16 hours a week—that is classed as full-time work for the purposes of means-tested social security benefits—still do not earn enough to meet the lower earnings limit and do not, therefore, pay national insurance contributions. We have insecurity, or flexibility, yet far from modernising the system to create a contribution requirement that would reflect that flexibility, we are introducing rigidities for contribution requirements. We are doing exactly the opposite of modernising the system to reflect the modern-day experiences of people in the workplace.

We also want to encourage people to be self-sufficient and thrifty and to save for the future. How can means-testing incapacity benefit help to achieve that?

The majority of disabled people do not have pensions. Surely we want to encourage them to take out pensions. If we do not, they may, when they retire, receive some incapacity benefit, but they will have failed to provide additional resources, so they are likely to depend on other means-tested benefits, which will cost the state more.

Under the Tories and their salami-slicing policies, we learned that the more means-testing—which allegedly targets those most in need—is introduced, the more expensive the system becomes. That is not only my opinion, but that of many people, including representatives from the private sector. It is interesting that, in its submission to the Green Paper, the Association of British Insurers said:

"The interrelationship between state benefits and what insurance companies can offer needs to be properly understood by government, by insurance companies and by the public. A stable framework is needed in which people can make plans which will not be disrupted by a subsequent change of government policy. People naturally are resentful if, for example, having saved for a specific welfare need, they then discover that they have been wasting their money and that they would have obtained the same benefit from the state for nothing. Conversely, if people have reasonably expected that the state will provide, they are aggrieved if suddenly the state decides not to provide."

The private sector, which wants to encourage people to save, recognises the disincentives that are created in the social security system. That point was made time and again in submissions to the consultation paper.

The Department of Social Security's summary of the 340 responses to the disability benefits consultation paper said that the issue most frequently raised was the perceived unfairness of taking into account income for which people have already contributed against a benefit that is also earned through the payment of contributions.

Contrary to the impression that my hon. Friend the Member for High Peak (Mr. Levitt) tried to give, the people who will be affected by the measures are not rich people with enormous pensions. If they have pensions, those pensions are relatively small, and although the Secretary of State correctly stated that 44 per cent. of people on incapacity benefit are in the top two quintiles of the earnings table, that does not take account of the fact that their income includes disability living allowance, which is supposed to reflect the additional costs of being disabled. That benefit pushes people higher up the earnings table. That applies only to people who already have occupational pensions. The majority of people on incapacity benefit have below-average incomes; only 25 per cent. are in the upper 40 per cent. of the income range. That demonstrates that, on the whole, people who have disabilities have a shorter working life and one in which they are able to earn less than other people.

Such people, who do not have savings and who perhaps have a progressive illness and know that their working life will be curtailed, will be listening to the debate. Many have in the past responded to exhortations to save for the future and today will be wondering why they should bother. That is why I argue that targeting does not, in the long run, save money in benefits, but costs more.

Last week, the Prime Minister, in his tribute to John Smith, said:

"One of the first acts of his leadership was to establish the Social Justice Commission on healing the divisions of the Conservative years".

It is interesting to read the social justice commission's comments about welfare reform. It said:

"In our view, the Social Security system should be built upon the foundation of social insurance."

It considered the arguments of some of my hon. Friends that it is best to target benefits on those who most need them, but said:

"It is often argued . . . that a simpler and cheaper solution to the problems of the Welfare State would be to means-test all benefits so that they go only to the people who 'really need them'".

It went on to say that

"the strategy is fatally flawed".

It then said that

"means-tested benefits, which cannot prevent poverty are also remarkably inefficient at relieving it . . . Moreover, these benefits are extremely expensive to administer . . . a further disadvantage of means-testing is that it penalises savings . . . instead of providing a predictable and stable financial base from which people can deal with change, means-tested benefits create further insecurity".

That echoes the comments of the Association of British Insurers. The commission said also that means-tested benefits

"deepen the problem of social exclusion"

that this Government are committed to eradicating.

I appeal to Ministers to listen to those arguments. If we are aiming to deal with dependency and trying to bring people who were excluded during the Tory years back into the mainstream of society, we should think again about the measures in clauses 53 and 54.

Mr. Michael Connarty (Falkirk, East): I have been listening with interest to my hon. Friend, and I have been reading as much as I can on this subject in the past week. I noted that, following the publication of the Crossman paper, it was said that people were willing to pay through the contributory system because they felt that they were storing up something for their family for the future, but they would not want to pay through direct taxation. Clause 53 clearly breaks the link between benefits and the contributions that people make over their lifetime, and is likely to make people wonder whether the contributory system has anything to offer them.

Dr. Jones: My hon. Friend is exactly right. I wish that the Secretary of State and Ministers would consider not only the consultation on the Green Paper, to which I have referred, but the results of their research on public attitudes to the welfare state and the response to reform, which clearly demonstrates that there is considerable public support for the social insurance principle. There is a strong feeling that those who have paid into the national insurance system should be able to gain from it when the need arises, regardless of circumstances.

In that research, members of the public pointed out to the Government that means-testing was not only expensive for the state, but intrusive for individuals. The public regard means-testing as unfair, because the low thresholds might have the effect of arbitrarily excluding people who are in genuine need, but who narrowly fail to qualify. Many pensioners feel that way about the failure of the state pension to keep up with means-tested benefits. They resent the fact that, if they have a small occupational pension, they are deprived of the benefits received by people who have not saved.

[Dr. Jones]

The research showed that the majority of people considered that, if there was to be means-testing, it should take place on the way in, by requiring higher earners to pay higher contributions, instead of on the way out, by limiting payouts to those on low incomes and with low savings.

The research that was carried out for the Department of Social Security acknowledged that some people would like benefits to be targeted on those with a low income and low savings, but the overwhelming majority—69 per cent.—consider that a person's contribution record is more important than their means in determining entitlement to benefits.

The social justice commission also considered disability benefits. Its report says that the requirements for a comprehensive disability income are twofold. First, it should compensate disabled people for the additional expense of being disabled, by offering a tax-free benefit based on up-to-date evidence of living costs, including the additional costs that disabled people must meet. Disability living allowance is such a benefit, although the social justice commission commented on its many inadequacies.

Secondly, as disabled people are much more likely than others to be unemployed or only partially employed, a comprehensive disability income should offer some compensation, in the form of a taxable benefit, for the loss of earnings potential. That is precisely what incapacity benefit was designed to do. It is a taxable benefit, so, rightly, people on a high income are already taxed on it. However, it is designed to reflect the fact that the working years—and often the earnings potential—of people who are disabled are much curtailed.

That is exactly what my hon. Friend the Member for High Peak said that the benefit was about. It is about income maintenance. It is about trying to bring disabled people up to the level of the rest of us. A measure of the success of that policy should be whether disabled people have the same range of income as non-disabled people. I put it to my right hon. and hon. Friends that if we are to end discrimination against disabled people, we should ensure that they have the potential to earn an income similar to that of people who are not disabled but in the same type of job.

I fear that the Government are out of touch with public opinion on the issue. For the sake of saving, ostensibly, £700 million in the long run, they will greatly damage the social insurance principle. They will discourage saving. The advice that the Government are giving those people who might qualify for incapacity benefit, but who are struggling to continue to work and perhaps retraining, is, "Give up work and go on benefit now; because if you do not, you may lose out in future."

I urge my right hon. and hon. Friends to think again. Reform is needed, and there is a great opportunity to achieve consensus on the way forward. Surely that consensus must be based on what is nationally popular, and that is the social insurance principle, whereby there are contributory benefits for people who contribute while in work, encouraging them to save, to be thrifty and to work hard for the future.

4.45 pm

Miss Anne McIntosh (Vale of York): I congratulate the hon. Member for Birmingham, Selly Oak (Dr. Jones) on a well-constructed and informative speech.

Mr. James Gray (North Wiltshire): It was courageous.

Miss McIntosh: As my hon. Friend says, it was a courageous speech.

I, too, support amendment No. 86 and reject clauses 55 and 56. This is a very sad day for the House, and more particularly for the vulnerable people in society, especially the disabled, whom the welfare state, set up all those years ago by the Beveridge reforms, was most specifically designed to help.

I regret that the allocation of time motion has been carried. I suppose that we should be grateful for the presence this afternoon of the Secretary of State, and benefit from his presence. However, I believe that my constituents will find his comments insulting. On Monday evening, I spoke on two separate occasions: first, on the dismantling of the bereavement allowance and, secondly, on the companies that have set up consultancies in the Vale of York as limited companies, especially in the information technology sector, and had written to ask me to intervene in that debate so that their voice could be heard. I know that they will especially resent allegations of a filibuster on Monday evening, coming from a Secretary of State who, for the greater part of the evening, was not even in the Chamber.

The words of the hon. Member for Selly Oak especially struck a chord with me on two counts. The changes to the entitlement to incapacity benefit will penalise those who have saved, and they will constitute an attack on the contributory principle.

As I said on Monday evening—I shall develop this theme in relation to incapacity benefit—I believe that the Government's proposals are an attack on the Beveridge system. They mark a step towards the dismantling of that system, which was set up precisely to help the most vulnerable in society.

I emphasise the fact that the piecemeal reform that the Government are undertaking will not bring the social security bill down. The savings will be pitiful. On the severe disablement allowance, savings in the first year will be only £10 million. Over the whole period of the Parliament, they will rise to only £80 million. On incapacity benefit, savings in the first year will be only £70 million, rising after 10 years to only £700 million. In support of what the hon. Member for Selly Oak said, could the Government not have come before us with a comprehensive reform, or at least the start of one, rather than the piecemeal reform that they have presented to us this evening?

Changing the entitlement to incapacity benefit is simply another extension of the Government's means-testing agenda. Instead of encouraging people to save, they will penalise the very people who are doing so.

I particularly want to associate myself with the remarks of the hon. Member for Kingswood (Mr. Berry), who said that the measure is a breach of contract. For that reason, I simply cannot support clauses 55 and 56. I support amendment No. 86. The Government have no right to breach the contract between the state and the individuals

who have paid their contributions over a number of years. On the grounds that the changes to the entitlement to incapacity benefit will penalise those who have saved and are an attack on the contributory principle, I support amendment No. 86.

Dr. George Turner (North-West Norfolk): While I agree with much of what is being said by those on both sides of the argument, I find that Labour Members have run into a conflict of principles. As was pointed out from the Conservative Benches early in the debate, a conflict of principles is one of the real difficulties of being in government rather than in opposition. I am pleased that there has at least been a good element of listening by those on both sides of the argument during the debate on how we should resolve our conflict of principles.

When the Government are under attack, Back Benchers taking my position—I shall vote with the Government tonight—find that it has a built-in difficulty: if we do not speak as well as vote, it is because we are assumed to be secretly opposed to the Government and not willing to stand our ground; if we speak in support of the Government, we are assumed to be currying favour with the Whips Office. We are damned either way.

During 20 years in local government, I learned that people need to face up to the issues. Those Members who were here in opposition for many years benefited from the fact that every penny could be spent not once or twice, but in every debate. The Liberal Democrats have shown me that for the past two years. The problem with being in government is that we can spend money only once and I believe that that is the core of the difficulty faced by my right hon. and hon. Friends this afternoon.

I do not like means-tested benefits, but I have regularly supported them and so have other hon. Members who are opposing them today. Faced with the problems of the pensioners in my constituency, I have had to accept that, until our economy permits us to do more for all pensioners, we have to offer a minimum income guarantee to pensioners. We have had to say that we will try to identify those most in need and help them.

I do not like means-tested benefits, but as a practical politician who is trying to help Ministers to make difficult decisions, I have to say that if I were to pick a group for which I would relax that principle, it would be the pensioners in my constituency. My difficulty with my hon. Friends who have so ably put the case for those who have been incapacitated—those of my constituents to whom that has happened are often late on in their lives, perhaps over 55—is that, if I am honest, that group would not be my priority.

I understand the case being made for that group, and I understand the case for its being the next to which we look to give largesse, but I have to say that, as many of my hon. Friends have recognised in the debate, the Government have addressed some more pressing needs and areas where Exchequer help is urgently needed to tackle the real problems of major disability, among the young in particular.

My hon. Friend the Member for Colne Valley (Kali Mountford) rightly talked about cherry-picking and I believe that Back Benchers must assess where they stand on a Bill, as they do on our manifesto. Who on earth could agree with everything in his party's manifesto? It is not human nature to do so, and I certainly did not do so, but I accepted the manifesto as a package. I accept that, in the democratic process, we arrive at a conclusion and, to be broad brush, I accept that other people's opinions have sometimes outweighed my individual preferences.

In government, we do not have the ability to be always on the side of the angels. As an agnostic, I do not believe in angels. From my experience in local government, I know that people decide to modernise. Their group agrees with them, they look at new issues to be addressed in government, they identify the growth areas and then agree and vote on them. They then ask, "How will we fund those areas? How shall we address these new priorities?" Only people in opposition can oppose every single means by which people address the big problem.

The problem of local government remains that it is always easy to address new need, but difficult to address the base budget. It is difficult for people who fought for needs to be addressed in the society of a decade ago to accept that those needs may no longer be the priority of the day. I believe that the Government have set about tackling that.

Some difficult decisions will have to be made, but I believe that, ultimately, we owe it to the people whom we represent to make those decisions. If there is one group of people who can tell me about the need for welfare reform, it is a group whom our party has traditionally represented—people on council estates. As part of my constituency work, I regularly visit the homes of those who are too disabled to come to my surgeries. Those are the people whom I want to help—but my goodness, there are "experts" on those estates who specify those whose need for state benefits is, in their view, less than meritorious.

The Conservatives were in government for 18 years because, all too often, Labour supporters did not believe that we were fit to govern. I feel that facing up to some of the difficult decisions that we must make in government gives us the best opportunity that we shall ever have to benefit those whom we seek to represent—to benefit them in the long term—through the improvements in the economy that we are delivering.

The package in the Bill is one that I, along with other hon. Members, can support with honour.

Mr. Duncan Smith: The hon. Member for North-West Norfolk (Dr. Turner) said that he did not agree with everything in his party's manifesto. Did he tell the electorate that, or is he going to allow it to emerge as a disclosed secret later?

Dr. Turner: Will the hon. Gentleman give way?

Mr. Duncan Smith: No.

Dr. Turner *rose—*

Mr. Duncan Smith: All right, I will give way.

Dr. Turner: I told the electorate that I would support the manifesto and vote for measures specified in it, and that is what I shall do.

Mr. Duncan Smith: With respect, I suggest that the hon. Gentleman should not make claims that have no basis in reality. I suggest that, when people want to be bold and

[Mr. Duncan Smith]

brave and to make decisions about what they consider to be right and proper, they should work on that, but not claim subsequently that that is what they did.

This is likely to be our most important debate on the Bill, because it creates the greatest difficulty and generates the greatest interest. I congratulate the hon. Member for Kingswood (Mr. Berry) on tabling his amendment, and on speaking to it so well; but the whole debate should be seen in the context of what the Government have been doing throughout the realm of what they call welfare reform.

According to all the latest figures, including the Government's own figures, the social security budget is set to rise faster than the one that the Government inherited, and faster than was predicted in the context of the changes that would render an increase necessary. If it is rising by an average of about 3.3 per cent. a year, that will mean a total increase of £38 billion over the next three years. That is what the Government have done to the social security budget, and that is the most important backdrop to the debate. We should understand why some of the decisions that are being made now are having to be made, and what characterises them.

Let me say something about incapacity benefit, and the changes that are proposed. The rationale that has led the Government, and the Secretary of State, to believe that through means-testing they can reduce overall costs is driven by a short-term need to find the savings that they have apparently failed to find elsewhere. The Government's rhetoric in the run-up to the election suggested that they would cut social security costs so that they could spend more on health and education. In fact, they are doing both—and that is the problem.

What the Government fail to realise in looking at the short term is that the constant extension of the means test is not really the solution at all; indeed, it will be part of the problem. If the application of means test upon means test were the solution, surely it would have worked by now. Successive Governments, of whatever hue—both Labour and Conservative—have tried that approach from various angles. Each time, there has been a growth in social security spending. Therefore, the policy has not worked. I do not know what makes the Government think that, in the narrow case of those on incapacity benefit, it will work. In essence, the process deals with the symptoms, and those are short term. It does not deal with the cause.

5 pm

The Government have decided to impose the means test anyway, which is a bad principle. They have chosen to do it for what they may believe are necessary reasons, but why have they done it in such a perverse way? Why attack, for example, someone who is on a modest income, has made an effort to save, and has tried to take himself out of the position of being dependent on handouts, as he would see it?

Why attack that individual when the Government, the Secretary of State and Prime Minister have said that they wanted to encourage people to save? They wanted to ensure that people lifted themselves out of dependency through saving and providing for their future, but the Government's measures are a direct attack on their own words, their own principles and on the very type of person whom they hold up as a model.

Are people on £2,600 a year from their pension fund, rising to £9,000 a year, the wealthy people who now have to be struck out? Are they less incapacitated than the person standing next to them who did not make any effort to save? They are going to lose. That, in essence, is what the issue is about. It is not about an across-the-board, fair measure to find a solution.

The Government now seem confused. At first, in Committee, the purpose was not to save money but to be fair. Now, in the briefings to the press and in what we hear from the media, the Government's line is that the measure is to save money, so they have decided to save money by targeting a narrow group. That is why they are so confused.

Surely it cannot be right that people who do not need to save for a pension, who can manage to save in their own way because they are wealthy enough—perhaps through an individual savings account or some shares; at any rate something that is not identifiable as a pension fund, private or occupational—are okay and will have no problem; that people who have made no effort over all the years to save any money, who used to be described perhaps as feckless, who perhaps could not be bothered because they thought that the key thing was to ensure that they could never get caught with enough money to get themselves locked out of benefits, are okay; but that the people who made the effort are not okay.

Then there is the whole business of the two-year rule. I find that utterly perverse. It is a way of suggesting to people who have serious worries about whether they will have a progressive illness that will one day render them incapable of working that they had better make an early decision, because the last thing they want is a broken record of employment in the two-year period. Out go those people as well—not people who want to be out of work, but people who apparently may, through reasons beyond their control, be deposited out of work. Hence the selective and targeted process of the means test is incredibly short term and narrow minded.

Before the Secretary of State and other Labour Members crow about how they are taking the tough decisions and how their solution is the way ahead, I pray in aid two people who agree with me and who the Government believe—or at least they did yesterday—are the key men that they should listen to. The first is the Chancellor of the Exchequer. At the 1993 Labour conference, he said:

> "I want the next Labour Government to achieve what in 50 years of the welfare state has never been achieved—the end of the means test".

As recently as 1998 the Prime Minister said:

> "There are problems if you move to too much means testing."

To which group of people could he possibly have been speaking? Clearly, it was not the Secretary of State or his colleagues because they have taken a different view.

If reform of the welfare state is required—and it is—it must be about finding the characteristics that drive dependency and focusing on them. Before the Secretary of State says, "The Opposition are in favour of reform but do not support us on the tough decisions," I remind him of what happened when the Government decided to cut

the lone parent benefit. It was Conservative Members who went into the Lobby to support the Government, so the Secretary of State should be careful about using that argument. We are prepared to take the tough decisions as long as they deal with the issues relating to serious dependency.

The Government are in a mess of their own making and they will not get out of it by claiming that they will solve the problem by improving pensions. That is not the case. They will simply deliver yet another means test into the pension arrangements. The minimum income guarantee is nothing more than a massive disincentive to saving for someone on a modest income. Anybody on a lower level of income will now end up with a fund that will deliver them less income in retirement than somebody on income support. That is the result of the Government's reform and that is why they will end up with greater dependency.

All that has happened when that process has been employed in the past is that more and more people have found more and more ways to get round it. More of the lobby groups cry out with cases of hardship, and successive Governments have found more and more ways of increasing the benefit. It is a shrill set of rhetoric that will lead to more and more intervention in the future.

The Government's big argument is that there is a serious problem and that some people, apparently, should not be on incapacity benefit. This measure does not deal with that; it leaves those people on the benefit and deals only with those who might receive it in the future.

Worse, the Government are failing in their attack on fraud. Each target has been undershot. They may talk about fraud, but they are failing to deal with it. They talk about people who should not be on incapacity benefit, but they are leaving them on it—if they know who they are—and telling everybody else that it would be wrong for them to be on it.

If the Government's answer is means-testing and more means-testing, clearly they have asked the wrong questions. No matter what the outcome or whether Labour Members decide to support the Government, abstain or vote against them, the Government have lost the argument. I will recommend that in another place every effort be made to return the matter to us.

Mr. Darling: I have no intention of following the hon. Member for Chingford and Woodford Green (Mr. Duncan Smith) very far down the road he took. His arguments against the means test might just have a little more substance if it were not for the fact that the Conservatives doubled means-testing during their 18 years in office. The only thing that I found interesting in the hon. Gentleman's speech is that he has confirmed that the Conservative party is against the minimum income guarantee for pensioners. That means that 1.5 million poor pensioners would lose out if the Conservatives were ever to get back into power.

I should first speak briefly to Government amendment No. 31—which is a drafting amendment to clause 54, removing an unnecessary cross-reference to the definition of personal pensions. I shall not say anything more about it, as no one else has.

I should like to set the debate in context, deal with all the points that have been made and, of course, deal with the points that have been made on our proposed reform of incapacity benefit. However, I should first make the preliminary point—especially for those outside the House who will read reports of our proceedings—that the debate has, on both sides of the House, been very good natured. I realise that right hon. and hon. Members hold different opinions on these matters, but they have very temperately expressed those opinions. It has been a very good quality debate.

The proposals that we published last October, and which essentially are made in the Bill, have two overriding objectives. First, we want to ensure that we provide every possible help to enable those who can work to do so. Work on a decent wage—which we are ensuring through the national minimum wage—is the best way of combating poverty, the causes of poverty, and especially persistent poverty, which is one of the main problems that we have inherited. Disabled people want to work—2 million already do, and 1 million more on benefits say that they want to work. We want to help them to do that.

Our second overriding objective is to provide far greater security than we have provided in the past for some of the most vulnerable people in society who will never work in their lives. The proposals in the Bill are a key part of that strategy and mark a radical change of direction from what the Tories did in their 18 years in office.

I do not want to say much about the Tories. However, I find it very hard to take when they parade before us as the party of the dispossessed, the poor and the disabled, an advocacy that they masked particularly well in their 18 years in office, and when the hon. Member for West Dorset (Mr. Letwin) tells us that they have all been to Damascus—it is just as well that it is not in Europe, or they could not have gone there at all—and tries to tell us that he now stands shoulder to shoulder with my hon. Friend the Member for Preston (Audrey Wise).

Mr. Letwin: Will the right hon. Gentleman give way?

Mr. Darling: Let us hear about Damascus.

Mr. Letwin: Is the right hon. Gentleman advancing the argument that two wrongs make a right?

Mr. Darling: The hon. Gentleman was wrong for 18 years, and he is wrong again today.

We remember how the Tories filibustered and tried to block the Bill sponsored by my hon. Friend the Member for Kingswood (Mr. Berry) to give rights to disabled people. It is this Government who introduced legislation—which was recently given a Second Reading—establishing the Disability Rights Commission.

For the Tories, it did not really matter whether someone was unemployed, sick or disabled. Indeed, for them unemployment and sickness were completely interchangeable—it did not matter. That is why they cynically moved people—a whole generation of people—from unemployment on to incapacity benefit. That is why one quarter of men—double the number of 20 years ago—over 60 are now on incapacity benefit. Those people were only statistics to the Tories, whose record speaks for itself. Therefore, some of us find it very hard to take the Tories' protestations and invitation to some of my hon. Friends to stand shoulder to shoulder with them in the Lobby today.

I do take seriously many of the concerns expressed, both inside and outside the Chamber, by many of my hon. Friends, and I realise the sincerity with which my

[Mr. Darling]

hon. Friend the Member for Kingswood and, particularly, my right hon. Friend the Member for Coatbridge and Chryston (Mr. Clarke) expressed their views. However, I profoundly disagree with them, for reasons that I shall explain later.

I also realise that many of the concerns expressed in the House today stem from the effects of long-term structural unemployment—people have low skills and low expectations; a second generation of people are growing up who really do not expect any better for themselves or their children; and children do not expect to do any better than their parents. The Tories saw that as the natural order of things—[HON. MEMBERS: "No."] Yes, they did. No one should be left to languish on benefits for years.

5.15 pm

We are changing the culture of the system. The hon. Member for Winchester (Mr. Oaten) said that we needed a change of culture. I hope that he has noticed the single gateway, which will ensure for the first time that everyone of working age gets the help that they need, with a personal adviser to help them improve their skills, get into work if they can and get the benefits and assistance to which they are entitled. That is an important change of culture.

In our welfare reforms across the board, we are tackling poverty and the causes of poverty in every way possible through the help that we give and the benefits that we provide.

Mr. Julian Brazier (Canterbury): Will the right hon. Gentleman give way?

Mr. Darling: The hon. Gentleman has not been here for most of the afternoon. I should like to make a little more progress, because I anticipate that there will be interventions on other matters that I want to deal with.

I shall set out what the Government are doing to help people get into work. We introduced the new deal. It was opposed by the Conservatives and the funding was opposed by the Liberal Democrats. In 15 areas we are piloting—

Mr. Duncan Smith: Get on to the amendments.

Mr. Darling: The Conservatives do not want to hear this. We are helping disabled people get into work. We are making work pay. The minimum wage will bring 700,000 women into the national insurance system. The disabled persons tax credit—*[Interruption.]*

Mr. Deputy Speaker: Order. There should be silence, with the exception of the Secretary of State.

Mr. Darling: The disabled persons tax credit is worth £155 a week. As my hon. Friend the Member for Birmingham, Selly Oak (Dr. Jones) said, we have extended the linking rules that allow people to try out work before they lose their entitlement to benefit. Under the Tories, they had only eight weeks. Under the arrangements that we have introduced, disabled people can try out work for up to two years without losing their original benefit. This week we have extended the disabled persons tax credit. Someone who has left work because of a disability or an injury and returns to work earning 20 per cent. less than they would have done otherwise will have access to the disabled persons tax credit. The Tories did none of that. All the measures that I have mentioned are new and show the qualitative difference between our approach and that of the Conservatives.

Our second objective is to provide security, because we recognise that there are some who cannot work. The system clearly does not do enough for the most severely disabled people. We are increasing child benefit for everyone. We have invested £2 billion in the new state second pension for carers and for disabled people with broken work records. Costs have been referred to a lot this afternoon. That measure alone represents a £2 billion investment that has not been made before. It is not true that our reforms for disabled people are driven by a desire to save money. We shall save unnecessary expenditure and concentrate help where it is needed. We have a new £22 child credit for children of disabled parents. The disability income guarantee will benefit 175,000 people. The extension of disability living allowance to three and four-year-olds is worth another £35 a week. Our reforms to the severe disablement allowance give more help to severely disabled young people by up to £26 a week. Our approach to SDA—

Mr. Edward Garnier (Harborough): What about the amendments?

Mr. Darling: The subject is covered by amendments Nos. 7 and 86. Just sit back and listen.

Severe disablement allowance is paid at the rate of £54.40 a week. It is so low that 70 per cent. of people on it have to claim income support. Their SDA does not help them, because every penny of it is taken into account in calculating their income support. The original purpose of the benefit was to help people who never had a chance to work because they were disabled at birth or early in life. That is why we are increasing the benefit for young people from £54 to more than £80 a week. That is an example of looking at benefits, asking whether they serve the purpose for which they were intended and increasing them. Some 175,000 people will gain from that. They also have access to the universal, non-means-tested DLA, which is worth up to £89.95 for the most severely disabled people. We wanted to provide more security for people who, by any view, need our help, and we are doing that.

I wish to refer to the amendments that we are making in relation to incapacity benefit and, in so doing, deal with amendment No. 12 and the others that have been mentioned. While we are providing more help for severely disabled people and more help to get people into work, we want to ensure that the system is brought up to date to reflect changing conditions. As in all of our reforms, none of the changes that we are making will affect people currently getting incapacity benefit. Unfortunately, the newspapers sometimes forget to mention that, but I hope that people will bear it in mind.

We intend to restore the benefit to its original intention, which was to replace income that people lost as a result of sickness and disability. I want to set out how, under the new rules, people will qualify, because there seems to be some misunderstanding—certainly among the Opposition. Under our proposals, people will still be

eligible for incapacity benefit after two years—or, in some circumstances, for as much as three and a half years after becoming unemployed. I believe that the conditions are fair. Someone on average earnings can work for as little as four weeks in all during a two-year period prior to a claim, or 12 weeks for someone earning the national minimum wage.

It is right to link eligibility for incapacity benefit to recent work. There are thousands of people now who satisfy the medical tests for incapacity benefit, but not the contribution conditions—I will return to them shortly—who are on income support, which can, in some circumstances, provide £73 a week, more than the £66 a week for incapacity benefit. The most severely disabled people on income support would also get help from the new disability income guarantee and disability living allowance, which can provide help of up to £90 a week, as my hon. Friend the Member for High Peak (Mr. Levitt) said.

The hon. Member for Maidenhead (Mrs. May) referred to the medical test, as have one or two of my hon. Friends. Throughout this afternoon, there has been much talk of a perceived lack of consultation. One of the things that I considered was whether we ought to amend the medical test. We are doing so in one way, to which I shall refer in a moment. If anyone thinks that there is some unrest about what we are doing, I can assure them—this was made clear to me by the disability organisations to whom I talked—that if those organisations had thought for one minute that we would try to solve a perceived problem by ratcheting up the medical test to make it more difficult to qualify medically, there would have been just as much trouble. That is not the right thing to do.

We know that there are problems with the all-work test, which is patently subjective. I do not think that the option of ratcheting it up would be right. As part of our reforms in the Bill, we are introducing a new personal capability assessment. What was wrong with the all-work test—a bit of a misnomer—was that it concentrated on what one could not do, rather than on what one could do. Surely our proposal is the sensible way to go.

The hon. Member for Maidenhead referred to someone suffering from multiple sclerosis or a similar degenerative condition. Because of the way in which the contribution conditions are structured, anyone knowing that they were slowly going to come out of the labour market—given what I have said about the number of contributions that would have to be made in the preceding two years—could easily manage their departure from the labour market.

The disabled persons tax credit and the national minimum wage mean that somebody coming out of the labour market that way has more purchasing power and more national insurance contributions than otherwise. Of course, the Conservatives are against the national minimum wage and the disabled persons tax credit—both of which are helping people.

Many hon. Members today have spoken about one of the difficulties, in that people on low wages or with low national insurance contributions will not qualify. Of course, part of the problem is that they do not qualify now. In many ways, this comes to the crux of the problem with the contributory system, which excludes many people who earn low wages. I made it clear in the welfare reform Green Paper—as did my right hon. Friend the Chancellor in the Red Book—that we want to look at the relationship between pay and contributions and entitlement to benefit. I can confirm that that study has been going on for some time, because we have to look at the link between low, part-time earnings and benefits in that context. We have already given young women on low earnings access to maternity allowance; it was one of the changes included in the Budget earlier this year.

I want to do more, because we should certainly help those who deserve to be rewarded for doing a little bit of work. I have in mind people who have retired because they are not well, but continue to do a little work. I am not in a position to make an announcement today, but we are certainly considering the problem.

Ms Joan Walley (Stoke-on-Trent, North): Will my right hon. Friend take account of the fact that in some of our manufacturing heartlands there is greater unemployment? In my area, we have lost 2,300 jobs in the past 12 months. Will the study take account of the people who are out of work and cannot qualify for IB, although they may be unfit and could be eligible in other parts of the country? Will the Government consider linking the benefit to jobseeker's allowance?

Mr. Darling: My hon. Friend has taken the trouble to send me some very detailed proposals and I repeat that I will certainly consider them, but I do not want to give undertakings that I cannot deliver. My point was that we need to consider the cases in which people do a very limited amount of work for which they get no credit whatever. The clear message must be that if people are able to work and make that effort, we should be able to reward them.

The fact that we intend to take some account of occupational pensions when considering claims for incapacity benefit is the change that has been the subject of the most attention today. When I have explained the background, I will be happy to answer questions from right hon. and hon. Members.

In 1953, 28 per cent. of people had occupational pensions; now the figure for men is 86 per cent. and for women working full-time about 77 per cent. We have to bear in mind that nearly half the people who retire early on IB, with an occupational pension, are in the higher income bracket—in the top 40 per cent. It is right in principle that there should be a partnership between individuals and the state to share in providing for early retirement because of sickness or injury. There must be an insurance against such early retirement. We should take account of the changed circumstances and create that partnership.

If one were designing a system today, one could not and would not ignore the fact that, for example, almost 100,000 people on IB have an average pension of £230 a week, with incapacity benefit of £66 on top. I do not regard those as the most vulnerable people, as the hon. Member for Newbury (Mr. Rendel) said. We are taking account of the fact that people are making their own provision for the eventuality. The principle of partnership, allowing us to direct more resources to people who need the help, seems right to me.

[Mr. Darling]

The change will affect only a minority, who will, after all still be £50 a week better off than if they were getting IB alone. I believe that that approach is right. During the debate, many hon. Members expressed concern about the £50 threshold and its taper.

Dr. Lynne Jones: My right hon. Friend omitted to mention that 140,000 people on IB have a pension of between £50 and £100 a week. They will be penalised by the changes. He also did not mention that only a third of disabled people—much lower than the average—have occupational pensions. He talks about people being in the higher income bracket. Will he confirm that that includes disability living allowance, which is supposed to recognise such people's additional costs? If we took off that amount, they would be unrepresented in the higher income bracket.

Mr. Darling: I am grateful to my hon. Friend, but possibly not in the way that she intended. She was leafleting us in the Lobby last night, and I was handed a copy of the leaflet by a well wisher. The figures I have quoted do take account of the DLA. When the Government consulted on the figure of £50, we took account of the fact that 80 per cent. of people on IB have incomes of less than £50. The vast majority will therefore not be affected by the proposal. The Bill will not come into force until April 2001, and it was with that in mind that I told the House earlier this year that

"the £50 threshold will be kept under review".—[*Official Report*, 23 February 1999; Vol. 326, c. 222.]

When the Bill was drafted in January, I wanted to ensure that the £50 level, and the taper, could be kept under review, and that is why the numbers do not appear in the Bill. I was determined to ensure that the principle of partnership was clearly established.

Mr. Chris Mullin (Sunderland, South): My right hon. Friend rightly identifies this issue as one on which Labour Members feel much unease, including those of us who feel we can live with targeting. What assurance can he give us today that the concern expressed in the House has been listened to?

5.30 pm

Mr. Darling: Concern has been expressed, which is why I said in February that I would keep the issue under review. I will have to lay regulations bringing in an appropriate figure towards the end of next year. I assure my hon. Friend that I shall listen to what people have to say. I am bound to consult on the matter and I shall propose a number to the House that I believe is fair and reasonable. I have no hesitation in giving my hon. Friend the assurance he seeks.

Mr. Mullin: For the avoidance of doubt, I wish to confirm that my right hon. Friend is saying that the £50 that is presently proposed—and the rate of clawback—could be adjusted when he brings the regulations to the House in around a year's time?

Mr. Darling: I said that on 23 February. The number does not appear in the Bill because it was always within my contemplation that it would have to be increased on occasion—*[Interruption.]* Conservative Members complain about that, but if the number stayed stuck at the same level it would start to cut into people's incomes. I confirm that my hon. Friend's understanding of the position is correct. The principle of partnership and sharing is what is important. The Government will make proposals on the actual amount and the rate of the taper in the second part of next year and the House will have ample time to debate them.

Dr. Nick Palmer (Broxtowe) *rose—*

Dr. Godman *rose—*

Dr. Desmond Turner (Brighton, Kemptown) *rose—*

Mr. Darling: I shall give way to my hon. Friend the Member for Brighton, Kemptown (Dr. Turner) and then I must make some progress, because my hon. Friend the Member for Kingswood needs to reply.

Dr. Turner: I am glad to hear that my right hon. Friend has plans to be flexible about the level and the tapers, but will he explain why the only income that will be taken into account for means-testing purposes is pension income to which the person has contributed?

Mr. Darling: It is because people contribute to their pensions and other such savings precisely to make provision for such contingencies. I repeat that it is right that there should be a partnership between individuals and the state to make provision in such cases, although I recognise that some of my hon. Friends disagree with me—*[Interruption.]*

Mr. Deputy Speaker: Order. The Secretary of State would assist me if he faced the Chair. Interventions are not helpful at this stage [HON. MEMBERS: "Oh!] I am talking about sedentary interventions. I request some quiet while the right hon. Gentleman is delivering his speech.

Mr. Connarty: *rose—*

Mr. Darling: I would dearly love to give way to my hon. Friend, without any knowledge of what he is going to say, but as I refused to take an intervention from two of my hon. Friends earlier, I cannot give way to him.

I want to cover one further point, spending—*[Interruption.]* Conservative Members do not like that one bit, and that is why they are heckling. Let me put the Bill in context. This year, we will spend £25 billion on benefits for the sick and disabled. The sum will increase by about £2 billion during this Parliament, mainly because of the growth of disability living allowance.

I ask the House to consider our proposals in the round, including the proposal to give carers and disabled people with broken work records access to the new state second pension, which will be of great benefit to low-paid people. Someone earning £6,000 a year at present who is on the state earnings-related pension scheme would receive only £13 a week as a pension. Under our proposal, that person would receive £46 a week. That is just one example of how the Government, unlike our predecessor, are helping people who need it most.

Our pension proposals will cost a further £2 billion over the years. The whole package that we are proposing and all that the Government are doing for the disabled are, on any view, fair, balanced and right things to do. They are right in principle and they are right in practice. No matter what the Tories say today, they told us at the weekend that they would pay for their tax cuts by slashing welfare handouts, as they call them. We know that there is a £6 billion black hole in their sums.

Nearly 80 per cent. of DSS spending goes on pensioners, disabled people and children. Before the Tories try to share a Lobby with some of my hon. Friends, they ought to tell us which benefit they intend to cut. Their pretence that they are on the side of the disabled—or anyone else—rings hollow.

The Labour party built the welfare state just after the second world war. It was one of our proudest achievements. One reason why the Government were elected was our determination to safeguard the future of the welfare state. We believe in it. We believe in helping people who have a disadvantage to overcome that disadvantage. We believe in doing more to help them. Hon. Members must look at the whole package in the Bill and at everything that we are doing to help people—the Disability Rights Commission, the disabled persons tax credit, help to stay in the workplace, more money for the severely disabled—*[Interruption.]*

Mr. Deputy Speaker: Order. There is far too much noise in the Chamber. The House must come to order.

Mr. Darling: The Tories do not like what I am saying. No matter what the reservations of some of my hon. Friends, they know that when it comes to the test, the Government will do more for people with disabilities than the Tories would ever do.

What we propose is fair and reasonable. It does more for the young severely disabled. It does more to help people into work. It brings the benefits system up to date. Such action can be difficult, but it is essential that we do it if we are to maintain people's confidence in and support for the welfare state.

I acknowledge that many of my colleagues have specific concerns. I have tried to deal with some of them today. I shall try to deal with others in the future. The process of reform takes time, but the amendments, which strike out a substantial part of the Bill, cannot be justified. I ask my hon. Friends to think very carefully before supporting them. Labour Members—even those who support the amendments—have acknowledged all the good that the Government are doing. It is important that the country should understand the good that we are doing, not only for disabled people but for others.

To my colleagues and to the House as a whole, I can say only this: judge us in the round and support our approach today.

Mr. Berry: I thank my right hon. Friend for his remarks. He said that the debate had been good natured. That is true, but there are honestly and passionately held differences of opinion on both sides of the debate. I will depart from being good natured only to repeat a point that I made earlier. I will take no lectures from Conservative Members of Parliament about the Government's policy on disabled people.

This Government have done far more than any other for disabled people and they deserve our support. They have the support of all hon. Members who signed amendment No. 12. Indeed, many of us have spent day after day expressing support for the new deal, the Disability Rights Commission, and similar initiatives. I do not want the excellent work that our Government are doing to support equal rights and equal opportunities for disabled people to be cast aside by the public, who will look at clauses 53 and 54 and wonder why a Government who are delivering so well on everything else are planning to cut incapacity benefit for disabled people who are unable to work.

The one thing that we have agreed this afternoon is that this is a debate about benefits for disabled people who are unable to work. What the Tories might or might not have done to shuffle people on to incapacity benefit is totally irrelevant to this debate and has been recognised as such for the simple reason that the clauses are about future, not past, claimants.

If there is an issue about entitlement to incapacity benefit in the sense of whether people are capable of work or not, we should be looking at the all-work test or its successor. I say to my right hon. Friend the Secretary of State that disability organisations—through the Disability Benefits Consortium, for example—have consistently said to me and in public, "If your worry is about people swinging the lead, or whatever expression you want to use, then let's discuss that gateway." However, a concern about that is no reason for taking the right to claim benefit away from 170,000 people who are disabled and cannot work because they have not paid contributions in the past two years. It is no case for means-testing either.

Mr. Dafydd Wigley (Caernarfon) *rose—*

Mr. Berry: With respect, I do not have time to give way. According to the Department's figures, a total of 335,000 disabled people who are unable to work will lose out. I appreciate the Secretary of State's reference to possible further consideration of the threshold.

I would simply say this to right hon. and hon. Members. The Bill now has to go to the other place, where there will be an opportunity for further debate. I hope that it will be as constructive a debate as we have had this afternoon. I earnestly desire—this is the wish of all those who signed amendment No. 12 and other supporters who did not sign it—that when the Bill returns from the other place, we will be 100 per cent. proud of it and not merely 98 per cent. I earnestly believe that the best way of ensuring—that is too strong a term—or of helping bring that about is to support amendment No. 12 in the Lobby and I urge my right hon. and hon. Friends to do so.

Question put, That the amendment be made:—

The House divided: Ayes 270, Noes 310.

Division No. 191] **[5.43 pm**

AYES

Abbott, Ms Diane	Ballard, Jackie
Ainsworth, Peter *(E Surrey)*	Barnes, Harry
Amess, David	Beggs, Roy
Arbuthnot, Rt Hon James	Beith, Rt Hon A J
Ashdown, Rt Hon Paddy	Benn, Rt Hon Tony
Atkinson, David *(Bour'mth E)*	Bennett, Andrew F
Atkinson, Peter *(Hexham)*	Bercow, John
Baker, Norman	Beresford, Sir Paul

Berry, Roger
Best, Harold
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brake, Tom
Brand, Dr Peter
Brazier, Julian
Breed, Colin
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Malcolm *(Gordon)*
Burnett, John
Burns, Simon
Burstow, Paul
Butterfill, John
Cable, Dr Vincent
Campbell, Rt Hon Menzies *(NE Fife)*
Campbell, Ronnie *(Blyth V)*
Canavan, Dennis
Cann, Jamie
Cash, William
Caton, Martin
Chapman, Sir Sydney *(Chipping Barnet)*
Chaytor, David
Chidgey, David
Chope, Christopher
Clapham, Michael
Clappison, James
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clifton–Brown, Geoffrey
Clwyd, Ann
Collins, Tim
Colvin, Michael
Corbyn, Jeremy
Cormack, Sir Patrick
Cotter, Brian
Cran, James
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Ms Roseanna *(Perth)*
Dalyell, Tam
Davey, Edward *(Kingston)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice & Howden)*
Day, Stephen
Donaldson, Jeffrey
Dorrell, Rt Hon Stephen
Duncan, Alan
Duncan Smith, Iain
Dunwoody, Mrs Gwyneth
Emery, Rt Hon Sir Peter
Etherington, Bill
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Fearn, Ronnie
Field, Rt Hon Frank
Fisher, Mark
Flight, Howard
Flynn, Paul
Forsythe, Clifford
Forth, Rt Hon Eric
Foster, Don *(Bath)*
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Fraser, Christopher
Fyfe, Maria
Gale, Roger
Garnier, Edward
Gerrard, Neil
Gibb, Nick
Gibson, Dr Ian
Gill, Christopher
Gillan, Mrs Cheryl
Godman, Dr Norman A
Goodlad, Rt Hon Sir Alastair
Gorman, Mrs Teresa
Gorrie, Donald
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Gummer, Rt Hon John
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hancock, Mike
Harris, Dr Evan
Harvey, Nick
Hawkins, Nick
Heald, Oliver
Heath, David *(Somerton & Frome)*
Heath, Rt Hon Sir Edward
Heathcoat–Amory, Rt Hon David
Hinchliffe, David
Hogg, Rt Hon Douglas
Hopkins, Kelvin
Horam, John
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Hughes, Simon *(Southwark N)*
Hunter, Andrew
Iddon, Dr Brian
Illsley, Eric
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Johnson Smith, Rt Hon Sir Geoffrey
Jones, Ieuan Wyn *(Ynys Môn)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Nigel *(Cheltenham)*
Keetch, Paul
Kennedy, Charles *(Ross Skye)*
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kingham, Ms Tess
Kirkbride, Miss Julie
Kirkwood, Archy
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lewis, Terry *(Worsley)*
Lidington, David
Lilley, Rt Hon Peter
Livsey, Richard
Lloyd, Rt Hon Sir Peter *(Fareham)*
Llwyd, Elfyn
Loughton, Tim
Lyell, Rt Hon Sir Nicholas
McAllion, John
McCafferty, Ms Chris
McDonnell, John
McIntosh, Miss Anne
MacKay, Rt Hon Andrew
Mackinlay, Andrew
Maclean, Rt Hon David
Maclennan, Rt Hon Robert
McLoughlin, Patrick
McNamara, Kevin
Madel, Sir David
Mahon, Mrs Alice
Major, Rt Hon John
Maples, John
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Marshall–Andrews, Robert
Mates, Michael
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Michie, Mrs Ray *(Argyll & Bute)*
Moore, Michael
Morgan, Alasdair *(Galloway)*
Morgan, Ms Julie *(Cardiff N)*
Moss, Malcolm
Murphy, Denis *(Wansbeck)*
Nicholls, Patrick
Norman, Archie
Oaten, Mark
Öpik, Lembit
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Pollard, Kerry
Prentice, Gordon *(Pendle)*
Prior, David
Randall, John
Redwood, Rt Hon John
Rendel, David
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Roe, Mrs Marion *(Broxbourne)*
Ross, William *(E Lond'y)*
Rowe, Andrew *(Faversham)*
Rowlands, Ted
Ruffley, David
Russell, Bob *(Colchester)*
St Aubyn, Nick
Salmond, Alex
Sanders, Adrian
Sayeed, Jonathan
Sedgemore, Brian
Shepherd, Richard
Simpson, Alan *(Nottingham S)*
Simpson, Keith *(Mid–Norfolk)*
Skinner, Dennis
Smith, Llew *(Blaenau Gwent)*
Smith, Sir Robert *(W Ab'd'ns)*
Smyth, Rev Martin *(Belfast S)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Stevenson, George
Stott, Roger
Streeter, Gary
Stunell, Andrew
Swayne, Desmond
Swinney, John
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Matthew *(Truro)*
Taylor, Sir Teddy
Thompson, William
Tonge, Dr Jenny
Townend, John
Tredinnick, David
Trend, Michael
Turner, Dr Desmond *(Kemptown)*
Tyler, Paul
Tyrie, Andrew
Viggers, Peter
Wallace, James
Walter, Robert
Wardle, Charles
Wareing, Robert N
Waterson, Nigel
Webb, Steve
Wells, Bowen
Welsh, Andrew
Whitney, Sir Raymond
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Wigley, Rt Hon Dafydd
Wilkinson, John
Williams, Mrs Betty *(Conwy)*
Willis, Phil
Wilshire, David
Winnick, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Wise, Audrey
Wood, Mike
Woodward, Shaun
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Mr. Bill Michie and
Mr. Jim Cousins.

NOES

Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Armstrong, Rt Hon Ms Hilary
Ashton, Joe
Atherton, Ms Candy
Atkins, Charlotte
Banks, Tony
Barron, Kevin
Battle, John
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Begg, Miss Anne
Bell, Stuart *(Middlesbrough)*
Benton, Joe
Bermingham, Gerald
Blackman, Liz
Blair, Rt Hon Tony
Blears, Ms Hazel
Blizzard, Bob
Blunkett, Rt Hon David
Boateng, Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brinton, Mrs Helen
Brown, Rt Hon Gordon *(Dunfermline E)*
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*

Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Butler, Mrs Christine
Byers, Rt Hon Stephen
Cabom, Rt Hon Richard
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell–Savours, Dale
Caplin, Ivor
Casale, Roger
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Church, Ms Judith
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Eric *(Midlothian)*
Clelland, David
Coaker, Vernon
Coffey, Ms Ann
Cohen, Harry
Colman, Tony
Corbett, Robin
Corston, Ms Jean
Cox, Tom
Cranston, Ross
Cunningham, Rt Hon Dr Jack *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Curtis–Thomas, Mrs Claire
Darling, Rt Hon Alistair
Darvill, Keith
Davies, Geraint *(Croydon C)*
Denham, John
Dewar, Rt Hon Donald
Dismore, Andrew
Dobson, Rt Hon Frank
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drown, Ms Julia
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Ellman, Mrs Louise
Ennis, Jeff
Fitzpatrick, Jim
Fitzsimons, Lorna
Flint, Caroline
Follett, Barbara
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Foulkes, George
Galbraith, Sam
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gilroy, Mrs Linda
Godsiff, Roger
Goggins, Paul
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Gunnell, John
Hain, Peter
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Harman, Rt Hon Ms Harriet
Heal, Mrs Sylvia
Healey, John
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hewitt, Ms Patricia
Hill, Keith
Hodge, Ms Margaret
Hoey, Kate
Home Robertson, John
Hood, Jimmy
Hoon, Geoffrey
Hope, Phil
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Ingram, Rt Hon Adam
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Mrs Fiona *(Newark)*
Jones, Helen *(Warrington N)*
Jones, Jon Owen *(Cardiff C)*
Jones, Martyn *(Clwyd S)*
Jowell, Rt Hon Ms Tessa
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keen, Ann *(Brentford & Isleworth)*
Kelly, Ms Ruth
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Laxton, Bob
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Liddell, Rt Hon Mrs Helen
Linton, Martin
Lloyd, Tony *(Manchester C)*
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCartney, Rt Hon Ian *(Makerfield)*
McDonagh, Siobhain
Macdonald, Calum
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
McLeish, Henry
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
Mallaber, Judy
Mandelson, Rt Hon Peter
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Martlew, Eric
Maxton, John
Meacher, Rt Hon Michael
Meale, Alan
Merron, Gillian
Michael, Rt Hon Alun
Milburn, Rt Hon Alan
Miller, Andrew
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Rhodri *(Cardiff W)*
Morley, Elliot
Morris, Ms Estelle *(B'ham Yardley)*
Morris, Rt Hon John *(Aberavon)*
Mountford, Kali
Mowlam, Rt Hon Marjorie
Mudie, George
Murphy, Jim *(Eastwood)*
Murphy, Rt Hon Paul *(Torfaen)*
Naysmith, Dr Doug
Norris, Dan
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
O'Hara, Eddie
Olner, Bill
O'Neill, Martin
Organ, Mrs Diana
Osborne, Ms Sandra
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pond, Chris
Pope, Greg
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prescott, Rt Hon John
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quin, Rt Hon Ms Joyce
Quinn, Lawrie
Radice, Giles
Rammell, Bill
Rapson, Syd
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Reid, Rt Hon Dr John *(Hamilton N)*
Robertson, Rt Hon George *(Hamilton S)*
Robinson, Geoffrey *(Cov'try NW)*
Roche, Mrs Barbara
Rooker, Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Roy, Frank
Ruane, Chris
Ruddock, Joan
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Shipley, Ms Debra
Short, Rt Hon Clare
Singh, Marsha
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Rt Hon Chris *(Islington S)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Soley, Clive
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stewart, David *(Inverness E)*
Stinchcombe, Paul
Stoate, Dr Howard
Strang, Rt Hon Dr Gavin
Straw, Rt Hon Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Temple–Morris, Peter
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr George *(NW Norfolk)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Vaz, Keith
Vis, Dr Rudi
Ward, Ms Claire
Watts, David
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Alan W *(E Carmarthen)*
Wills, Michael
Wilson, Brian
Winterton, Ms Rosie *(Doncaster C)*
Woolas, Phil
Worthington, Tony
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Mr. Mike Hall and
Mr. Clive Betts.

Question accordingly negatived.

It being four and a half hours after the commencement of proceedings, MR. DEPUTY SPEAKER *proceeded to put forthwith the Question necessary for the disposal of the business to be concluded at that hour.*

Amendment made: No. 31, in page 53, line 48, leave out from 'annuities)' to end of line 2 on page 54.—*[Mr. Kevin Hughes.]*

Mr. Duncan Smith: On a point of order, Mr. Deputy Speaker. We have today witnessed a most significant disaffection in the House. The governing party is split over an important issue affecting severely disabled people. Is it not right that the Secretary of State should come to the Dispatch Box to explain what he will do to change the legislation?

Mr. Deputy Speaker: The Chair has no views about such matters.

New Clause 13

DUTY AS AN EMPLOYER TO OFFER PAYROLL DEDUCTION FACILITY

'.—(1) It shall be the duty of an employer to offer all employees a payroll deduction facility under which he shall, at the request of the employee, deduct contributions to any approved pensions scheme from that employee's remuneration, net of tax.

(2) No charge shall be made to any employee or to any approved pensions scheme in connection with the provision of this facility.

(3) An approved pensions scheme, for the purposes of this section, means any pensions scheme which shall have been—

(i) approved by the Inland Revenue under Part XIV of the Income and Corporation Taxes Act 1988; and

(ii) registered for this purpose by the Occupational Pensions Regulatory Authority or by the Financial Services Authority.'.—*[Mr. Quentin Davies.]*

Brought up, and read the First time.

Mr. Quentin Davies (Grantham and Stamford): I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this, it will be convenient to discuss the following amendments: No. 83, in clause 1, page 2, line 20, at end add—

'(10) Approved Group Personal Pensions shall be deemed to be stakeholder pensions for the purposes of this Part.'.

Government amendments Nos. 42 and 43.

No. 80, in clause 3, page 3, line 41, at end insert—

'(5A) The fifth requirement is that the employer shall require a certificate from the designated scheme to the effect that none of his employees will be admitted to membership of that scheme without evidence that that employee has taken independent advice in relation to his pension provision.'.

No. 81, in page 3, line 41, at end insert—

'(5B) The sixth requirement is that, for the purpose of calculating the income tax payable to the Inland Revenue under PAYE in respect of an employee exercising his option under subsection (5) above the employer shall disregard—

(i) the first £5,000 per annum of any pensions payments made under this section, or

(ii) such amounts as shall be calculated by reference to age-related tables supplied by the Inland Revenue showing the percentage of earnings which may be claimed as tax-deductible contributions to personal pensions schemes,

provided that the employee shall be given the right to choose between £5,000 per annum and the relevant age-related percentage of earnings.'.

Government amendments Nos. 44, 28 and 46.

Mr. Davies: It has been a very dramatic afternoon. Almost anything that occurred—*[Interruption.]*

Mr. Deputy Speaker: Order. The business of the House is continuing. Hon. Members should leave the Chamber quietly.

Mr. Davies: Almost anything that occurred after this afternoon's events would be an anticlimax. Indeed, the events of this afternoon are without precedent in this Parliament—and for quite a long time before that.

The Government have tried to muzzle Parliament using a disgraceful guillotine motion, which denies the House the right to vote individually on Government amendments. We are not allowed to take issue with Government amendments, to select between them or to move our own amendments. If the many countries around the world that so admire British democracy were to learn of the way in which we conduct our proceedings in this place—a Government with a substantial majority have forced through an obnoxious measure affecting disabled people by the use of a guillotine—they would be quite shocked. They would wonder what kind of Parliament we have.

Nevertheless, the voice of Parliament has been heard. It is clear that there is grave concern on both sides of the House about the damage the Government are doing to our welfare system, our national insurance system and to the interests of some very vulnerable people in this country. We have the good fortune to have a two-Chamber legislature in this country, and we all hope that the business that this House has so unfortunately and dramatically left unfinished this afternoon will be taken up in another place and that the right decisions will be made.

6 pm

It now falls to me to speak to new clause 13 and amendments Nos. 83, 80 and 81 in my name and those of my hon. Friends. New clause 13 is in some ways a summation of the Conservative Opposition's views on the Government's stakeholder pension proposals, so it might be sensible if I were to address that last, and proceed to it by dealing first with the other amendments.

Amendment No. 80 deals with the vital matter of the advice that people need when they make the decision, which is crucial to their future, as to whether they should invest in a pension, and if so, what kind of pension. The Government have clearly effected an amusing U-turn on that matter.

Mr. John Bercow (Buckingham): Does my hon. Friend agree that it is unfortunate that, as he begins to address a series of important matters, the Secretary of State has left the Chamber? Does my hon. Friend think that the right hon. Gentleman has done so in something of a huff?

Mr. Davies: If the right hon. Gentleman has any human feelings—I am sure that he has—he must be feeling intensely embarrassed. As my hon. Friend knows,

when one feels intensely embarrassed and one has got oneself and one's party into a terrible mess, one tends to avoid other human company, particularly in places as public as the Chamber. *[Interruption.]*

Mr. Deputy Speaker: Order. We cannot have all this arguing and shouting across the Floor of the Chamber.

Mr. Davies: We can all feel some sympathy for the Secretary of State's wish to hide his face at this juncture.

Kali Mountford: Will the hon. Gentleman give way?

Mr. Andrew F. Bennett (Denton and Reddish) *rose—*

Mr. Davies: I shall be happy to give way to the hon. Gentleman in a moment, but the hon. Lady, who played such a charming part in our Committee proceedings, caught my eye first.

Kali Mountford: I am grateful to the hon. Gentleman for giving way—he is always courteous. Will he describe to the House the embarrassment that the hon. Member for Chingford and Woodford Green (Mr. Duncan Smith), the shadow Secretary of State, must also be suffering?

Mr. Davies: I have no idea to what the hon. Lady is referring. No Conservative Member is suffering embarrassment about this afternoon's proceedings; far from it. There is no gloating, because this is an important matter and we have not succeeded in securing the necessary protection for the interests of disabled people, but our attitude is clearly far from being one of embarrassment. I will now give way to the hon. Member for Denton and Reddish (Mr. Bennett) if he still wants to intervene.

Mr. Bennett: It seems odd that Conservative Members are making a fuss about my right hon. Friend the Secretary of State leaving the Chamber when the hon. Member for Chingford and Woodford Green (Mr. Duncan Smith) did exactly the same. Obviously, he had decided that this is not a key issue.

Mr. Davies: The hon. Gentleman not only gives me the opportunity but almost obliges me to make a point that I did not intend to make because I do not want to add to the Secretary of State's discomfort at a difficult moment for him. However, in the light of the hon. Gentleman's intervention, I must remind the House—we were all here and witnessed it—that my hon. Friend the Member for Chingford and Woodford Green (Mr. Duncan Smith) was here throughout the proceedings that lasted from Monday night until Tuesday morning. He may have left, as I did, for a few minutes at a time for particular reasons, but he was here for almost 14 hours, as many of us were. The Secretary of State managed four minutes in the Chamber, so embarrassed was he already at the growing storm created by his clumsy and insensitive handling of the matter.

I must return to the important issue of advice. Labour Members sprung up to try to intervene on my speech and divert me from my course because, as I said, the Government have performed a hilarious U-turn on the matter. I would be the last person to try to take advantage of someone who had honestly changed their mind, provided they had the straightforwardness and honesty to say so and, if carrying out public responsibilities—as the Government self-evidently are—to explain to the House and the public why they have changed their mind. Instead, we have had a 180 deg U-turn on advice, with the Government pretending that it has not been a U-turn.

I shall read one or two quotations to make it absolutely plain how the Government's position on advice has changed so much. I shall start with the Green Paper, "A New Contract for Welfare: Partnership in Pensions", which the Government produced as recently as December 1998—the document that we have had occasion to refer to in our proceedings several times, and which I do not doubt that we shall have to refer to again. On page 56, at paragraph 48, it says:

"We intend to reduce, as far as possible, the need for individuals to seek financial advice when they consider joining a stakeholder pension scheme."

That was very plain, and it is clear that the Minister of State continued in that frame of mind for at least another few months because, on 30 January, he was quoted in *The Daily Telegraph* as saying:

"we can enable more people to make a reasonable decision about joining a pension scheme without the need for detailed individual advice."

Once we got into Committee, I made it plain to the Minister that it was thoroughly irresponsible to think of people taking a decision on a matter as important as their pension without detailed individual financial advice. I also made it plain to him that the Government, by their ham-handedness and incompetence, had introduced into pensions a degree of gratuitous complexity, fragmentation and detail, which made it even more necessary for people to seek advice.

The Minister obviously took notice of those points, because he started subtly to nuance his position and then began to do a complete volte-face. For example, in Committee he said exactly the opposite of what he had told *The Daily Telegraph* only two months before. He said:

"It is vital that people can seek financial advice when they consider joining a pension scheme and that they will receive good and accurate advice."—[*Official Report, Standing Committee D*, 9 March 1999; c. 113.]

I quite agree with him about that. By 27 April, his boss, the Secretary of State, whom I mentioned just now in a different context, said:

"Certainly on something like a pension, which is more important than buying a house,"—

he is right about that—

"there has got to be some provision for advice".

Recently, the Minister of State gave a written answer to my hon. Friend the shadow Secretary of State for Social Security, in which he said:

"Appropriate information and advice for those who need it will be an important part of the decision-making process for individuals considering a stakeholder pension scheme."—[*Official Report*, 10 May 1999; Vol. 331, c. 53.]

Therefore it is absolutely plain that the Government have fundamentally changed their mind. I am glad that they have changed their mind, but I wish that they had had the straightforwardness, and perhaps the modesty—not a quality that has been pre-eminent in the present Government—to admit that they were wrong in the first place, and that they have come round.

[Mr. Davies]

I emphasise, as I did in Committee—causing the Government to change their mind—that it is now much more problematic than it ever has been for people on modest or small earnings to decide whether they should save for a pension at all. I have previously set out in the House, my calculation that one needs to save at least £80,000 in one's pension scheme before the annuity that one would get at the age of 60 will equal the minimum income guarantee that the Government have introduced for pensioners—which is means-tested—plus the other means-tested benefits: housing benefit, council tax relief and so on. If one did have £80,000, one would have an annuity exactly equal to what one would have got if one had never saved at all, and one would have lost £80,000 of consumption in the course of one's life. That means that one's family and oneself would have gone without a lot of things that everyone might have enjoyed.

The threshold is much higher than £80,000 and is growing all the time as it is bound to, not least because of the Government's foolish decision to promise that the minimum income guarantee will be indexed to earnings and will rise with them. The state retirement pension rises in line with prices. That is another thoroughly irresponsible decision and one which is deeply destructive of the principle of national insurance. The Government are basically saying that they will review and revalue a means-tested payment for which no one has contributed at a higher rate than payments for which people have contributed through the national insurance system.

Mr. Webb: I bring the hon. Gentleman back to amendment No. 80, which he started to describe. I accept that it is desirable for advice to be available and that the giving of advice should be encouraged, but, as I read it, amendment No. 80 makes it compulsory to take advice. Is that his intention and should people be forced to take advice, even if they are well informed and do not need it?

Mr. Davies: Amendment No. 80 makes taking advice compulsory in the sense that, as at present, anyone who is selling a pension must make sure that the sale is appropriate, that the purchaser has received advice and that someone has taken a view on whether the pension is appropriate. People can simply walk into a life office and buy a pension, as long as the office is convinced that they have taken independent advice. However, it is up to those who are selling pensions to know their customers and to determine that what they are selling is appropriate. That is the basis of the rules applied by the financial regulators.

The Minister of State, Department of Social Security (Mr. Stephen Timms): The hon. Gentleman is making an interesting case, and I look forward to responding to it. Does he take the view that people joining occupational pension schemes should also take advice?

Mr. Davies: I take the view that trustees of occupational pension schemes must get it quite clear in their own minds, as part of their fiduciary responsibility to their pensioners, that the product that is being sold is appropriate. By definition, an employer-only contribution scheme is a good deal for the pensioner because it involves him receiving something that he would not otherwise receive. If an employee is also making contributions, the trustees clearly have a fundamental duty to make sure that the scheme is a good deal for the pensioners involved.

There is protection, and we want to make sure that exactly the same kind of protection exists in stakeholder pension schemes. We want to make sure that that fundamental principle is safeguarded when employers provide a pension facility or when the pensions industry provides a pension, in the stakeholder context or in any other context.

Mrs. Browning: Will my hon. Friend give way?

Mr. Davies: Yes, but we have little time at our disposal. This is the last intervention that I will take.

Mrs. Browning: People on lower incomes, who the Government say are their targets for such pensions, could have earnings from more than one part-time job. Is not it crucial that they receive the right advice about their pension input?

Mr. Davies: It is indeed important that those people receive advice about pension input. Even if the earnings from their individual jobs are below the lower earnings limit, the sum of their earnings may be such that it would not make sense, in the light of this extension of means-testing, for them to make any provision for themselves at all. That position is sad and ironic—it is not one that we would have wanted to get into, but, unfortunately, it is one into which the Government are putting an ever-wider range of our citizens. That is the great problem—they still have not seen that one, even though they appear to have accepted the arguments about advice in principle.

I set out a number of other specific cases in our pensions debate last week. People obviously need complex, individual, targeted and tailored advice. For example, someone earning £9,000, who would be on the borderline for the proposed state second pension, would need advice on whether to stay in that scheme. People earning slightly more than £9,000 would also need advice on whether to stay with that scheme and on where the cut-off point comes. They would need advice on whether to join an occupational pension scheme or whether to take a personal or a stakeholder pension. These are complicated issues and the specifics of the individual must be taken into account. Generalised answers cannot be given. A young person expecting to change jobs or to become self-employed might well do much better to opt for a money purchase scheme rather than a final salary scheme, while someone expecting to stay for a long time might do better to opt for a final salary scheme.

6.15 pm

Higher up the income scale—the scale from, say, £9,000 to £20,000, £25,000 or £30,000, which has been targeted for the purpose of stakeholder pensions—complicated individual decisions must still be made. People must ask themselves whether they should take out a personal pension or a stakeholder pension. They may already have a personal pension with costs that are apparently higher—but those costs may have been paid at the outset. In terms of the marginal, or incremental, costs, a personal pension may be a much better option than a stakeholder pension.

All those decisions require professional advice—actuarial advice. It is monstrous of the Government to suggest, as they have in a number of recent statements, that it is satisfactory for people to be left to pay for that advice themselves. It is cruel and cynical to tell someone with an income of £9,000 a year to consult an actuary or accountant: the cost of such professional advice would almost certainly enter into the equation, and influence the decision about whether the person should save for a pension at all.

If the advice is not given, however, two things will happen. The person concerned may well be wasting his or her money—and it is particularly sad if someone with low earnings is led by the Government into wasting his or her hard-earned money. Moreover, employers who, if the Bill ever becomes law, may be forced to designate a pension scheme, and the pension companies that might provide the schemes, may be open to a charge of mis-selling unless the advice is provided.

Amendment No.80 proposes that, before a pension is sold, the employer must ensure that the person concerned has been properly advised. Employers may sometimes be able to discharge the responsibility themselves by ensuring that independent advice is available, but such a responsibility would impose an unreasonable burden and an unreasonable cost on smaller employers. Trade unions and similar bodies might be able to help, and we would welcome that; but we insist that advice should be given, and that the principle currently applying in the pensions market should apply in this instance.

The purpose of those rules in the pensions market is to prevent further mis-selling. As we all recognise, we had a bad mis-selling scandal in the 1980s, and I hope that we have learned some lessons from it. Until a couple of months ago, the Government did not appear to have learned any lessons, but they have learned one lesson now: they know that there will be terrible mis-selling—mis-selling on an unprecedented scale—unless the issue of advice is dealt with properly. They say that they now accept the need for advice, but they still have not told anyone how they will pay for it.

Let me now deal with amendment No.81, which concerns tax. One of the stupidest things that the Government have done has been to introduce, unnecessarily and gratuitously, a second tax regime for pensions—a second set of rules determining tax deductibility in the case of those who join stakeholder schemes. The Government say that those who join such schemes will be able to deduct £3,600 from their income by way of a tax credit, whereas the existing Inland Revenue sliding scale—involving a percentage of earnings increasing with age—will continue to apply to those who opt for personal pension schemes.

The Government are so incompetent that they do not seem to have taken into account what will result from the mere fact of having two different tax regimes. I shall say more shortly about the merits or otherwise of their proposed regimes, but the existence of two regimes in itself will increase the uncertainty and the complexity of the calculations that will need to be made, and will make it even more difficult for people to decide whether to opt for particular pension schemes.

I trust that the Minister has finally understood the point about advice. Perhaps he will now understand the point about tax. He is certainly not a foolish individual, and he has a good business record himself. Perhaps his hands are tied—and his feet, and his mouth—by his bosses, or by the Treasury. In that case, I hope that he will be a bit more vigorous in persuading them to be more sensible.

Let us look at the case of someone who is considering going into a pension scheme and is thinking of a stakeholder or a personal pension. If his income is £20,000 or less, he has decided that he needs a funded individual pension and he never expects to earn more than that in real terms, no doubt, the £3,600 is totally adequate. However, he may hope to get promotion, a pay increase or bonuses for good performance. We want a society and economy where people have a chance to increase their earnings, particularly through higher performance. We want people to be able to use their bonuses to fund a pension, savings and so forth. At least I think we do; Conservative Members certainly do. In that case, clearly, he should not go into a scheme where the tax deductibility of pension contributions is limited to £3,600 a year. He might want to make contributions that will give him greater tax deductibility and tax relief on the Inland Revenue sliding scale. That would be a reason to take out not a stakeholder, but a personal pension.

The worse scenario would be to take out a stakeholder pension, to meet the costs of setting up that scheme and, a few years later, to have to close that, to move into a personal pension and to pay a whole lot of new transactional costs to set up a new scheme. That would not make any sense. Again, it is deplorable that the Government have not been able to work that one out themselves.

Amendment No. 83 deals with group personal pensions. *[Interruption.]* Someone took away my copy of the Green Paper. That took my breath away, at least for a moment or two. On group personal pensions, another wonderful U-turn is in process; at least I hope it is because the Government's initial proposals were deeply damaging.

Page 53, paragraph 29 of the Green Paper makes it plain—it could not be plainer in the English language:

> "Existing personal pensions will not therefore be able to describe themselves as stakeholder pension schemes."

Personal pensions will not be able to be passported into, in the modern jargon, the stakeholder system. People who have a personal pension of any type could not treat that as their stakeholder pension. Employers who had set up a group personal pension scheme could not treat that as the discharge of the obligation, which is placed on them in clause 3, to set up a stakeholder scheme.

That is extremely regrettable because it will mean that many good pension schemes, including group personal pensions, which invariably, in every example known to me, involve an employer contribution, will have to be wound down. Employers would then have to set up another stakeholder scheme, which does not require an employer contribution at all.

Therefore, if employers are feeling slightly less generous, or are simply exasperated by the Government forcing them to run down one good pension scheme for their employees and to set up another, they might take the opportunity either to reduce, or to eliminate their contribution altogether. That would be terrible for the employees concerned and a great blow to pensions.

That is thoughtlessness at best. At worst, it would have been a deliberate attempt to destroy at a stroke a valuable part of our pension structure, but I think that

[Mr. Davies]

the Government are guilty more of ignorance and incompetence than deliberate destructiveness. You will note, Mr. Deputy Speaker, that I am capable of being very kind to the Government.

Mr. Eric Pickles (Brentwood and Ongar): My hon. Friend is a generous man.

Mr. Davies: As my hon. Friend kindly says, I am a generous man. I hope that that characterisation is always justified by my conduct in the House and, indeed, elsewhere.

The U-turn, which is perhaps now taking place, has not been announced to the House. Such things are announced in the press or the media, but never to the House. On 28 April, the Secretary of State gave an interview to the *Financial Times* and said:

"Some group personal pensions may be allowed to label themselves as stakeholder pensions. Alistair Darling, the Social Security Secretary has said. That could remove the need for employers to separate stakeholder pensions to their employees".

In a written answer to my hon. Friend the Member for Chingford and Woodford Green, the Minister of State said:

"Group personal pensions will be able to register as stakeholder pension schemes provided they meet the required conditions for such schemes."—[*Official Report*, 10 May 1999; Vol. 331, c. *53*.]

That is an even stronger move in the direction of allowing personal pensions to count as stakeholder pensions. That is a 180 deg contrast with the statement in the Green Paper.

We have tabled our amendments because of all the U-turns by the Government. There has been no explicit acknowledgement by the Government that they have got it wrong. I do not want to labour that because, if they are not big enough to admit that they occasionally make mistakes, that is too bad for them. They should at least come to the House to make these announcements plainly and unambiguously because they are creating great uncertainty outside.

People in the pensions industry look at the Green Paper, which they are entitled to believe represents Government policy until it is changed, and they then see newspaper articles and remarks attributed to Ministers, and they do not know where they are. It is contributing to an unfortunate crisis which is paralysing our pensions market. Employers and pension funds are frightened to move forward and sell stakeholder pensions because of the danger of mis-selling, to which I have already referred, and the absence of any assurance that there will be independent advice. They do not know what the rules of the scheme will be because they do not know what the Government mean with their confusing proposals such as stakeholders, LISAs—lifelong individual savings accounts—and so on. Also, individuals are rightly and reasonably confused and hesitate to make decisions in the absence of advice.

We are tabling our amendment to remove the uncertainty, at least in relation to group personal pensions, to give companies the confidence to continue with these schemes and, I hope, to encourage companies who do not have existing provisions for their employees to start them. The amendment would make the regime clear within the Bill. If we achieve some clarity after six months of debate that will be an achievement of some kind.

I described new clause 13 as a summation of our views on stakeholder pensions. It incorporates many of the lessons learned from the Government's extraordinarily shambolic treatment of the matter over the past few months. We do not start on a completely blank sheet of paper, nor should we. However regrettable and unfortunate it may be for many people from the pensions industry right through to the disabled, the Labour Government are in power. They have a democratic mandate and have produced a Bill to set up a stakeholder pension system. We are looking positively to see whether there is something that we can save from the wreck or on which we can build a constructive and worthwhile structure. We are perfectly happy with the idea of employer obligations to set up a payroll deduction facility.

In the pensions debate last week, the Government asked my hon. Friends and myself, perfectly reasonably, about the Conservative party's policy on pensions. They now have it in black and white in new clause 13 and I hope that they will accept it. It is a stakeholder pension scheme based on the employer obligation to provide a free payroll deduction facility for payments into any approved pension vehicle.

6.30 pm

Hon. Members should note that the new clause would oblige employers to establish a specific payment facility on a payroll-deduction basis, as they currently administer the pay-as-you-earn and national insurance systems. It would not replicate the obligation, imposed in clause 3 of the Bill, on employers to designate a scheme. As I said, that would be an unreasonably onerous task to impose on small employers—or on any employer. I do not believe that it is an employer's function to take charge of his or her employee's private life or financial affairs.

We therefore do not propose designation, but simply to establish the facility, which will be available for payment into any approved pension scheme—as defined by the Inland Revenue under chapter 14 of the Income and Corporation Taxes Act 1988 and by the Occupational Pensions Regulatory Authority.

In our new clause, we get away entirely from fragmentation. We are not saying, for example, that people may pay only into schemes established on the basis of trust law. We should be equally happy with personal and other pensions that are set up on a deed-poll basis. The facility could be used to invest in a personal pension; a stakeholder pension, as the Government are suggesting; or in a lifetime individual savings account—the rival Treasury product—which we think has considerable merit and attraction.

Mr. Webb: Will the hon. Gentleman give way?

Mr. Davies: I cannot give way now, as I am trying to bring my remarks to a close. I have already taken a number of interventions, including one from the hon. Gentleman, as he will remember.

The essence of our proposal is that it would avoid all gratuitous fragmentation and include a unified tax regime. The regime would be unified in that employees benefiting

from the facility would be able to take an annual deduction of £5,000—we are a little more generous than the Government, and choose a round figure—without any questions being asked about how it might relate to his or her income or, if he or she prefers, to apply the current Inland Revenue sliding scale of income percentage rising with age.

Clearly, employees will choose whatever suits them best in any one year, and there will be no difficulty about employees whose circumstance might change in future, when they will be able to make higher contributions. We want them to be able to do that, and therefore to receive the corresponding tax deductions. However, to achieve that goal, we shall have to avoid the creation of unnecessary barriers and fragmentation.

In a few words, we are offering a single, unified and coherent structure that really will advance the cause of United Kingdom pensions—to which we have been, and always will be, most sincerely committed.

Mr. Flight: I should like to stress two specific points, on the necessity of advice. The first point—to which my hon. Friend the Member for Grantham and Stamford (Mr. Davies) alluded—is that 8 million people currently have personal pension schemes and have already paid for the up-front marketing costs, whatever those might have been. As Ministers will know—with the introduction of the Green Paper and the great white hope of the new stakeholder schemes—the number of people dropping out of personal pension schemes is increasing substantially, probably very much to their detriment. It is, therefore, crucial that people should receive very clear quantitative advice when deciding whether to participate in a new stakeholder scheme or to remain in their current pension scheme.

The second point has not yet been made in the debate. There is a very high probability that—because of the CAT-marking arrangements to keep charges low—most stakeholder schemes offered by companies will invest in index trackers. Although I do not want to get into a debate on the merits of active versus index tracker management, individuals will have to make the important decision on which they should opt for.

The pension assets in index tracker schemes will go up and down with markets. Those with a personal pension scheme usually have a choice of different funds to invest in, and can make their scheme more or less cautious and change according to circumstances. It is important that people should know and get advice when choosing between their existing personal scheme and the new stakeholder. They should know the significance of the likely index tracker investment versus active investment management.

As I understand it, the tax deductible sum for stakeholder schemes is not a simple £3,600 per annum, but the lesser of that figure or 100 per cent. of salary. I do not understand the reason for the second part of the formula. Working out which is the lesser and keeping records of people's salaries to no apparent end will be a waste of time and money, resulting in unnecessary extra charges for stakeholders. I support our proposal for a tax regime that would be the same for all pension schemes irrespective of their category. The stakeholder proposals simply add costs. Those are some specific points on the two key areas that we are advancing.

Mr. Webb: The hon. Member for Grantham and Stamford (Mr. Davies) mentioned four issues: advice, tax relief, the treatment of group personal pensions and access through employers to all pension schemes. Perhaps it will be helpful if I address those four points in the sequence in which he raised them.

We all agree that pensions are complicated and it is important that people are well informed when they make choices. To that extent, I have common ground with the hon. Gentleman. All the quotes that he read out were about the importance of access to good advice—I have no problem with that—but the substance of his proposals, as I think that he more or less accepted, is that people should be compelled to take advice. Amendment No. 80 says that the employer should ask the person running the stakeholder scheme to issue a certificate saying that he will not let any employees into the scheme unless they prove that they have taken independent advice.

Mr. Quentin Davies: The hon. Gentleman should not misrepresent my words to imply that we suggest that the law should place a charge on people to seek advice regardless of whether they want a pension. We are simply saying that when a pension is sold, the responsibility must lie with the seller—or the employer if they are designating or sponsoring the scheme—to make sure that the individual concerned has been properly advised before taking out the pension. Without that provision, there would be a recipe for the most appalling mis-selling. That would be particularly cruel for people on lower incomes, whom we are most concerned about.

Mr. Webb: That may be the hon. Gentleman's intention, but it is not the effect of his amendments. Amendment No. 80 says that an employee will not be admitted to the stakeholder scheme that the employer is associated with unless the scheme provider can prove that independent advice has been taken by each person who goes into the scheme. That is appropriate for some people, but for others who are well informed and for whom the stakeholder scheme provided by the employer is self-evidently the right scheme, particularly if there is an employer contribution, there is no reason for a legal obligation. It seems a very un-Conservative proposal—although that is not a reason for opposing it—to require even the well informed to take advice. I understand what the hon. Gentleman is trying to achieve, but amendment No. 80 clearly does not do that.

The same is true of amendment No. 81 about tax relief. The amendment raises two issues. The first is whether the £3,600 figure is high enough. I have some interest in the hon. Gentleman's point that it may not be. However, the amendment goes on to propose not a simple £5,000, but £5,000 or the amount allowed under the age-related rebate scheme

"provided that the employee shall be given the right to choose".

The hon. Gentleman said that he wanted to simplify the tax regime, but that he wanted people to choose which tax regime they preferred. The tax regime for stakeholder

[Mr. Webb]

schemes will be different from that for occupational schemes, which appear not to be covered by the amendment.

Mr. Davies: The hon. Gentleman is having great difficulty in understanding something very simple. If the employee chooses, there is no fragmentation of the market from the employee's point of view. It does not matter which tax regime he chooses this year, because he can choose another next year if that is more appropriate to his circumstances. Therefore, we are reducing the complexity of choice and the danger of a mis-choice or a mis-sell.

Mr. Webb: The hon. Gentleman is introducing a new choice. If I take out a pension at the moment, I have no choice about the tax regime that applies to my contributions. The amendment introduces a choice of whether I want the lump sum cap on my contributions to get tax relief or some percentage of my salary. That seems to create greater complexity.

My colleagues and I would like a single annual amount, allowable against tax, for all sorts of pension savings—not choices between different schemes. I fear that that would introduce new complexity, contrary to what is intended.

On group personal pensions, the issues are more difficult. The hon. Member for Grantham and Stamford and his party want to allow group personal pensions to be eligible for stakeholder status. Amendment No. 83 says:

"Approved Group Personal Pensions shall be deemed to be stakeholder pensions for the purposes of this Part."

It does not say, "some shall, provided they satisfy the standards of stakeholder schemes." One wonders what the point of the first 40-odd clauses of the Bill is if an existing form of pension provision will automatically come under the new category.

Clearly, some existing group personal pensions may or may not be good value for money for their members, and the charging structure may be unfavourable to those who are likely to leave early, for example. Simply to say that they will come under the stakeholder scheme and get all the associated advantages is rather difficult. If the amendment were more extensive, and said that they can count as stakeholder schemes if they meet the relevant criteria, we might have had more sympathy. However, as it stands, I am afraid that we do not.

The first time I saw new clause 13 I thought that it was eminently sensible. However, when the hon. Member for Grantham and Stamford explained it, I went off the idea. I wanted some clarification from the hon. Gentleman during his speech, and perhaps he will intervene on me in a moment to explain the point—briefly, I hope.

Under new clause 13, an employer with 3,000 employees would be obliged to provide free of charge a facility to every employee to deduct at source a pension contribution, and to pay that contribution to the pension scheme of the employee's choosing. The Government are proposing one scheme—that the employer would provide access to one stakeholder scheme. It is reasonable to suppose that the employer would then take all the contributions in one go and pass them in one envelope, metaphorically, to the scheme.

As I understand it, the hon. Member for Grantham and Stamford is saying that the employer, at his own cost, will have to pay contributions to every different scheme of which any individual employee is a member. Clearly, individual employees can be members of dozens of different schemes—particularly if there is no company scheme. At a medium-sized firm with no company scheme, individuals could be members of dozens of different pensions schemes.

Mr. Davies: The hon. Gentleman ought to know that employers already must have the software set up to enable them to make such payments under earnings attachment orders and so forth, and these may go in different directions. That is not the great burden of costs on an employer. The great burden—which our amendment avoids, but the Government's formulation unfortunately involves employers in—is the burden of designating the right scheme. That is an enormous responsibility, and involves spending money on actuaries and advisers, and receiving bids from different pension groups, and then on making a choice between them. That is what we want to avoid. It is an unreasonable burden on the employer, and a dangerous situation in which an employer can find himself.

Mr. Webb: With respect to the hon. Gentleman, I do not feel that that is what his amendment is about or would achieve.

Mrs. Browning: Is not it the case that members of staff of Members of Parliament have, at present, a scheme through the Fees Office where they elect to go into a personal pension with a variety of companies, and on which they are responsible for taking financial advice about whether the scheme to which they are signing up is in their best interests? Surely in terms of administration on the employer—in this case, the Fees Office of the House of Commons—that is complex, when one thinks that there are 650 Members of Parliament. However, it does it. Surely it would simply be a matter of putting the money into a stakeholder scheme rather than into a personal pension as at present. I do not understand the hon. Gentleman's argument about the complexity of administration.

6.45 pm

Mr. Webb: That is an interesting parallel and I accept that each hon. Member could have one or more employees, each choosing a different personal pension, which could place a considerable administrative burden on the Fees Office.

Mrs. Browning: That happens now.

Mr. Webb: Indeed, but is it a considerable administrative burden? I suspect that it may well be. Do we know how many people the Fees Office employs to administer those payments? Some Conservative Members here today served with me in Committee on the Tax Credits Bill, where we argued against the burden on business of employers having to pass on tax credits. Under the new clause, employers would have to pass on not only one payment from the Inland Revenue to their employees:

they might have to make dozens of payments to dozens of different companies. I accept that there is a parallel, but we do not how much work is created or what it costs.

Mr. Flight: Surely all that is required is for the employer to give a list of instructions to his bank to make regular standing order payments to the various banks of the recipients' pension schemes. Once that was done, there would be no more work involved. That is what the Fees Office does.

Mr. Webb: The hon. Gentleman wants to have it both ways. He and I have both attacked the working families tax credit, which is a single payment from the Inland Revenue through the employer to the employee, regarding it as a burden on business. We are now talking about a system that involves as many employees as there are in the firm and as many pension companies as there are in the land. Contrary to what he said, the payments need not be the same every month: people might want to increase their payments following a pay rise or to contribute a lump sum.

We have to form a judgment about the burden placed on business. Intriguingly, Conservative Members do not think that there will be a burden; strangely, I think that there will. We certainly want to facilitate access to pension saving. The Government have got it right in using the mechanism of employers—there are many fewer employers than employees—to deliver to a specified scheme. In my judgment, that is much less of a burden.

Mr. Brazier: I served in Committee on the Bill, and we are nearing the end of a process that has gone on for two and a half months. Following the emotionally charged and important debate on incapacity benefit, we can see once again how wrong it was to cram so many different subjects into one Bill, as hon. Members of various parties said on Second Reading. The new clause and the amendments grouped with it are very important, dealing with pension arrangements for people who can only just afford to provide for themselves, but we have a small turnout because this discussion follows a mass of other important subjects.

We are suffering once again from the fact that, because the Government are trying to cram a gallon into a pint pot, there is far too much reliance on regulation. We are trying to pin down what should be done, but much is unclear because of the excessive use of regulation. The regulations and the ideas behind them stem from several different consultations, including the consultation on this part of the Bill, which was not even completed when we began our proceedings in Committee.

In other parts of the Bill, Labour party manifesto commitments—on means-testing and on the contributory principle, for example—were abandoned. The Government's refusal to accept the new clause and associated amendments represents the abandonment of another good principle: that we should seek to simplify the social security and pensions system. Absurdly, with the stakeholder plan, the Government are trying to start again with a completely new edifice which is separate from the Treasury's edifice. That is not completely new, but builds on existing plans, and for that reason, it is mostly welcomed by the Opposition.

The hon. Member for Northavon (Mr. Webb) missed the point of the interventions by my hon. Friends. The point about the working families tax credit, on which we stood shoulder to shoulder with the Liberal Democrats, is that it is potentially adjustable twice a year on the basis of a complicated calculation. However, as my hon. Friend the Member for Arundel and South Downs (Mr. Flight) pointed out, the arrangements suggested in new clause 13 would be in place for good once a simple standing order had been set up. In the case of the House of Commons scheme, it would be pegged to 10 per cent. of salary. The arrangements would not involve the complexities to which we objected in another context.

By trying to set up such a complicated system, which contained the germ of a good idea when the right hon. Member for Birkenhead (Mr. Fjeld) first proposed it, the Government are setting themselves against the pensions industry and against those who would like to provide better for those at the bottom end of the earnings scale, who will be specifically targeted by the measure. I suspect that the rival Treasury product will be much more successful.

My final point is really a Third Reading point, but I hope that you will forgive me, Mr. Deputy Speaker, because it looks unlikely that we will get to Third Reading. It is very sad that we should be debating all these amendments at the end of proceedings on this Bill. We are dancing round on the head of a pin while the entire debate on pensions policy is crushed between two halves of a nutcracker—one being the devastating blow that was wreaked upon ordinary company, personal and other pensions by the shameful removal of tax credits, and the other being the knowledge that among the low paid, people who do not provide for themselves may end up doing better. That point was eloquently made by my hon. Friend the Member for Grantham and Stamford (Mr. Davies). I strongly support new clause 13 which would go a long way towards improving a rotten, muddled and confused scheme.

Miss McIntosh: I strongly associate myself with new clause 13, which was eloquently moved by my hon. Friend the Member for Grantham and Stamford (Mr. Davies). I wish to address two situations. The first is where an employer already operates an occupational pension scheme. Some employers may be tempted to close their occupational pension scheme to new entrants and simply offer access to stakeholder schemes. Small and large employers alike believe that that would be a regrettable move and I hope that the Minister, when he replies, will address that point.

The second situation is where an employer does not already operate an occupational pension scheme. Most employers without such a scheme would admit that they lack the financial skills necessary to choose such a scheme. If they choose the wrong scheme, many fear adverse consequences for themselves and their employees. I hope that the Minister supports the suggestion that employers should be required to provide access only via a pensions clearing house.

Mrs. May: For the record, I should declare that I have placed in the Register of Members' Interests a non-registerable shareholding in the Prudential corporation.

Before I make a couple of points about the amendments and the stakeholder scheme, I want to pick up on the comments of the hon. Member for Northavon (Mr. Webb). I am sorry that I was inadvertently out of the Chamber when

[Mrs. May]

he began to speak, but I came in as he was taking interventions on the extent to which proposals for employee payroll deduction facilities in new clause 13 would be a burden on business and difficult to operate.

As a former employee of the Association for Payment Clearing Services, I suggest that if the hon. Gentleman thinks that providing that sort of facility is beyond the scope of the banking sector, he should take a trip to the former de Havilland aircraft site at Edgware to visit BACS—formerly the Bankers Automated Clearing Services company—and see the number of deductions and payments that pass through the system every day. The banking sector is well able to cope with the proposal contained in new clause 13.

Mr. Webb: I have absolutely no doubt that the banking sector can cope. My question was what would be the cost to employers of accessing the services.

Mr. Brazier: Will my hon. Friend the Member for Maidenhead (Mrs. May) give way?

Mr. Deputy Speaker (Mr. Michael Lord): Order. It is not possible for the hon. Gentleman to intervene on an intervention.

Mrs. May: I assume that my hon. Friend the Member for Canterbury (Mr. Brazier) wanted to intervene before I answered the intervention. I am happy to give way to him.

Mr. Brazier: I am grateful to my hon. Friend for being as courteous as ever. The point that I tried to make earlier to the hon. Member for Northavon (Mr. Webb) perhaps needs to be reiterated. The cost and complexity arises not from making a payment, but from having to do the calculation every six months for people whose earnings vary from week to week.

Mrs. May: I am grateful to my hon. Friend for clarifying the point that he made earlier. My point is that the banking sector can cope. Businesses produce tapes or telecoms data for banks to put to BACS. Significant numbers of such payments are being made, and if the hon. Member for Northavon is suggesting that new clause 13 should be cast aside on such a technical point, he should visit BACS to see how companies input such information and deal with such payments.

I have two points to make about stakeholders which relate to amendment No. 80. I share the concerns expressed by my hon. Friend the Member for Vale of York (Miss McIntosh), and by pension providers and bodies that represent employers. The Government's stakeholder pension schemes may result in the closure of some occupational pension schemes to new members. Employers will tell employees that they are not carrying on with occupational pension scheme provision, providing instead for the stakeholder pension because that is what the Government say is good.

The way in which we have built up our occupational pension scheme funds is one of the jewels in this country's crown. It places us in a far better position than many other countries to deal with future pension provision. We should not attack that position. I accept that the Government do not intend to attack occupational pension schemes, but I fear that the law of unintended consequences could very well bring about that result.

Finally, I want to reiterate a point that I made in the Chamber last week on pensions. I am particularly concerned about the impact of the Government's proposals on women. Women are just getting a foot on the ladder of occupational pension schemes, and some schemes may be taken from them. Secondly, many women are concerned already that they do not receive adequate advice about pension proposals. If no advice is provided on stakeholder pension schemes, many women will be disadvantaged in future. I support amendment No. 80 because independent pensions advice is important for all employees, but particularly for women.

7 pm

Mrs. Browning: I contribute to this section of the debate with some sadness. Although I was not a member of the Standing Committee, I followed the *Hansard* record of those deliberations. On the one hand, I must welcome the fact that the new Labour Government have undergone a conversion in respect of personal pensions and pension input per se. Many of us remember how, in the 1980s, every time the Conservatives introduced a Budget to give tax breaks to individuals to encourage them to input into pensions, whether personal or corporate, the Labour party consistently voted against those provisions, which have made Britain one of the strongest countries in Europe for pension funds and provision for old age. Notwithstanding that, the Labour party said time after time before the Labour Government were elected that if it came to office it would make fundamental changes to increase the scope of pension provision for a wider range of individuals and to tighten up aspects where it felt there needed to be more security for the person investing in a pension.

The Committee deliberated and we waited a long while to get proper confirmation from the Government about what they were proposing. Even though we now have a Bill in front of us, the Government still seem unable to answer many questions. I will raise some different issues from those raised by my hon. Friends, and perhaps we will hear one or two answers from the Government.

Given some of the problems, such as pensions mis-selling and the Maxwell scandal, many people may well be concerned about being a part of a group pension of whatever denomination. The Government therefore said that they want to enhance the role of trustees. That is important. However, as the Bill has proceeded, the Government have not been clear about their intentions for trustees.

The Minister of State was adamant in Committee, saying:

> "We want member-nominated trustees to be appointed to the board of stakeholder pension schemes."—[*Official Report, Standing Committee D*, 4 March 1999; c. 52.]

Despite persistent questioning by my Conservative colleagues, the Government failed to explain who will be the trustees and how they will be chosen. That question seems fundamental. If the Government's new stakeholder pensions are to be widely welcomed and, more important, taken up—particularly if they are to receive the support of employers in the workplace—it is extremely important for that sort of detail to be available.

It is not the sort of detail that should be left to secondary legislation. If we have learned one thing in the past two years it is that many major Bills have been ill thought out—almost cobbled together on the hoof as they progress through Committee. Later, when we are faced with statutory instruments and secondary legislation that put the detail into the Bill, we find that the Government are doing something quite different from what they said in Committee.

I tell the Government and the Minister, who was adamant about trustees in stakeholder pensions, that if they want those pensions to be successful, they should tonight give the House the details of how those trustees will be appointed and take their place on the board.

Mr. Timms: The hon. Member for Grantham and Stamford (Mr. Davies) demonstrated again this evening his remarkable ability to make material that is worth five minutes last for 35. The House will have enjoyed that, although why it was necessary for him to do it on this occasion, I am not sure.

Stakeholder pension schemes are at the heart of our plans to modernise the pension system. They will provide—for many people for the first time—affordable funded pensions so that they can look forward to a secure income in retirement. There has been wide support for their introduction from those who responded to the Green Paper and others, both for the aims of the policy and for the structure that we have put in place to achieve them. We are working closely with the industry to ensure their success.

The hon. Member for Tiverton and Honiton (Mrs. Browning) asked about trustees. The Bill provides for stakeholder pensions to be run in a way that puts members' interests first. Trust-based schemes run by a board of trustees will do exactly that. We will consult between now and the summer on the details of how the trustee arrangements will work. If I understood her correctly, she supports the involvement of trustees in the schemes. I agree, but, as I said in Committee, we want to retain flexibility. That is why we have not ruled out possible alternative governance structures if they can deliver comparable protection.

In the Labour party manifesto, we promised to introduce a framework for stakeholder pensions to meet the needs of those who could not join a good-value second pension. We said that schemes would be approved to receive people's savings only if they met high standards and provided value for money, flexibility and security. The framework in the Bill fulfils that commitment. Contrary to what Conservative Members said, there have been no U-turns. Our position on group personal pensions is the one set out in the Green Paper; we asked for views on it on page 59. We are listening to those views and will reach a conclusion on that basis. That is what we always said that we would do, and we will do it.

Dr. Lewis Moonie (Kirkcaldy): My hon. Friend knows that I want to raise the issue of Christian conscience. He is aware that many Christians cannot take up pension plans under existing or proposed legislation. Many hon. Members on both sides of the House have taken the matter up with the Treasury. Can he reassure me that any regulations under the Bill will take account of Christian conscience regarding the appropriate pension offered, contributions to a scheme and the rights of employees to refuse on Christian conscience grounds any scheme offered?

Mr. Timms: I am well aware of those issues. My hon. Friend put one of his constituents in touch with me. A group from the Plymouth Brethren came to discuss those points with me. Nothing in the Bill or any of our proposals would require employers to contribute to pension schemes on behalf of their employees. We are consulting on the possibility of making it a condition of employment that people should join their occupational scheme, if there is one. That would need to be subject to opt-out arrangements. We will carefully consider my hon. Friend's point in deciding them. I think that the people who have been in touch with him and me will feel generally content about our way forward on this.

Mr. Leigh: I am sorry to labour the point, but the Plymouth Brethren are a tiny group. No one in the House supports their views, which is all the more reason why we should be careful to ensure that their conscience is protected. They cannot join any existing pension scheme, except the basic state pension, because of their religious belief. The Minister must reassure them that they will not be forced into a stakeholder pension against their conscience.

Mr. Timms: I can categorically assure the hon. Gentleman that no one will be forced into a stakeholder pension if they do not wish to join one. The Plymouth Brethren are not that small a group. I much enjoyed the meeting that took place on the initiative of my hon. Friend the Member for Kirkcaldy (Dr. Moonie).

Let me briefly deal with some of the points raised in the debate. New clause 13 would compel employers to offer payroll deduction facilities for almost all pension arrangements. Conservative Members appear to believe that that would provide an adequate replacement for stakeholder pensions. In reality, providing access to other sorts of scheme would not be a substitute for the benefits that we expect for members from stakeholder pension schemes. The hon. Member for Northavon (Mr. Webb) is right to say that the proposals would place a substantial, additional burden on business. Businesses would have to send out regular payments to an unlimited number of pension schemes—depending on how many people work in the organisation. That is not sensible.

The hon. Member for Vale of York (Miss McIntosh) made a much more interesting suggestion. I commend her for raising the point because it seems to have eluded her hon. Friends.

There is a possibility of making a clearing-house arrangement under which employers would make a single payment to a clearing house. The clearing house would then sort out which company the payments should be passed on to. That proposal is favoured by the Confederation of British Industry, for example. It is one of the possibilities on which we shall consult between now and the summer.

Amendment No. 83 would enable existing group personal pensions to qualify as stakeholder pension schemes. Again, we have been absolutely consistent on that point. We do not want to undermine good-value existing provision, but personal pensions do not have many of the features that will make stakeholder pension schemes a good deal for their members.

[Mr. Timms]

Stakeholder pension schemes will provide a better-value, more flexible alternative for many of those who cannot join an occupational scheme. The proposed governance structure is an important part of that; we are determined that stakeholder schemes will be run in their members' interests. It is here that personal pension schemes often fall short of the high standards that we want for stakeholder pension schemes. We are keen not to discourage high-quality provision and will be consulting further on our specific proposals as to how we could best incorporate into the new regime arrangements that meet our high standards and offer good-quality provision.

Amendment No. 80 deals with advice. It is right that people considering joining any pension scheme should have access to good, accurate financial information and advice. We have said that throughout, and our commitment to that should not be in doubt. Since we came to office, one of our priorities has been to ensure that pension companies and advisers clear up the mis-selling scandal that we inherited from the previous Government. The arrangements instituted by the Conservative Government created an enormous number of problems—not least by, wrongly, inducing many people to leave good occupational schemes of the kind referred to by the hon. Member for Maidenhead (Mrs. May) and to enter personal schemes that were much less advantageous.

The amendment would require stakeholder pension schemes to certify that all applicants who want to join their employer's designated scheme have received independent financial advice. That goes much too far. Individual advice has a cost. In many cases, that cost is worth paying, but, given the right information, many potential members will be perfectly capable of making an appropriate choice for themselves.

We expect that significant numbers of those joining stakeholder schemes will do so through their employers. To require all those applicants to receive independent advice would impose excessive costs on schemes if they had to meet the costs of its provision—as they will in many cases.

Amendment No. 81 would require a higher limit on contributions to stakeholder pension schemes than the £3,600 that we proposed, and proposes that, as an alternative, the limit could be set by reference to the relevant personal pension limit. Our proposal is intended to provide a simple, clear system. I can assure hon. Members that contribution limits are one of the aspects of the schemes on which we shall be carrying out further detailed consultation between now and the summer, in the light of the representations that we have received to date. Following that consultation, all aspects of the tax regime—including the maximum level of contributions—will, as is normal, be set out in a Finance Bill or tax regulations as appropriate, but they will not be included in this Bill.

Mr. Deputy Speaker: Order.

It being six hours after the commencement of proceedings, MR. DEPUTY SPEAKER *proceeded to put forthwith the Questions necessary for the disposal of the business to be concluded at that hour.*

Question put, That the clause be read a Second time:—

The House divided: Ayes 128, Noes 420.

Division No. 192] **[7.14 pm**

AYES

Arness, David
Arbuthnot, Rt Hon James
Atkinson, David *(Bour'mth E)*
Atkinson, Peter *(Hexham)*
Beggs, Roy
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Bottomley, Rt Hon Mrs Virginia
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Burns, Simon
Butterfill, John
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Chope, Christopher
Clappison, James
Clifton-Brown, Geoffrey
Colvin, Michael
Cormack, Sir Patrick
Cran, James
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice & Howden)*
Day, Stephen
Dorrell, Rt Hon Stephen
Duncan, Alan
Duncan Smith, Iain
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Flight, Howard
Forsythe, Clifford
Forth, Rt Hon Eric
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Fraser, Christopher
Gale, Roger
Garnier, Edward
Gibb, Nick
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Gray, James
Green, Damian
Grieve, Dominic
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hawkins, Nick
Hogg, Rt Hon Douglas
Horam, John
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Johnson Smith, Rt Hon Sir Geoffrey
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Lyell, Rt Hon Sir Nicholas
McIntosh, Miss Anne
MacKay, Rt Hon Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Maples, John
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Norman, Archie
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Prior, David
Randall, John
Redwood, Rt Hon John
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Roe, Mrs Marion *(Broxbourne)*
Ross, William *(E Lond'y)*
Rowe, Andrew *(Faversham)*
Ruffley, David
St Aubyn, Nick
Sayeed, Jonathan
Shepherd, Richard
Simpson, Keith *(Mid-Norfolk)*
Smyth, Rev Martin *(Belfast S)*
Soames, Nicholas
Spicer, Sir Michael
Stanley, Rt Hon Sir John
Streeter, Gary
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, Sir Teddy
Thompson, William
Townend, John
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Waterson, Nigel
Wells, Bowen
Whitney, Sir Raymond
Widdecombe, Rt Hon Miss Ann
Wilkinson, John
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Woodward, Shaun
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Mr. Tim Collins and
Mr. Oliver Heald.

NOES

Abbott, Ms Diane
Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Armstrong, Rt Hon Ms Hilary
Ashdown, Rt Hon Paddy
Ashton, Joe
Atherton, Ms Candy
Atkins, Charlotte
Austin, John
Banks, Tony
Barnes, Harry
Barron, Kevin
Battle, John
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Begg, Miss Anne
Beith, Rt Hon A J
Bell, Stuart *(Middlesbrough)*
Benn, Rt Hon Tony
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Best, Harold
Blackman, Liz
Blair, Rt Hon Tony
Blears, Ms Hazel
Blizzard, Bob
Blunkett, Rt Hon David
Boateng, Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brake, Tom
Brand, Dr Peter
Breed, Colin
Brinton, Mrs Helen
Brown, Rt Hon Gordon *(Dunfermline E)*
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Bruce, Malcolm *(Gordon)*
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnett, John
Butler, Mrs Christine
Byers, Rt Hon Stephen
Cable, Dr Vincent
Cabom, Rt Hon Richard
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Rt Hon Menzies *(NE Fife)*
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, Dale
Cann, Jamie
Caplin, Ivor
Casale, Roger
Caton, Martin
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Chidgey, David
Church, Ms Judith
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Cohen, Harry
Coleman, Iain
Colman, Tony
Connarty, Michael
Corbett, Robin
Corbyn, Jeremy
Corston, Ms Jean
Cotter, Brian
Cousins, Jim
Cox, Tom
Cranston, Ross
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Rt Hon Dr Jack *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Curtis-Thomas, Mrs Claire
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dewar, Rt Hon Donald
Dismore, Andrew
Dobson, Rt Hon Frank
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Drown, Ms Julia
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Etherington, Bill
Fearn, Ronnie
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Lorna
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Don *(Bath)*
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Foulkes, George
Fyfe, Maria
Galbraith, Sam
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Dr Norman A
Godsiff, Roger
Goggins, Paul
Gordon, Mrs Eileen
Gorrie, Donald
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Gunnell, John
Hain, Peter
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Harman, Rt Hon Ms Harriet
Harvey, Nick
Heal, Mrs Sylvia
Healey, John
Heath, David *(Somerton & Frome)*
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Hoey, Kate
Home Robertson, John
Hood, Jimmy
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hughes, Simon *(Southwark N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Ingram, Rt Hon Adam
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Mrs Fiona *(Newark)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jones, Nigel *(Cheltenham)*
Jowell, Rt Hon Ms Tessa
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Ann *(Brentford & Isleworth)*
Kelly, Ms Ruth
Kemp, Fraser
Kennedy, Charles *(Ross Skye)*
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Kirkwood, Archy
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Laxton, Bob
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Liddell, Rt Hon Mrs Helen
Linton, Martin
Livsey, Richard
Lloyd, Tony *(Manchester C)*
Lock, David
Love, Andrew
McAllion, John
McAvoy, Thomas
McCabe, Steve
McCartney, Rt Hon Ian *(Makerfield)*
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
Mackinlay, Andrew
McLeish, Henry
McNamara, Kevin
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
Maliaber, Judy
Mandelson, Rt Hon Peter
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Marshall-Andrews, Robert
Martlew, Eric
Maxton, John
Meacher, Rt Hon Michael
Meale, Alan
Merron, Gillian
Michael, Rt Hon Alun
Michie, Mrs Ray *(Argyll & Bute)*
Milburn, Rt Hon Alan
Miller, Andrew
Moffatt, Laura
Moonie, Dr Lewis
Moore, Michael
Moran, Ms Margaret
Morgan, Ms Julie *(Cardiff N)*
Morgan, Rhodri *(Cardiff W)*
Morley, Elliot
Morris, Ms Estelle *(B'ham Yardley)*
Morris, Rt Hon John *(Aberavon)*
Mountford, Kali
Mowlam, Rt Hon Marjorie
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*

HOUSE OF COMMONS PARLIAMENTARY DEBATES (HANSARD) ● 1998-99
CHADWYCK-HEALEY Vol. 331 cols. 1321 - 1430, WA1 - 82 10 - 21 May 1999

Murphy, Jim *(Eastwood)*
Murphy, Rt Hon Paul *(Torfaen)*
Naysmith, Dr Doug
Norris, Dan
Oaten, Mark
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
O'Hara, Eddie
Olner, Bill
O'Neill, Martin
Öpik, Lembit
Organ, Mrs Diana
Osborne, Ms Sandra
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quin, Rt Hon Ms Joyce
Quinn, Lawrie
Radice, Giles
Rammell, Bill
Rapson, Syd
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Reid, Rt Hon Dr John *(Hamilton N)*
Rendel, David
Robertson, Rt Hon George *(Hamilton S)*
Robinson, Geoffrey *(Cov'try NW)*
Roche, Mrs Barbara
Rooker, Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruane, Chris
Ruddock, Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Sanders, Adrian
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Shipley, Ms Debra
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Rt Hon Chris *(Islington S)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stewart, David *(Inverness E)*
Stinchcombe, Paul
Stoate, Dr Howard
Stott, Roger
Strang, Rt Hon Dr Gavin
Straw, Rt Hon Jack
Stringer, Graham
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Temple-Morris, Peter
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Tonge, Dr Jenny
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tyler, Paul
Vaz, Keith
Vis, Dr Rudi
Wallace, James
Walley, Ms Joan
Ward, Ms Claire
Watts, David
Webb, Steve
Welsh, Andrew
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Willis, Phil
Wills, Michael
Wilson, Brian
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Wood, Mike
Woolas, Phil
Worthington, Tony
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Mr. Mike Hall and
Mr. Clive Betts.

Question accordingly negatived.

Question put, That the remaining Government amendments be made:—

The House divided: Ayes 381, Noes 153.

Division No. 193] **[7.29 pm**

AYES

Abbott, Ms Diane
Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Armstrong, Rt Hon Ms Hilary
Ashton, Joe
Atherton, Ms Candy
Atkins, Charlotte
Austin, John
Banks, Tony
Barnes, Harry
Barron, Kevin
Battle, John
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Begg, Miss Anne
Bell, Stuart *(Middlesbrough)*
Benn, Rt Hon Tony
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry, Roger
Best, Harold
Blackman, Liz
Blair, Rt Hon Tony
Blears, Ms Hazel
Blizzard, Bob
Blunkett, Rt Hon David
Boateng, Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brinton, Mrs Helen
Brown, Rt Hon Gordon *(Dunfermline E)*
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Butler, Mrs Christine
Byers, Rt Hon Stephen
Cabom, Rt Hon Richard
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, Dale
Cann, Jamie
Caplin, Ivor
Casale, Roger
Caton, Martin
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Church, Ms Judith
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Cohen, Harry
Coleman, Iain
Colman, Tony
Corbett, Robin
Corbyn, Jeremy
Corston, Ms Jean
Cousins, Jim
Cox, Tom
Cranston, Ross
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Rt Hon Dr Jack *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Curtis-Thomas, Mrs Claire
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dewar, Rt Hon Donald
Dismore, Andrew
Dobson, Rt Hon Frank
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Drown, Ms Julia
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Etherington, Bill
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Lorna
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Foulkes, George
Fyfe, Maria
Galbraith, Sam
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Dr Norman A
Godsiff, Roger
Goggins, Paul
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Gunnell, John
Hain, Peter
Hall, Patrick *(Bedford)*

Hamilton, Fabian *(Leeds NE)*
Hanson, David
Harman, Rt Hon Ms Harriet
Heal, Mrs Sylvia
Healey, John
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Hoey, Kate
Home Robertson, John
Hood, Jimmy
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Ingram, Rt Hon Adam
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Mrs Fiona *(Newark)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jowell, Rt Hon Ms Tessa
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keen, Ann *(Brentford & Isleworth)*
Kelly, Ms Ruth
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Laxton, Bob
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Liddell, Rt Hon Mrs Helen
Linton, Martin
Lloyd, Tony *(Manchester C)*
Lock, David
Love, Andrew
McAllion, John
McAvoy, Thomas
McCabe, Steve
McCartney, Rt Hon Ian *(Makerfield)*
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
Mackinlay, Andrew
McLeish, Henry
McNamara, Kevin
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
Mallaber, Judy
Mandelson, Rt Hon Peter
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Marshall–Andrews, Robert
Martlew, Eric
Maxton, John
Meacher, Rt Hon Michael
Meale, Alan
Merron, Gillian
Michael, Rt Hon Alun
Michie, Mrs Ray *(Argyll & Bute)*
Milburn, Rt Hon Alan
Miller, Andrew
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Ms Julie *(Cardiff N)*
Morgan, Rhodri *(Cardiff W)*
Morley, Elliot
Morris, Rt Hon John *(Aberavon)*
Mountford, Kali
Mowlam, Rt Hon Marjorie
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Murphy, Rt Hon Paul *(Torfaen)*
Naysmith, Dr Doug
Norris, Dan
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
O'Hara, Eddie
Olner, Bill
O'Neill, Martin
Organ, Mrs Diana
Osborne, Ms Sandra
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quin, Rt Hon Ms Joyce
Quinn, Lawrie
Radice, Giles
Rammell, Bill
Rapson, Syd
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Reid, Rt Hon Dr John *(Hamilton N)*
Robertson, Rt Hon George *(Hamilton S)*
Robinson, Geoffrey *(Cov'try NW)*
Roche, Mrs Barbara
Rooker, Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruane, Chris
Ruddock, Joan
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Shipley, Ms Debra
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Rt Hon Chris *(Islington S)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stewart, David *(Inverness E)*
Stinchcombe, Paul
Stoate, Dr Howard
Stott, Roger
Strang, Rt Hon Dr Gavin
Straw, Rt Hon Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Temple–Morris, Peter
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Vaz, Keith
Vis, Dr Rudi
Walley, Ms Joan
Ward, Ms Claire
Watts, David
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Wills, Michael
Wilson, Brian
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Wood, Mike
Woolas, Phil
Worthington, Tony
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Ayes:
Mr. Mike Hall and
Mr. Clive Betts.

NOES

Amess, David
Arbuthnot, Rt Hon James
Ashdown, Rt Hon Paddy
Atkinson, David *(Bour'mth E)*
Atkinson, Peter *(Hexham)*
Beggs, Roy
Beith, Rt Hon A J
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Bottomley, Rt Hon Mrs Virginia
Brake, Tom
Brand, Dr Peter
Brazier, Julian
Breed, Colin
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Malcolm *(Gordon)*
Burnett, John
Burns, Simon
Butterfill, John
Cable, Dr Vincent
Campbell, Rt Hon Menzies *(NE Fife)*
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Chidgey, David
Chope, Christopher
Clappison, James
Clifton–Brown, Geoffrey
Colvin, Michael
Cormack, Sir Patrick
Cotter, Brian
Cran, James
Davey, Edward *(Kingston)*
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice & Howden)*
Day, Stephen
Duncan, Alan
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Fearn, Ronnie

Flight, Howard
Forsythe, Clifford
Forth, Rt Hon Eric
Foster, Don *(Bath)*
Fowler, Rt Hon Sir Norman
Gale, Roger
Garnier, Edward
Gibb, Nick
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Gray, James
Green, Damian
Grieve, Dominic
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Harvey, Nick
Hawkins, Nick
Heath, David *(Somerton & Frome)*
Hogg, Rt Hon Douglas
Horam, John
Howarth, Gerald *(Aldershot)*
Hughes, Simon *(Southwark N)*
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Johnson Smith,
Rt Hon Sir Geoffrey
Jones, Nigel *(Cheltenham)*
Kennedy, Charles *(Ross Skye)*
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Kirkwood, Archy
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Livsey, Richard
Lloyd, Rt Hon Sir Peter *(Fareham)*
Lyell, Rt Hon Sir Nicholas
McIntosh, Miss Anne
MacKay, Rt Hon Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Michie, Mrs Ray *(Argyll & Bute)*
Moss, Malcolm
Norman, Archie
Oaten, Mark
Öpik, Lembit
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Prior, David
Randall, John
Redwood, Rt Hon John
Rendel, David
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Ross, William *(E Lond'y)*
Rowe, Andrew *(Faversham)*
Ruffley, David
Russell, Bob *(Colchester)*
Sanders, Adrian
Sayeed, Jonathan
Shepherd, Richard
Simpson, Keith *(Mid-Norfolk)*
Smyth, Rev Martin *(Belfast S)*
Soames, Nicholas
Spicer, Sir Michael
Stunell, Andrew
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, Sir Teddy
Thompson, William
Tonge, Dr Jenny
Tredinnick, David
Trend, Michael
Tyler, Paul
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Wardle, Charles
Waterson, Nigel
Webb, Steve
Wells, Bowen
Welsh, Andrew
Whitney, Sir Raymond
Widdecombe, Rt Hon Miss Ann
Wilkinson, John
Willis, Phil
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Woodward, Shaun
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Noes:
Mr. Tim Collins and
Mr. Oliver Heald.

Question accordingly agreed to.

Clause 2

REGISTRATION OF STAKEHOLDER PENSION SCHEMES

Amendments made: No. 42, in page 2, line 41, leave out from 'of' to 'if' in line 42 and insert

'a pension scheme which is or has been registered under this section, and section 10 of that Act applies to any person prescribed in relation to such a scheme,'.

No. 43, in page 2, line 44, after 'scheme' insert

'or (as the case may be) while the scheme was so registered he failed to take all such steps as were reasonable to secure that each of those conditions was so fulfilled'.—*[Mr. Kevin Hughes.]*

Clause 9

MONITORING OF EMPLOYERS' PAYMENTS TO PERSONAL PENSION SCHEMES

Amendment made: No. 44, in page 7, line 34, at end insert—

'( ) If—

(a) subsection (6) or (7) is not complied with, and

(b) the scheme—

(i) is established under a trust, and

(ii) is or has been registered under section 2 of the Welfare Reform and Pensions Act 1999 (stakeholder schemes),

section 3 of the Pensions Act 1995 (power of the Regulatory Authority to remove trustees) applies to any trustee of the scheme who has failed to take all such steps as are reasonable to secure compliance.'.—*[Mr. Kevin Hughes.]*

Clause 10

LATE PAYMENTS BY EMPLOYERS TO OCCUPATIONAL PENSION SCHEMES

Amendment made: No. 28, in page 10, line 36, at end insert—

'( ) If in any case subsection (9)(b) is not complied with—

(a) section 3 applies to any trustee who has failed to take all such steps as are reasonable to secure compliance; and

(b) section 10 applies to any trustee or manager who has failed to take all such steps.'.—*[Mr. Kevin Hughes.]*

Clause 11

EFFECT OF PERSON'S INSOLVENCY ON HIS PENSION RIGHTS

Amendments made: No. 29, in page 12, line 25, leave out

'in good faith by the trustees or managers of the scheme in question before'

and insert

'by the trustees or managers of the scheme in question—

(a) in good faith, and

(b) without notice of'.

No. 53, in page 12, line 44, at end insert—

'(12) For the purposes of this section a person shall be treated as having a right under an approved pension arrangement where—

(a) he is entitled to a credit under section 23(1)(b) as against the person responsible for the arrangement (within the meaning of Chapter I of Part IV), and

(b) the person so responsible has not discharged his liability in respect of the credit.'.—*[Mr. Kevin Hughes.]*

Clause 12

EFFECT OF INSOLVENCY ON UNAPPROVED PENSION RIGHTS

Amendments made: No. 54, in page 12, line 46, leave out

'rights of a person under unapproved pension arrangements'

and insert

'or in connection with enabling rights of a person under an unapproved pension arrangement'.

No. 55, in page 13, line 1, leave out from 'under' to 'future' in line 4 and insert

'this section may, in particular, make provision—

(a) for rights under an unapproved pension arrangement to be excluded from a person's estate—

(i) by an order made on his application by a prescribed court, or

(ii) in accordance with a qualifying agreement made between him and his trustee in bankruptcy;

(b) for the court's decision whether to make such an order in relation to a person to be made by reference to—

(i)''.

No. 56, in page 13, line 5, leave out

'(b) the extent to which any pension and other benefits'

and insert

'(ii) whether any benefits (by way of a pension or otherwise) are'.

No. 57, in page 13, line 6, at end insert

'and (if so) the extent to which they'.

No. 58, in page 13, line 7, at end insert—

'(c) for the prescribed persons in the case of any pension arrangement to provide a person or his trustee in bankruptcy on request with information reasonably required by that person or trustee for, or in connection with, the making of such applications and agreements as are mentioned in paragraph (a).'.

No. 59, in page 13, line 8, after 'section' insert—

' "prescribed" means prescribed by regulations under this section;

"qualifying agreement" means an agreement entered into in such circumstances, and satisfying such requirements, as may be prescribed;'.

No. 60, in page 13, line 12, leave out from 'a' to end of line 13 and insert 'prescribed description.'.

No. 61, in page 13, line 13, at end insert—

'(4) For the purposes of this section a person shall be treated as having a right under an unapproved pension arrangement where—

(a) he is entitled to a credit under section 23(1)(b) as against the person responsible for the arrangement (within the meaning of Chapter I of Part IV), and

(b) the person so responsible has not discharged his liability in respect of the credit.'.—*[Mr. Kevin Hughes.]*

Clause 14

FORFEITURE OF RIGHTS UNDER PENSION ARRANGEMENTS

Amendment made: No. 62, in page 13, line 41, after 'section' insert—

'(a) a person shall be treated as having a right under a personal pension scheme where—

(i) he is entitled to a credit under section 23(1)(b) of the Welfare Reform and Pensions Act 1999 (sharing of rights on divorce etc.),

(ii) he is so entitled as against the person responsible for the scheme (within the meaning of Chapter I of Part IV of that Act), and

(iii) the person so responsible has not discharged his liability in respect of the credit; and

(b)''. —*[Mr. Kevin Hughes.]*

Schedule 2

PENSIONS: MISCELLANEOUS AMENDMENTS

Amendments made: No. 66, in page 72, line 28, at end insert—

'Income payments orders against pension payments

1YA. In section 32(2) of the Bankruptcy (Scotland) Act 1985 (vesting of estate, and dealings of debtor, after sequestration), at the beginning insert "Notwithstanding anything in section 11 or 12 of the Welfare Reform and Pensions Act 1999,".

1ZA. In section 310(7) of the Insolvency Act 1986 (bankrupt's income against which income payments orders may be made includes certain payments under pension schemes), after "employment and" insert "(despite anything in section 11 or 12 of the Welfare Reform and Pensions Act 1999)".'.

No. 67, in page 73, line 22, at end insert—

'Effect of certain orders on guaranteed minimum pensions

. In section 47 of the Pension Schemes Act 1993 (entitlement to guaranteed minimum pension for the purposes of the relationship with social security benefits), after subsection (6) (which is inserted by section 26(4) of this Act) add—

"(7) For the purposes of section 46, a person shall be treated as entitled to any guaranteed minimum pension to which he would have been entitled but for any order under section 342A of the Insolvency Act 1986 (recovery of excessive pension contributions) or under section 36A of the Bankruptcy (Scotland) Act 1985.'''.

No. 46, in page 74, line 31, at end insert—

'5A. In section 3(2)(b) of the Pensions Act 1995 (power of Authority to remove pension scheme trustee to whom section 3 applies by virtue of any other provision of Part I of the Act), for "this Part" substitute "this or any other Act".'.

No. 32, in page 76, line 10, at end insert—

'Diligence against pensions: Scotland

12A. In section 94(3) of the Pensions Act 1995 (application of sections 91 and 92 to Scotland), at the end insert—

"(f) after subsection 91(4) there is inserted—

"(4A) Subject to section 73(3)(d) of the Debtors (Scotland) Act 1987, nothing in this section prevents any diligence mentioned in section 46 of that Act being done against a pension under an occupational pension scheme."" '.—*[Mr. Kevin Hughes.]*

Schedule 3

PENSION SHARING ORDERS: ENGLAND AND WALES

Amendments made: No. 33, in page 79, line 8, leave out 'rules' and insert 'regulations'.

No. 34, in page 79, line 9, leave out 'rules' and insert 'regulations'.

No. 35, in page 79, line 37, leave out 'rules' and insert 'regulations'.

No. 36, in page 80, line 5, leave out 'rules' and insert 'regulations'.

No. 37, in page 80, line 28, at end insert—

'( ) In determining for the purposes of subsection (2) or (3) above whether a person has acted to his detriment in reliance on the taking effect of the order, the appeal court may disregard any detriment which in its opinion is insignificant.'.—*[Mr. Kevin Hughes.]*

Schedule 4

AMENDMENTS OF SECTIONS 25B TO 25D OF THE MATRIMONIAL CAUSES ACT 1973

Amendments made: No. 38, in page 82, line 8, leave out 'second' and insert 'new'.

No. 39, in page 83, line 4, leave out from 'to' to end of line 5 and insert

'any of the court's powers under this Part of this Act,'.—*[Mr. Kevin Hughes.]*

Clause 22

ACTIVATION OF PENSION SHARING

Amendment made: No. 13, in page 19, line 11, leave out paragraph (b) and insert—

'(b) such information relating to the transferor and transferee as the Secretary of State may prescribe by regulations under section 28(1)(b)(ii).'.—*[Mr. Kevin Hughes.]*

Clause 37

POWER TO EXTEND JUDICIAL PENSION SCHEMES

Amendment made: No. 15, in page 36, line 24, at end insert

', including subordinate legislation which provides for calculation of the value of rights in accordance with guidance from time to time prepared by a person specified in the subordinate legislation.'.—*[Mr. Kevin Hughes.]*

Clause 42

ACTIVATION OF BENEFIT SHARING

Amendment made: No. 14, in page 40, line 11, leave out paragraph (b) and insert—

'(b) such information relating to the transferor and transferee as the Secretary of State may prescribe by regulations under section 28(1)(b)(ii).'.—*[Mr. Kevin Hughes.]*

Clause 48

ENTITLEMENTS TO CATEGORY B RETIREMENT PENSION BY REFERENCE TO NEW ALLOWANCES

Amendments made: No. 63, in page 46, line 23, leave out

'time of the spouse's death'

and insert 'relevant time'.

No. 64, in page 46, line 29, at end insert—

'(8A) In subsection (8) above "the relevant time" means—

(a) where the pensioner became entitled to a widowed parent's allowance in consequence of the death of the spouse, the time when the pensioner's entitlement to that allowance ended; and

(b) otherwise, the time of the spouse's death.'.

No. 65, in page 46, line 31, leave out '(8)' and insert '(8A)'.—*[Mr. Kevin Hughes.]*

Clause 49

CLAIM OR FULL ENTITLEMENT TO CERTAIN BENEFITS CONDITIONAL ON WORK-FOCUSED INTERVIEW

Amendments made: No. 16, in page 49, leave out lines 20 to 22 and insert—

'(b) a person providing services to the Secretary of State,

(c) a local authority,

(d) a person providing services to, or authorised to exercise any function of, any such authority;'.

No. 17, in page 49, line 23, leave out '(6))' and insert '(7))'.

No. 78, in page 49, line 34, at end insert—

'and the purposes which may be so specified include purposes connected with a person's existing or future employment or training prospects or needs, and (in particular) assisting or encouraging a person to enhance his employment prospects.'.—*[Mr. Kevin Hughes.]*

Schedule 7

JOINT CLAIM FOR JOBSEEKER'S ALLOWANCE

Amendments made: No. 92, in page 93, line 21, at end insert—

'( ) Subsections (1) and (2) have effect subject to section 4A(2A) and (4A).'.

No. 93, in page 93, line 45, after 'couple' insert

'or a member of such a couple'.

No. 94, in page 93, line 45, leave out from 'which' to 'applies' in line 46 and insert

'contains corresponding provisions relating to joint-claim couples,'.

No. 95, in page 93, line 48, leave out from '4A' to 'have' in line 51 and insert—

'(1ZA) This section applies where—

(a) a joint-claim couple are entitled to a joint-claim jobseeker's allowance, and

(b) one or each of the members of the couple is in addition entitled to a contribution-based jobseeker's allowance;

and in such a case the provisions of this section have effect in relation to the couple in place of section 4(3A).

(1) If a joint-claim couple falling within subsection (1ZA)'.

No. 96, in page 94, line 6, leave out

'to a couple to whom subsection (1) applies'

and insert

'in accordance with subsection (1)'.

No. 97, in page 94, line 13, at end insert—

'(2A) Where the amount payable in accordance with subsection (1) is the couple's personal rate, then—

(a) if each member of the couple is entitled to a contribution-based jobseeker's allowance, an amount equal to the member's own personal rate shall be payable in respect of the member by way of such an allowance;

(b) if only one of them is so entitled, an amount equal to that member's personal rate shall be payable in respect of the member by way of such an allowance;

and in either case nothing shall be payable in respect of the couple by way of a joint-claim jobseeker's allowance.'.

No. 98, in page 94, line 14, leave out from '(3)' to 'shall' in line 17 and insert

'If a joint-claim couple falling within subsection (1ZA) have an income, the amount payable in respect of the couple by way of a jobseeker's allowance'.

No. 99, in page 94, line 23, leave out

'to a couple to whom subsection (3) applies'

and insert

'in accordance with subsection (3)'.

No. 100, in page 94, line 32, at end insert—

'(4A) Where the amount payable in accordance with subsection (3) is the couple's personal rate, subsection (2A) shall apply as it applies in a case where the amount payable in accordance with subsection (1) is that rate.'.

No. 101, in page 94, line 38, leave out 'satisfies the contribution-based conditions,' and insert

'is entitled to a contribution-based jobseeker's allowance,'.

No. 102, in page 94, line 39, leave out 'a contribution-based jobseeker's' and insert 'such an'.

No. 103, in page 94, line 41, leave out 'satisfies those conditions,' and insert

'is entitled to a contribution-based jobseeker's allowance,'.

No. 104, in page 94, line 51, leave out 'satisfies the contribution-based conditions,' and insert

'is entitled to a contribution-based jobseeker's allowance,'.

No. 105, in page 95, line 1, leave out 'satisfies those conditions,' and insert

'is entitled to such an allowance,'.

No. 40, in page 95, line 2, at end insert—

'6A.—(1) Section 8 (power to make regulations requiring attendance etc.) is amended as follows.

(2) In subsection (1), after "claimant" insert "(other than a joint-claim couple claiming a joint-claim jobseeker's allowance)".

(3) After subsection (1) insert—

"(1A) Regulations may make provision—

(a) for requiring each member of a joint-claim couple claiming a joint-claim jobseeker's allowance to attend at such place and such time as the Secretary of State may specify;

(b) for requiring a member of such a couple to provide information and such evidence as may be prescribed as to his circumstances, his availability for employment and the extent to which he is actively seeking employment;

(c) for requiring such a couple to jointly provide information and such evidence as may be prescribed as to the circumstances of each or either member of the couple, the availability for employment of each or either member of the couple and the extent to which each or either member of the couple is actively seeking employment;

(d) where any requirement to provide information or evidence is imposed on such a couple by virtue of paragraph (c), for the joint obligation of the couple to be capable of being discharged by the provision of the information or evidence by one member of the couple."

(4) In subsection (2), after "Regulations under subsection (1)" insert "or (1A)".

(5) In subsection (2)(a) (cases where entitlement to allowance may cease on account of non-compliance), after "in the case of a claimant who" insert ", or (as the case may be) a joint-claim couple claiming a joint-claim jobseeker's allowance a member of which,".

(6) In subsection (2)(b) (cases where entitlement to allowance may cease by reference to the time expired since the claimant's last attendance)—

(a) after "he" insert "or, as the case may be, a member of the joint-claim couple"; and

(b) after "subsection (1)(a)" insert "or (1A)(a)".

(7) For paragraph (c) of subsection (2) (provision for entitlement not to cease where good cause shown) substitute—

"(c) provide for entitlement not to cease if the claimant or (as the case may be) either member of the joint-claim couple shows, within a prescribed period of the failure to comply on the part of the claimant or (as the case may be) a member of the couple, that the claimant or (as the case may be) the defaulting member of the couple had good cause for that failure; and".'.

No. 91, in page 99, line 21, at end insert—

'( ) After paragraph 9 insert—

"Continuity of claims and awards: persons ceasing to be a joint-claim couple

9A.—(1) Regulations may make provision about the entitlement to a jobseeker's allowance of persons ("ex-members") who cease to be members of a joint-claim couple.

(2) Regulations under this paragraph may, in particular, provide—

(a) for treating each or either of the ex-members as having made any claim made by the couple or, alternatively, for any such claim to lapse;

(b) for any award made in respect of the couple to be replaced by an award (a "replacement award") in respect of each or either of the ex-members of the couple or, alternatively, for any such award to lapse.

Continuity of claims and awards: persons again becoming a joint-claim couple

9B.—(1) Regulations may make provision about the entitlement to a jobseeker's allowance of persons ("ex-members") who, having ceased to be members of a joint-claim couple, again become the members of a joint-claim couple.

(2) Regulations under this paragraph may, in particular, provide—

(a) for any claim made by the ex-members when they were previously a joint-claim couple to be revived or otherwise given effect as a claim made by the couple;

(b) for any award made in respect of the ex-members when they were previously a joint-claim couple to be restored;

(c) for any such award, or any replacement award (within the meaning of paragraph 9A) made in respect of either of them, to be replaced by an award (a "new award") in respect of the couple.

Continuity of claims and awards: couple becoming a joint-claim couple

9C.—(1) Regulations may make provision about the entitlement to a jobseeker's allowance of persons who become members of a joint-claim couple as a result of the married or unmarried couple of which they are members becoming a joint-claim couple.

(2) Regulations under this paragraph may, in particular, provide—

(a) for any claim made by either member of the couple before the couple became a joint-claim couple to be given effect as a claim made by the couple;

(b) for any award, or any replacement award (within the meaning of paragraph 9A), made in respect of either member of the couple before the couple became a joint-claim couple to be replaced by an award (a "new award") in respect of the couple.

Paragraphs 9A to 9C: supplementary

9D.—(1) Regulations may provide, in relation to any replacement award (within the meaning of paragraph 9A) or new award (within the meaning of paragraph 9B or 9C), for—

(a) the award to be of an amount determined in a prescribed manner;

(b) entitlement to the award to be subject to compliance with prescribed requirements as to the provision of information and evidence.

(2) In paragraphs 9A to 9C and this paragraph—

"award" means an award of a jobseeker's allowance;

"claim" means a claim for a jobseeker's allowance.'".—*[Mr. Kevin Hughes.]*

Clause 51

SPECIAL SCHEMES FOR CLAIMANTS FOR JOBSEEKER'S ALLOWANCE

Amendment made: No. 30, in page 51, line 13, at end insert—

'(6A) The power of the Secretary of State to make an order under section 26 of the Employment Act 1988 (status of trainees etc.) shall include power to make, in relation to—

(a) persons participating in any scheme, and

(b) payments received by them by virtue of subsection (5) above,

provision corresponding to any provision which (by virtue of subsection (1) or (2) of that section) may be made in relation to persons using such facilities, and to such payments received by them, as are mentioned in subsection (1) of that section.'.—*[Mr. Kevin Hughes.]*

Clause 59

CERTAIN OVERPAYMENTS OF BENEFIT NOT TO BE RECOVERABLE

Amendment made: No. 47, in page 56, line 36, leave out

'or section 30(2)(a) or (b)'

and insert

', 30(2)(a) or (b) or 35(1)(a) or (b)'.—*[Mr. Kevin Hughes.]*

Schedule 8

WELFARE BENEFITS: MINOR AND CONSEQUENTIAL AMENDMENTS

Amendments made: No. 106, in page 105, line 4, at end insert—

'( ) In section 4 (amount payable by way of a jobseeker's allowance), in each of subsections (6) and (8) (amount payable where claimant satisfies the contribution–based, and the income–based, conditions)—

(a) for "satisfies both the contribution–based conditions and the income–based conditions" substitute "is entitled to both a contribution–based jobseeker's allowance and an income–based jobseeker's allowance"; and

(b) after "the amount payable" insert "by way of a jobseeker's allowance".'.

No. 9, in page 105, line 12, at end insert—

'PART VA

MATERNITY ALLOWANCE

Social Security Contributions and Benefits Act 1992 (c.4)

29A. The Contributions and Benefits Act has effect subject to the following amendments.

29B.—(1) Section 21 (contribution conditions) is amended as follows.

(2) In subsection (1), after "30A below" insert ", maternity allowance under section 35 below".

(3) In subsection (2), omit the entry relating to maternity allowance.

(4) In subsection (4), omit ", other than maternity allowance,".

29C. In section 176(1)(c) (parliamentary control), after "section 28(2)" insert—

"section 35A(7);".'.

No. 41, in page 105, line 27, after 'sections' insert '51,'.—*[Mr. Kevin Hughes.]*

Clause 63

SUPPLY OF INFORMATION FOR CERTAIN PURPOSES

Amendment made: No. 48, in page 60, line 16, at end insert

', *(Optional work-focused interviews)*,'.—*[Mr. Kevin Hughes.]*

Schedule 12

CONSEQUENTIAL AMENDMENTS

Amendments made: No. 68, in page 130, line 11, at end insert—

'Insolvency Act 1986 (c.45)

62A. The Insolvency Act 1986 is amended as follows.

62B. After section 342C there is inserted—

"Recovery of excessive contributions in pensionsharing cases

342D.—(1) For the purposes of sections 339, 341 and 342, a pension–sharing transaction shall be taken—

(a) to be a transaction, entered into by the transferor with the transferee, by which the appropriate amount is transferred by the transferor to the transferee; and

(b) to be capable of being a transaction entered into at an undervalue only so far as it is a transfer of so much of the appropriate amount as represents excessive contributions.

(2) For the purposes of sections 340 to 342, a pension–sharing transaction shall be taken—

(a) to be something (namely a transfer of the appropriate amount to the transferee) done by the transferor; and

(b) to be capable of being a preference given to the transferee only so far as it is a transfer of so much of the appropriate amount as represents excessive contributions.

(3) If on an application under section 339 or 340 any question arises as to whether, or the extent to which, the appropriate amount in the case of a pension–sharing transaction represents excessive contributions, the question shall be determined in accordance with subsections (4) to (8).

(4) The court shall first determine the extent (if any) to which the transferor's rights under the shared arrangement at the time of the transaction appear to have been (whether directly or indirectly) the fruits of contributions ("personal contributions")—

(a) which the transferor has at any time made on his own behalf, or

(b) which have at any time been made on the transferor's behalf,

to the shared arrangement or any other pension arrangement.

(5) Where it appears that those rights were to any extent the fruits of personal contributions, the court shall then determine the extent (if any) to which those rights appear to have been the fruits of personal contributions whose making has unfairly prejudiced the transferor's creditors ("unfair contributions").

(6) If it appears to the court that the extent to which those rights were the fruits of unfair contributions is such that the transfer of the appropriate amount could have been made out of rights under the shared arrangement which were not the fruits of unfair contributions, then the appropriate amount does not represent excessive contributions.

(7) If it appears to the court that the transfer could not have been wholly so made, then the appropriate amount represents excessive contributions to the extent to which it appears to the court that the transfer could not have been so made.

(8) In making the determination mentioned in subsection (5) the court shall consider in particular the matters specified in paragraphs (a) and (b) of section 342A(6).

(9) In this section—

"appropriate amount", in relation to a pension–sharing transaction, means the appropriate amount in relation to that transaction for the purposes of section 23(1) of the Welfare Reform and Pensions Act 1999 (creation of pension credits and debits);

"pension–sharing transaction" means an order or provision falling within section 22(1) of the Welfare Reform and Pensions Act 1999 (orders and agreements which activate pension–sharing);

"shared arrangement", in relation to a pension–sharing transaction, means the pension arrangement to which the transaction relates;

"transferee", in relation to a pension–sharing transaction, means the person for whose benefit the transaction is made;

"transferor", in relation to a pension–sharing transaction, means the person to whose rights the transaction relates.".

No. 69, in page 130, line 11, at end insert—

'62C. In section 384(1) (meaning of "prescribed" in the second Group of Parts), after "Subject to the next subsection" insert "and section 342C(7) in Chapter V of Part IX".'.

No. 108, in page 130, line 33, leave out 'as follows' and insert

'in accordance with sub–paragraphs (2) to (5)'.

No. 49, in page 130, line 45, at end insert—

'Social Security Administration Act 1992 (c.5)

68A. After section 140E of the Administration Act insert—

"Financing of other expenditure

140EE.—(1) The Secretary of State may make to a local authority such payments as he thinks fit in respect of expenses incurred by the authority in connection with the carrying out of any relevant function—

(a) by the authority,

(b) by any person providing services to the authority, or

(c) by any person authorised by the authority to carry out that function.

(2) In subsection (1) "relevant function" means any function conferred by virtue of section 2A, 2C or 7A above.

(3) The following provisions, namely—

(a) in section 140B, subsections (1), (3), (4), (5)(b), (7)(b) and (8), and

(b) section 140C,

apply in relation to a payment under this section as in relation to a payment of subsidy.

(4) The Secretary of State may (without prejudice to the generality of his powers in relation to the amount of subsidy) take into account the fact that an amount has been paid under this section in respect of costs falling within section 140B(4A)(a) above." .

No. 109, in page 130, line 45, at end insert—

'(6) In paragraph 6 of that Schedule—

(a) in sub–paragraph (5), for "section 159A" substitute "section 4A, 159A"; and

(b) in sub–paragraph (6), after "relating" insert "to relevant payments or benefits within the meaning of section 4A above or (as the case may be).'.

No. 111, in page 131, line 13, leave out 'as follows' and insert

'in accordance with sub–paragraphs (2) to (5)'.

No. 112, in page 131, line 25, at end insert—

'(6) In paragraph 6 of that Schedule—

(a) in sub–paragraph (5), for "section 155A" substitute "section 4A, 155A"; and

(b) in sub–paragraph (6), after "relating" insert "to relevant payments or benefits within the meaning of section 4A above or (as the case may be).'.—*[Mr. Kevin Hughes.]*

Clause 74

TRANSITIONAL PROVISIONS

Amendment made: No. 18, in page 67, line 17, leave out subsection (9) and insert—

'(9) Where an action of divorce or an action for declarator of nullity has been brought before the day on which section 18 comes into force—

(a) no pension–sharing order may be made under section 8(1) of the Family Law (Scotland) Act 1985, and

(b) neither paragraph (f) of section 22(1) nor paragraph (f) of section 42(1) shall apply,

in relation to that divorce or declarator.'.—*[Mr. Kevin Hughes.]*

Schedule 13

REPEALS

Amendments made: No. 70, in page 131, leave out lines 31 to 35.

No. 71, in page 132, line 24, column 3, at end insert—

'Section 95.'.

No. 10, in page 135, line 11, column 3, at end insert—

	'In section 21, in subsection (2) the entry relating to maternity allowance, and in subsection (4) the words ", other than maternity allowance.".
	In Schedule 3, in Part I, paragraph 3.
	In Schedule 4, in Part I, the entry relating to maternity allowance.'.

No. 11, in page 135, line 14, at end insert—

'S.I. 1994/1230.	Maternity Allowance and Statutory Maternity Pay Regulations 1994.	Regulations 2(1), (2) and (4) and 6(2).'.

—*[Mr. Kevin Hughes.]*

Clause 77

COMMENCEMENT

Amendments made: No. 19, in page 68, line 14, at end insert—

'( ) section 49;'.

No. 51, in page 68, line 14, at end insert—

'( ) section (*Optional work-focused interviews*);'.

No. 50, in page 68, line 18, at end insert—

'( ) section 73(1) so far as relating to paragraph 68A of Schedule 12;'.—*[Mr. Kevin Hughes.]*

Clause 78

EXTENT

Amendments made: No. 72, in page 68, line 30, at end insert—

'( ) section (*Excessive pension contributions made by persons who have become insolvent*);'.

No. 73, in page 68, line 30, at end insert—

'( ) paragraph 1ZA of Schedule 2, and section 16 so far as relating thereto;'.

No. 74, in page 68, line 32, after '5' insert 'and 62A to 62C'.

No. 75, in page 68, line 36, after & 13' insert

'and (*Excessive pension contributions made by persons who have become insolvent: Scotland*);'.

No. 76, in page 68, line 36, leave out 'and' and insert—

'( ) paragraph 1YA of Schedule 2, and section 16 so far as relating thereto;

( ) section'.

No. 77, in page 69, line 3, after 'paragraphs' insert '1YA, 1ZA,'.

No. 107, in page 69, line 8, after '64', insert

', (*Earnings of workers supplied by service companies etc.*)'.

No. 52, in page 69, line 12, leave out '68' and insert '68A'.

No. 110, in page 69, line 33, after '65', insert

', (*Earnings of workers supplied by service companies etc: Northern Ireland*)'.—*[Mr. Kevin Hughes.]*

Order for Third Reading read.—[Queen's consent, on behalf of the Crown, signified.]

Motion made, and Question put, That the Bill be now read the Third time.—*[Mr. Robert Ainsworth.]*

The House proceeded to a Division—

Mr. David Davis (Haltemprice and Howden) *(seated and covered):* On a point of order, Mr. Deputy Speaker. The convention in the House is that Finance Bills are not guillotined—

Mr. Deputy Speaker (Mr. Michael Lord): Order. I understand that the microphones are not on. They will be put on as quickly as possible.

Mr. Davis: The effect of today's guillotine is that amendment No. 27, which would have removed clause 71 from the Bill, was incapable of being debated. Clause 71 has an effect greater than any Finance Bill, in that it removes the requirement for primary legislation prior to major expenditure by the lead Department today.

Can you give me some assistance, Mr. Deputy Speaker, so that the House can be protected from that mechanism in the future? Is it possible for the substantive point within the amendment to be dealt with by the Government at some point? I see that there is a Minister on the Treasury Bench who may be able to help us.

Mr. Deputy Speaker: I understand the right hon. Gentleman's point, but the House has agreed the guillotine motion and things have simply have transpired in the way that he has described.

Mr. Timms: Further to that point of order, Mr. Deputy Speaker. This is an important power which allows us to proceed with investment in new computer systems for changes to the benefit system. I understand that it would be helpful to the right hon. Member for Haltemprice and Howden (Mr. Davis), who chairs the Public Accounts Committee, and to the hon. Member for Roxburgh and Berwickshire (Mr. Kirkwood), who chairs the Select Committee on Social Security, if we could agree an arrangement whereby the report, which will be submitted to the House to permit the expenditure to go ahead could, in normal circumstances, be looked at by those Committees before the House reaches a decision.

Subject to discussion between us, I am sure that we could come up with a mechanism to ensure that that happens in normal circumstances.

Mr. Deputy Speaker: I am grateful to the Minister for his response.

The House having divided: Ayes 360, Noes 142.

Division No. 194] **[7.45 pm**

AYES

Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Alexander, Douglas
Allen, Graham
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Armstrong, Rt Hon Ms Hilary
Ashton, Joe
Atherton, Ms Candy
Atkins, Charlotte
Banks, Tony
Barron, Kevin
Battle, John
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Begg, Miss Anne
Bell, Stuart *(Middlesbrough)*
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Best, Harold
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Blunkett, Rt Hon David
Boateng, Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brinton, Mrs Helen
Brown, Rt Hon Gordon *(Dunfermline E)*
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Butler, Mrs Christine
Byers, Rt Hon Stephen
Cabom, Rt Hon Richard
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, Dale
Cann, Jamie
Caplin, Ivor
Casale, Roger
Caton, Martin
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Church, Ms Judith
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Cohen, Harry
Coleman, Iain
Colman, Tony
Corbett, Robin
Corston, Ms Jean
Cousins, Jim
Cox, Tom
Cranston, Ross

Crausby, David
Cummings, John
Cunningham, Rt Hon Dr Jack *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Curtis–Thomas, Mrs Claire
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dewar, Rt Hon Donald
Dismore, Andrew
Dobson, Rt Hon Frank
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Drown, Ms Julia
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Etherington, Bill
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Lorna
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Foulkes, George
Fyfe, Maria
Galbraith, Sam
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Dr Norman A
Godsiff, Roger
Goggins, Paul
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Gunnell, John
Hain, Peter
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Harman, Rt Hon Ms Harriet
Heal, Mrs Sylvia
Healey, John
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Hoey, Kate
Home Robertson, John
Hood, Jimmy
Hoon, Geoffrey
Hope, Phil
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Ingram, Rt Hon Adam
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Mrs Fiona *(Newark)*
Jones, Helen *(Warrington N)*
Jones, Jon Owen *(Cardiff C)*
Jones, Martyn *(Clwyd S)*
Jowell, Rt Hon Ms Tessa
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keen, Ann *(Brentford & Isleworth)*
Kelly, Ms Ruth
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Laxton, Bob
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Liddell, Rt Hon Mrs Helen
Linton, Martin
Lloyd, Tony *(Manchester C)*
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCartney, Rt Hon Ian *(Makerfield)*
McDonagh, Siobhain
Macdonald, Calum
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
Mackinlay, Andrew
McLeish, Henry
McNamara, Kevin
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
Mallaber, Judy
Mandelson, Rt Hon Peter
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Marshall–Andrews, Robert
Martlew, Eric
Maxton, John
Meacher, Rt Hon Michael
Meale, Alan
Merron, Gillian
Michael, Rt Hon Alun
Milburn, Rt Hon Alan
Miller, Andrew
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Ms Julie *(Cardiff N)*
Morgan, Rhodri *(Cardiff W)*
Morley, Elliot
Morris, Rt Hon John *(Aberavon)*
Mountford, Kali
Mowlam, Rt Hon Marjorie
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Murphy, Rt Hon Paul *(Torfaen)*
Naysmith, Dr Doug
Norris, Dan
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
O'Hara, Eddie
Olner, Bill
O'Neill, Martin
Organ, Mrs Diana
Osborne, Ms Sandra
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quin, Rt Hon Ms Joyce
Quinn, Lawrie
Radice, Giles
Rammell, Bill
Rapson, Syd
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Reid, Rt Hon Dr John *(Hamilton N)*
Robertson, Rt Hon George *(Hamilton S)*
Roche, Mrs Barbara
Rooker, Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruane, Chris
Ruddock, Joan
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Shipley, Ms Debra
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Rt Hon Chris *(Islington S)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Soley, Clive
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stewart, David *(Inverness E)*
Stinchcombe, Paul
Stoate, Dr Howard
Stott, Roger
Strang, Rt Hon Dr Gavin
Straw, Rt Hon Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Temple–Morris, Peter
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Vaz, Keith
Vis, Dr Rudi
Walley, Ms Joan
Ward, Ms Claire
Watts, David
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Wills, Michael
Wilson, Brian
Winterton, Ms Rosie *(Doncaster C)*
Woolas, Phil
Worthington, Tony
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Ayes:
Mr. Mike Hall and
Mr. Robert Ainsworth.

NOES

Amess, David
Arbuthnot, Rt Hon James
Ashdown, Rt Hon Paddy
Atkinson, David *(Bour'mth E)*
Atkinson, Peter *(Hexham)*
Beggs, Roy
Beith, Rt Hon A J
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Bottomley, Rt Hon Mrs Virginia
Brand, Dr Peter
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Malcolm *(Gordon)*
Burnett, John
Burns, Simon
Campbell, Rt Hon Menzies *(NE Fife)*
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Chidgey, David
Chope, Christopher
Clappison, James
Clifton-Brown, Geoffrey
Colvin, Michael
Cormack, Sir Patrick
Cotter, Brian
Cran, James
Davey, Edward *(Kingston)*
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice & Howden)*
Duncan, Alan
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Fearn, Ronnie
Flight, Howard
Forsythe, Clifford
Forth, Rt Hon Eric
Foster, Don *(Bath)*
Gale, Roger
Garnier, Edward
Gibb, Nick
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Gray, James
Green, Damian
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hawkins, Nick
Heath, David *(Somerton & Frome)*
Hogg, Rt Hon Douglas
Horam, John
Howarth, Gerald *(Aldershot)*
Hughes, Simon *(Southwark N)*
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Johnson Smith, Rt Hon Sir Geoffrey
Jones, Nigel *(Cheltenham)*
Kennedy, Charles *(Ross Skye)*
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Kirkwood, Archy
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Livsey, Richard
Lloyd, Rt Hon Sir Peter *(Fareham)*
Lyell, Rt Hon Sir Nicholas
McIntosh, Miss Anne
MacKay, Rt Hon Andrew
McLoughlin, Patrick
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Michie, Mrs Ray *(Argyll & Bute)*
Moss, Malcolm
Norman, Archie
Oaten, Mark
Öpik, Lembit
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Prior, David
Randall, John
Redwood, Rt Hon John
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Ross, William *(E Lond'y)*
Rowe, Andrew *(Faversham)*
Ruffley, David
Russell, Bob *(Colchester)*
Sanders, Adrian
Shepherd, Richard
Simpson, Keith *(Mid-Norfolk)*
Smyth, Rev Martin *(Belfast S)*
Soames, Nicholas
Spicer, Sir Michael
Stunell, Andrew
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, Sir Teddy
Thompson, William
Tonge, Dr Jenny
Tredinnick, David
Trend, Michael
Tyler, Paul
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Wardle, Charles
Waterson, Nigel
Webb, Steve
Wells, Bowen
Welsh, Andrew
Whitney, Sir Raymond
Widdecombe, Rt Hon Miss Ann
Wilkinson, John
Willis, Phil
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Woodward, Shaun
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Noes:
Mr. Oliver Heald and
Mr. Stephen Day.

Question accordingly agreed to.

Bill read the Third time, and passed.

British Deaths (France)

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Kevin Hughes.]*

7.56 pm

Mr. Tim Collins (Westmorland and Lonsdale): This is a serious subject that involves many people around the country. I know that the hon. Member for North Cornwall (Mr. Tyler) hopes to catch your eye for a minute or two after my remarks, Mr. Deputy Speaker, so I shall truncate them to give him an opportunity to speak.

I welcome the Minister and congratulate him on his promotion. I recognise that he is new to his present duties, which he took over in tragic circumstances following the departure of his much missed predecessor. I hope that he will be able to consider what I say seriously and reflect on some of the points that are raised.

The first case that I should like to raise concerns the Allison family from my constituency. Mr. Clive Allison, the son of my constituents, disappeared on 25 April last year. He was working in Lyon and had been working in France for two years. He was 27 and worked at a bar. On the day he disappeared, the French police and the British consulate in Lyon were informed by English speaking and French friends of Mr. Allison that he had disappeared. Unfortunately, the British consulate did not notify his family in my constituency that he had disappeared. That is the first cause of their anxiety about the case.

The second cause of the family's anxiety is that when they were informed four days later, my constituent Mr. Jim Allison telephoned the local French police and spoke to an officer who slammed the phone down on him shortly into the conversation, even though he was naturally distressed because he had just learned that his son had disappeared. The British consulate suggested that it must have been because my constituent was speaking to the French police officer in schoolboy French. In fact, he was speaking to a policeman who was fluent in English.

The third incident in the chain of events is that when the friends of Mr. Clive Allison reported to the French police that he had disappeared, they were told that the French police were not prepared to mount a missing person's inquiry for him and that the friends would have to go round the local hospitals to see whether he had turned up in one of them.

The next stage in this tragic tale is that the body of Mr. Allison was fished out of the local river in Lyon on 4 May and taken to the Government medical institute in the town. It was not tagged for three days so, at one point, it was reported missing. The body was subsequently recovered.

When it was flown back to the UK aboard Air France, the accompanying paperwork disappeared. To this day, that paperwork has not been found. No direct apology has even been given by Air France to the family. Because of the absence of that paperwork, an entirely new post mortem had to be performed on the body when it arrived back in the UK.

The final stage in this tragic set of occurrences was that the inquest into the death was adjourned on 25 September because the coroner in Barrow-in-Furness needed some paperwork from the French authorities to complete his inquiries. To this day, some eight months later, that paperwork has not been provided. In a letter from Mr. Ian Smith, the coroner at Barrow, he said that he shared the concerns of my constituent Mr. Jim Allison about the failure of the French authorities in this instance. He said:

"regrettably what is happening in this particular case is a reflection of what happens in most cases where a British subject dies in France and the body is repatriated and an inquest results . . . I frequently find a lack of thorough investigation and a considerable delay in sending what little information is available. By way of contrast I have dealt with deaths from China, Hong Kong and Zambia amongst others and have received good quality information within a reasonable time and the Chinese authorities had even translated into English."

My concern is that we are all citizens of the European Union. France is our nearest neighbouring member state of the EU, and it is important that the French authorities operate in circumstances relating to tragedies such as this at least as efficiently as countries such as Zambia or China.

Sadly, this is not an isolated case. The merest glimpse at some recently publicised stories in our national newspapers would indicate that there have been a number of other cases. Perhaps the most highly publicised is that of Caroline Dickinson, and I know that the hon. Member for North Cornwall will wish to speak about that later.

There was also the case of Roderick Henderson, who died after being kicked in the head in the Champs Elysées in October 1997. A report in *The Daily Telegraph* of the 15 July 1998 begins:

"A coroner condemned the French authorities yesterday for erecting a 'brick wall of virtual silence' around the investigation"

of that murder.

I do not approach this matter with the view that somehow France is a different country where different standards apply. I certainly do not approach the matter with any hostility towards our neighbouring country. Indeed, this past weekend, I greatly enjoyed with my family an expedition to Paris which, thanks to Eurostar, is a great deal easier and quicker to reach from my London home than my own constituency in the UK.

More and more British people are looking to spend time in France on holiday and on business. It is a neighbour, and it is important that we should have close relations with France and the clearest possible co-operation between the British and French authorities. That is why I tabled some parliamentary questions on the matter, and I was a little disappointed with some of the responses that I received.

I received a helpful letter in February from Baroness Symons, the Foreign Office Minister. She told me that the materials that had been sent by the coroner in October had been passed through the British consulate because coroners' requests have to go through the Foreign Office. They were passed to the consulate in November, and passed to the French authorities. The French authorities notified the British consul at the beginning of February that the papers had been retrieved from the archive and that the file was on the desk of the relevant person. The family were told that it could be four months before the paperwork would be processed and passed on to the coroner. It is now nearly four months since the beginning of February, and certainly no papers have arrived.

[Mr. Tim Collins]

Mr. Jim Allison, Clive's father, has been a sufferer from multiple sclerosis for 17 years and he has said that the strain has meant that the past year has been much the worst for his condition. Additional stress on someone in those circumstances can make matters worse.

I was pleased that the written answers that I received suggest that the Government have been addressing some of the issues. There was a ministerial meeting last November to consider some of the generic, systemic issues. I welcome that, but I was also told, in a written answer on 31 March, that the Allison case was not discussed in detail at that meeting and is not on the agenda for any future scheduled meeting; nor had Ministers discussed French co-operation with British coroners.

The general conclusion was:

"Co-operation is good; the French authorities have to comply with their own formalities."—[*Official Report*, 31 March 1999; Vol. 328, c. 693.]

The evidence of the Allison case and some other cases suggests that that may be too generous an assessment.

I do not for one moment pretend that there is any ingrained hostility to British people in the way in which the French authorities approach these cases—it is conceivable that they are equally inefficient in cases relating to their own citizens—but it is clear that British coroners do not feel that the French respond to their requests as rapidly and efficiently as they could, or anything like as rapidly and efficiently as coroners in other countries, including less developed countries such as Zambia. The coroner in Barrow said that coroners throughout the country thought the same.

I would be enormously grateful if the Minister took an interest in trying to get the French authorities to supply the papers to the coroner in Barrow. My constituents have now waited 13 months for a verdict on the cause of their son's death. The bureaucratic delay has made things worse for them and caused them further distress. I spoke to the father today. He said that the family do not want to sue. They are not interested in compensation, as they would regard it as blood money. They want justice and they want to know that their son can be laid to rest and the case can be closed so that they can begin to move on with their lives.

Will the Minister please address the issue of the possible systemic problem that seems to have occurred in relationships between British coroners and the French authorities? Ministers have already addressed those issues in meetings with their French counterparts. I would be grateful to know whether there are any plans for further meetings.

All the political parties have produced their manifestos for the European elections and all have said that they favour deepening European Union co-operation on interior and justice policy. Can we please begin to move from the rhetoric to the reality? If we are to have closer co-ordination on justice, could we please start with some justice for British citizens who have lost their loved ones in France?

8.9 pm

Mr. Paul Tyler (North Cornwall): I congratulate the hon. Member for Westmorland and Lonsdale (Mr. Collins) on securing this debate, and I am grateful to him for allowing me a few minutes to add to his remarks and, indeed, to endorse some of his concerns. I thank the Minister for agreeing to my speaking, and I, too, congratulate him most warmly on his new appointment.

As the hon. Member for Westmorland and Lonsdale said, Caroline Dickinson was a constituent of mine. I have worked closely with her parents, John and Sue Dickinson, to see whether we could not only help the French authorities to bring the culprit to justice, but learn some lessons to help others who may have faced similar appalling tragedies.

Caroline was a young student from Launceston college who went on a school trip to the hostel in Pleine Fougères, where she was murdered. We still do not know who was responsible for that deed. The initial experience that I and her parents had—on both sides of the channel, but especially with the French authorities—was disastrously bad, but it has greatly improved in recent months. As a result of the activities of Baroness Symons, who took an active interest in this case—I took the parents, and other relatives who had been similarly bereaved, to see her—and of the previous Government, who similarly afforded us the opportunity to talk to them about some of the lessons to be learned, the attitude of the French authorities improved distinctly.

Unfortunately and all too often, the slow progress of an inquiry requires the intervention of the British Government before it is approached with more dispatch and effectiveness. In the Dickinson case, the investigative team did not give proper attention to trying to bring the public in France into their confidence and it did not pursue the issue of DNA until it was persuaded to do so by my constituent, Mr. Dickinson. When the team took the opportunity to work with the British police, the investigation advanced dramatically.

I endorse the comments of the hon. Member for Westmorland and Lonsdale. When a tragedy occurs, it requires the proactive interest of the British Government at the outset. We should not wait for things to go wrong. That is proved by the fact that when the Government took an interest, there was an immediate improvement both in the flow of information to my constituents and in the urgency with which the investigation was pursued.

Attitudes to investigation procedures differ on either side of the channel. In this country, the police like to take the public into their confidence at the outset. The police try to give as much information as possible to the public and to gain as much information as they can using the media. That is not the French experience and, perhaps, informal steps could be taken, without trying to preach to them, to try to improve that situation.

I wish to emphasise that the key lesson of all the examples with which I have been acquainted is the necessity for a flow of information, whether it be to the coroner's court, the bereaved relatives or the Foreign Office. In many cases, the flow of information has been disastrously slow. When people have suffered such a tragedy, not knowing what is happening—and having no confidence in the process of law in a country just a few miles away across the channel—adds much to the tragic circumstances. I am grateful to the Foreign Office, under this Government and the previous Government, for seeking to assist. I just wish that we had been more effective earlier and, therefore, had achieved better results.

8.13 pm

The Minister of State, Foreign and Commonwealth Office (Mr. Geoffrey Hoon): I am grateful to the hon. Member for Westmorland and Lonsdale (Mr. Collins) for his kind words. On behalf of the Government, I acknowledge his thoughtfulness and generosity in withdrawing his application for a debate last Friday to allow hon. Members to attend the funeral of Derek Fatchett. That was a generous and honourable action. I also thank the hon. Member for North Cornwall (Mr. Tyler) for his observations.

I shall begin by explaining the roles of the French and British authorities following the death of a British national in France. When a British national dies in France, the French authorities promptly inform the nearest British consulate. If death is by natural causes, a death certificate is issued by the doctor who certifies the death. If the cause of death is not clear, accidental or violent, the French courts may request a judicial inquiry. The court appoints an investigating magistrate who will order a police investigation, which may take several months to complete. Once that investigation begins, the next of kin, if they want details of it, are required under French law to apply formally to the investigating magistrate to become civil parties to the case. That may take up to a week, during which time the next of kin will be able to obtain only limited information. I recognise that in the immediate aftermath of a death, that could be distressing to a family who might perceive a lack of co-operation on the part of the French authorities. However, it is a French legal requirement, and our consular representatives are not able to circumvent it.

A further problem may be that British families are used to seeing precise causes of death on British death certificates. In France, the precise cause of death is considered confidential and it does not appear on the certificate issued by the doctor. The certificate amounts to a statement that a death has been registered. Again, this may appear curious to British families and may cause concern when appropriate clarification is not immediately forthcoming.

If the next of kin wish to repatriate the body to the United Kingdom, they must apply to the public prosecutor's office for a permit. The undertakers retained by the next of kin usually take responsibility for seeking that. Once the investigating magistrate is satisfied that forensic examination is complete, permission to transport and bury is granted. When all judicial processes are complete, the bereaved family has to apply to a court for copies of any police report.

In accordance with section 8(1) of the Coroners Act 1988, coroners in England and Wales are obliged to hold an inquest into the death of anyone whose body is brought back from abroad for burial in their jurisdiction. The purpose of the inquest is to ascertain who the deceased was and how, when and where the deceased died. Neither the coroner nor the jury can express an opinion on any other matter.

The requirement to hold such inquests was introduced following difficulties with the case of Helen Smith, who died in unnatural circumstances in Saudi Arabia. If the coroner is satisfied that the cause of death has been established by the French authorities, permission is granted for burial. In Scotland, this role falls to the Scottish Office.

If the coroner is not satisfied that the cause of death has been sufficiently established or believes that further investigation is required to establish the cause of death, he may request copies of the French police report and further investigations by the French authorities. British coroners have no direct contact with the French authorities and they ask the Foreign and Commonwealth Office to pass on formal requests. Requests for further investigation may take longer for the French to process, as a court will have to consider them and decide how best to respond. This may involve the re-interviewing of witnesses, whom the court may need to trace.

Our consulates in France monitor the progress of investigations and are prepared to press the French authorities for further action if necessary. In response to the first point made by the hon. Member for Westmorland and Lonsdale, I undertake to look afresh at that point to ensure that proper action is taken if necessary.

Our consulates cannot, of course, intervene in investigations, direct them or suggest avenues that might be explored. Once the French authorities conclude the further investigations that the British coroner has requested, the consulate obtains a copy of the French report and forwards it to Her Majesty's coroner's office.

Notwithstanding the views that have been set out, I maintain that co-operation between the French and British authorities over the death of British nationals in France is very good. Requests from coroners offices are dealt with sympathetically by the French authorities. Our consulates in France do not usually experience problems with the French police—the gendarmerie—over notification of deaths of British nationals. We have to acknowledge that the French have an entirely different procedure to our own, and that what some may characterise as unacceptable delay is wholly consistent with French procedure and not a matter of poor co-operation.

I listened carefully to the second and third points that the hon. Member for Westmorland and Lonsdale made. I do not accept that there is a systemic problem. We all share the need to deepen justice in interior matters, but the member states of the European Union have a choice—they can seek to harmonise procedures, but I assume that the hon. Gentleman would not want that; or, and this is the approach that the British Government would pursue, we must accept that each country's procedures are different and recognise them for what they are.

Mr. Collins: I accept that there are different traditions, but I hope that the Minister will accept that for many families—certainly my constituents—an appearance is created, I hope unintentionally, of indifference and a casual attitude. Would it be possible for him to take up that matter with the French authorities, suggesting that they could introduce standard procedures saying that they have a different tradition and that they do not seek to create an appearance of indifference?

Mr. Hoon: The hon. Gentleman makes a sensible suggestion. It would be for the French authorities to decide whether it was appropriate to take that course of action. However, I must emphasise that there is no suggestion that, throughout the range of cases with which the Foreign and Commonwealth Office has to deal, there is that sort of difficulty.

I appreciate that the hon. Members for Westmorland and Lonsdale and for North Cornwall raised different cases in which there have been particular problems at

[Mr. Hoon]

particular times. I think that the hon. Member for North Cornwall would accept that subsequently the investigation of that particular case has been pursued vigorously and that the French have taken appropriate and necessary action.

The British Government have been keen to ensure that the deaths of British nationals in France are properly investigated. Perhaps it will assist if I say that my noble Friend the Under-Secretary wrote to Madame Guigou, the French Minister of Justice, on 4 August 1998. My noble Friend stressed the importance of bringing to justice the murderers of British nationals in France and asked the French authorities to spare no efforts in seeking culprits. On 30 November 1998, she met senior officials in Paris from the Ministry of the Interior to discuss the handling of deaths of British nationals and to press for vigorous investigations by the French authorities.

On 11 March, the Home Secretary discussed the investigation of Caroline Dickinson's murder with Monsieur Chevènement, the French Minister of the Interior. I can assure the House that we have an active dialogue with the French to satisfy ourselves that thorough investigations into the murders of British nationals in France are carried out in accordance with appropriate French procedures.

I believe that the relationship between the next of kin of the deceased and the French authorities is generally a good one. Our consulates will certainly do all that they can to help. However, I recognise that the aftermath of a sudden death is not the easiest situation for anyone to deal with. The language barrier and an unfamiliar foreign bureaucracy can provide obstacles to achieving immediate understanding and a good working relationship. The need to become civil parties to the investigation, as I mentioned, and the initial delay to which I referred earlier, can lead to misunderstandings.

Our consulates in France, and indeed all over the world, help next of kin who find difficulty coping with language and cultural differences. They offer guidance on local legislation and customs, and act as intermediaries between the relevant authorities and the next of kin. Our consulates are in continuous dialogue with authorities worldwide to improve working relationships. There is no evidence of systematic discrimination against British nationals in distressing circumstances anywhere, and certainly not in France.

I have the utmost sympathy for those who have experienced the trauma of close relatives dying overseas, especially when the death has been wholly unexpected and untimely. Having to grapple with a foreign legal system, a foreign language, and with unexpected bureaucratic requirements when distraught with grief can clearly overwhelm even the strongest. I can well understand the despair of abiding seemingly endless rounds of investigations and inquiries before grieving relatives are able to feel that justice has been done.

I know that my French counterparts are as anxious as any of us to resolve speedily and effectively all crimes, especially those involving deaths. I will certainly ensure that a further examination is made of the concerns voiced by the hon. Member for Westmorland and Lonsdale, and I will report to him accordingly. We will continue to work with the French authorities to address each of those issues.

Question put and agreed to.

Adjourned accordingly at twenty-three minutes past Eight o'clock.

House of Commons

Friday 21 May 1999

The House met at half-past Nine o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

PETITION

Kosovo

9.33 am

Mr. David Lepper (Brighton, Pavilion): I have been asked to present a petition about the situation in Kosovo by my constituent, Mrs. Ann Dean. She was moved to initiate it by what she had read and heard about the tragic plight of people who, having lost their livelihood, home and, in many cases, close members of their families, had in effect become refugees in their own land. I believe that the desire to see help go to those people, as expressed by 67 of my constituents who signed the petition, is shared by many others throughout this country.

It is a matter of profound sorrow for me that such a petition is necessary, but it is made necessary by the Serbian Government's continued persecution, destruction and murder in pursuit of their despicable policy of ethnic cleansing.

The petition states:

The Petition of residents of the United Kingdom,

Declares that in early May 1999 the refugees fleeing from Kosovo started, for the first time, to give hunger as their reason for leaving Kosovo, according to journalists who had spoken to them, like two reporters from the *Washington Post*, whose article was reprinted in *The Guardian Weekly* on 9 May 1999.

The Petitioners therefore request that the House of Commons urge the Secretary of State for International Development to take urgent steps to ensure that food and medical supplies are able to reach the starving and hungry inside Kosovo, including those in the mountains, in order to reduce the numbers forced to leave Kosovo, to reduce further deaths from hunger and to show the world that NATO's aims are primarily humanitarian.

The Petitioners further request that the House of Commons establish an all-party Committee to monitor the needs of refugees both inside and outside Kosovo.

And the Petitioners remain, etc.

To lie upon the Table.

Orders of the Day

Road Traffic (Vehicle Testing) Bill

Not amended in the Standing Committee, considered.

New Clause 1

INFORMATION ON ACCIDENTS INVOLVING UNCERTIFICATED VEHICLES

'. The Secretary of State shall authorise the use of information in the records maintained under section 45(6B) of the Road Traffic Act 1988 for the purposes of any inquiry into a road traffic accident in which death or serious injury occurs, and shall maintain a record of all such incidents concerning vehicles for which an appropriate test certificate has not been issued.'.—*[Mr. Miller.]*

Brought up, and read the First time.

9.35 am

Mr. Andrew Miller (Ellesmere Port and Neston): I beg to move, That the clause be read a Second time.

Madam Speaker: With this, it will be convenient to discuss amendment No. 4, in clause 1, page 2, line 6, at end insert

'; and

(c) the registered keeper of the vehicle.'.

Mr. Miller: I congratulate the hon. Member for Basingstoke (Mr. Hunter) on an excellent idea. Through our deliberations this morning, we should ensure that the Bill reaches the statute book in an appropriate form to fulfil the purpose for which it was designed.

I have been involved in the issue of road traffic incidents ever since I have been in the House. I declare an indirect interest as a patron of RoadPeace, the charity that looks after the needs of road traffic victims and their families, who are let down badly by the way in which we as a society treat road death and injury. We regard that as something that might have happened to any of us, but we do not treat the matter with the seriousness that it deserves.

About 3,000 people a year die on our roads. If that happened in one incident—for example, several jumbo jets crashing simultaneously—it would be regarded as a major disaster. The fact that the deaths occur sporadically on roads throughout the country seems to militate against the seriousness of the issue. There are a number of measures that we can take to assist.

My hon. Friend the Minister is aware that Lord Whitty is taking seriously representations made about driver training, the design of roads, speed enforcement and law enforcement. An amazing amount of work is going on in the Department. My hon. Friends in the Home Office are also examining carefully some of the issues relating to the appalling waste of life that occurs each year on our roads.

During my research one thing that became consistently clear was the lack of data to enable us to identify where responsibility lies. We know that some responsibility lies with drivers, but we as a society must improve the situation and reduce the likelihood of such drivers emerging in future.

I find it astonishing that no central records are kept on any subject relating to road deaths. No information emerges from the magistrates court, for example, partly

[Mr. Miller]

because, as the House knows, very few road deaths become the subject of an inquiry by that court. If a magistrate were dealing with a case in which it was alleged that a driver had exceeded the speed limit, had a bald tyre and did not have an MOT certificate, under current law—regrettably, in my view—the fact that that driver had caused a death might not be the subject of inquiries by the magistrates court. Surely that important information should be collected.

I have argued—I shall touch on this briefly because I realise that the matter is tangential to the clause—that a different approach should be taken to death on the road by making the death central to the charge that is brought against the driver. I shall be publishing some information in the next few weeks, following the research that has been undertaken by my office into international comparisons. It would be extremely helpful at magistrates court level if there was some recording of information to go on to a central database. The connections that are present—at least anecdotally, from conversations that I have had with magistrates—could be put together so that serious scientific analysis could take place.

We all read in the local press of drivers—they are usually males under 25 years of age driving a vehicle that is not properly licensed, not insured and without an MOT certificate—being convicted of various motoring offences. However, there is no collection of that data and I would argue that there should be.

Coroners courts, of course, deal with deaths that result from road incidents. The consequence of such a death on the family is obvious; it results in an amazing amount of trauma. However, the connection between such a death and the non-existence of an MOT certificate—anecdotally, this appears to be the position in a significant number of cases—is not recorded. The purpose of my new clause is to make a small addition to the excellent proposition that has been brought before us by the hon. Member for Basingstoke.

I realise that the Under-Secretary may say that my new clause would have significant resource implications. I appreciate that. Literally—that is how we are supposed to read clauses—it could have resource implications for magistrates, the police, coroners, my hon. Friend and the Home Office. That point will have to be considered. However, I hope that my hon. Friend will respond in the spirit of the clause. Such considerations need to be balanced against the extraordinarily high cost of death on the road each year.

It has been estimated that the cost throughout Europe is an amazing £40 billion. That is the calculation following a serious piece of research undertaken by the European Federation of Traffic Victims. The federation has observer status at the United Nations so it is a respectable organisation. The Government should consider carefully how to balance that huge cost to the public purse against expenditure implications.

I would argue, if it came to the point of argument with my hon. Friend the Minister, that the balance must be in favour of the victims and their families. Modest expenditure could bring about massive savings consequentially.

9.45 am

Mr. Desmond Browne (Kilmarnock and Loudoun): I have considerable sympathy with the objective that lies behind the new clause. I have some experience in the courts in Scotland in dealing with road traffic prosecutions. I am aware that there are sometimes difficulties in obtaining the information that is available about the roadworthiness of vehicles. I am also concerned about the narrowness of the new clause. My experience is that the correlation of information about serious injury or death in road traffic accidents is sometimes a matter of chance.

I have been involved in many road traffic accident cases where there was no serious injury or death, but where the outcome was contributed to by the significant unroadworthiness of vehicles. I suspect that that is the position in the majority of cases. Has my hon. Friend given any consideration to the possibility of extending the new clause so that we might focus on the roadworthiness or otherwise of vehicles involved in accidents, which perhaps is what the Bill is about, rather than the consequences of accidents?

Mr. Miller: My hon. Friend raises an important point. It is right that our primary focus should be on unroadworthy vehicles, the competence of drivers, the proper design of roads and the reinforcement of the message to drivers—it has been given by this Government and previous Governments—of the consequences of drinking and driving, especially over Christmas. That focus and that message are critical.

I, as a Back-Bench Member, drafted the new clause. There may be arguments for broadening its scope. However, you would not allow me to do that today, Mr. Deputy Speaker. We are stuck, perhaps regrettably in view of my hon. Friend's intervention, with the words on the amendment paper. None the less, I hope that I can satisfy his concerns.

Mr. Jonathan Shaw (Chatham and Aylesford): I take up the point made by my hon. Friend the Member for Kilmarnock and Loudoun (Mr. Browne). If we were able to widen the new clause, would that not act as a deterrent for the appalling people who weld together cars that have been involved in accidents? A friend of mine purchased such a vehicle. She did not have a great deal of expertise and, six months later, she found that the vehicle was a death trap. It was extremely worrying because my friend was a foster parent and was transporting children in her care.

Mr. Miller *rose—*

Mr. Deputy Speaker (Mr. Michael Lord): Order. Perhaps the hon. Member for Ellesmere Port and Neston (Mr. Miller) should take his own advice of a few minutes ago.

Mr. Miller: I cannot remember what that was, Mr. Deputy Speaker.

My hon. Friend the Member for Chatham and Aylesford (Mr. Shaw) raises a point that is incorporated in the new clause. I am saying that, with the technology that is now available to the Government, proper cross-referencing of information relating to vehicles and

drivers—information that is sitting in court rooms throughout the country, in the Driver and Vehicle Licensing Agency and in MOT records—will help us, first, and most importantly, to understand whether there is any substance in the anecdotal information that suggests that there is a link between drivers who persistently abuse the law and unroadworthy vehicles. Secondly, it will provide the Government with an opportunity to examine the information and to determine the best way forward.

Mr. Browne: Before my hon. Friend moves off cost implications, and the effect of his new clause and the rest of this brief Bill, I point out that one of the advantages of the database that would be created would be that the police, through the police national computer, could access relevant information instantaneously at accidents. He may be undermining his new clause to some degree in that respect. The information ought to be collated through the police, without the involvement of magistrates or anyone else.

Mr. Miller: The Bill permits the collection of some information through the police national computer, but, for the sake of brevity, I shall not rustle through my papers to find the relevant clause. The police could be empowered for the purposes of existing road traffic legislation to utilise information collected under the Bill, but, in its present form, it does not authorise the Secretary of State to use that information for purposes of inquiry.

I want to ensure that information flows both ways between those who collect MOT data and those who are responsible for overseeing the provisions of legislation dealing with death and serious injury on the road. If we achieve that modest objective, we shall have taken one step along the road of dealing with some of the issues on which I, a number of hon. Members on both sides of the House and organisations such as Brake and RoadPeace have been campaigning for a long time. That is not a perfect solution, but it is part of a complex solution.

Dr. George Turner (North–West Norfolk): I am not clear about whether the information to be exchanged would include information about failure of the MOT test. Two classes of people do not have MOT certificates for perhaps a week or more: some people may simply have been careless or forgetful, but the worst incidents involve people who deliberately use their vehicle even though it has failed an MOT. It is important that knowledge of failure should be available, but I am not clear about whether that would be included in the information to which my hon. Friend is referring.

Mr. Miller: I think that the correct answer to my hon. Friend is that such examples would fall outside the scope of the new clause. I am not entirely certain of what happens to records of failures collected by MOT testing stations, and perhaps my hon. Friend the Minister may be able to deal with that issue when she responds. The individual is given a copy of the certificate, but I do not know what happens subsequently to the original information about the vehicle.

With today's technology, it would certainly be possible to include on a database information about a vehicle that failed the MOT test today, and then passed and gained a certificate a week later after having the appropriate work carried out. I think that such a provision comes within the scope of the Bill, but it may not fall specifically within the scope of the new clause.

Mr. Andrew Dismore (Hendon): Perhaps my hon. Friend and I can help each other on that point. If a registration number is not on the computer, the police know that the vehicle has no MOT and must therefore be an MOT failure by definition. That is the short-circuit way round the problem identified by my hon. Friend the Member for North–West Norfolk (Dr. Turner).

Mr. Miller: If the police stop a vehicle today because they suspect the driver of committing a road traffic offence or, specifically in the context of the new clause, of being involved in a death or the causing of serious injury, I and 99 per cent. of the public would expect them to have the ability to check not only whether the driver's licence is in order, using the police national computer, but whether the vehicle's paperwork is in order. That resource could be made available to the police, beneficially and within the scope of the Bill, and would be a massive advantage.

It could be argued that civil liberties would be breached, but I shall take that argument head on: the real breach of civil liberties is the death and maiming of people on our roads every year. In respect of every issue on which the Government introduce strengthened computerised databases, we must be mindful of privacy and ensure that proper data protection and privacy legislation is developed to reinforce such changes. At the same time, we must be prepared to tackle that argument absolutely head on and say that the real civil liberties issue is the injuring of people on the roads.

Dr. George Turner: Will my hon. Friend clarify the meaning of the words "any inquiry" in his new clause? I am not sure whether they would have legal definition, or whether I or a member of the public could decide to inquire into something. I should have thought that he would want to be restrictive and would have used those words in a more technical sense. Can he explain to the House whether his new clause would restrict those who are entitled to inquire and to get that information?

Mr. Miller: I do not claim to be an expert parliamentary draftsman, but the provision, through its use of the word "any", was intended to be broad brush. As I have said, I would include magistrates courts, coroners courts and the police. There is even a legitimate argument for such information to be made available to insurance companies, because it would be a material fact in respect of whether a policy was valid. We will have to look at that issue as time goes on. I intended the wording to affect not members of the public or the press, but any public authority legitimately engaged in an inquiry relating to death or serious injury. However, I can see arguments for extending it beyond that.

This is a modest new clause, the spirit of which I hope my hon. Friend the Minister will accept. I appreciate that she may have difficulty with the precise wording, because we have not had the opportunity to discuss it, but the intention is as I have described. I hope that, as part of the House's determination to help to reduce the number of deaths and serious injuries on the roads, the Government will consider incorporating at least the spirit of the new clause into the Bill.

10 am

The Parliamentary Under-Secretary of State for the Environment, Transport and the Regions (Ms Glenda Jackson): May I begin by thanking my hon. Friend the Member for Ellesmere Port and Neston (Mr. Miller) for the warm tribute that he paid to our noble Friend Lord Whitty for his dedication to all the road safety issues that my hon. Friend mentioned, such as ensuring better driver training and better road design. As he knows, the Government are engaged in a review of speed, and we have already given a clear estimate of targets for the reduction of deaths and injuries. This country's record is extremely good, but that is no argument for complacency. As the whole House knows, my hon. Friend is a patron of RoadPeace and is assiduous in arguing from the perspective of those who are grievously hurt by the loss of members of their families as a result of pointless and often preventable road accidents.

As I am sure my hon. Friend is also aware, the Government have reduced the necessity for local authorities to apply to the Secretary of State before introducing 20 mph zones or limits on local roads. I assure my hon. Friend, and all members of RoadPeace and other organisations dedicated to reducing deaths and injuries on the roads, that the Government are committed to that aim. As my hon. Friend said, if the number of deaths on our roads occurred as a result of aeroplanes falling from the sky, the reaction would be vociferous. We are concerned to ensure that the number of deaths on the roads is not considered an issue about which nothing can or should be done. We are committed to reducing the number of deaths and injuries on the roads.

I presume that the new clause is intended to serve two purposes. First, it would require the Secretary of State to authorise the use of information in the database of MOT records for the purposes of any inquiry into a road traffic accident. Secondly, it would require the Secretary of State to maintain a record of all such incidents where the vehicle involved did not have a valid test certificate at the time of the accident.

On the first part of the new clause, it seems that the principal party likely to be interested in obtaining such information is the police. However, the police already have access to all relevant information under the provisions of new section 46(5) of the Road Traffic Act 1988—a point made by my hon. Friend the Member for Kilmarnock and Loudoun (Mr. Browne).

My hon. Friend the Member for North-West Norfolk (Dr. Turner) was concerned about whether the information would show that a vehicle had failed an MOT. As my hon. Friend the Member for Hendon (Mr. Dismore) pointed out to him, the whole point of computerisation is to enable the police easily to access whether the vehicle in question has a valid certificate. It is illegal for people to use a vehicle without a valid MOT certificate. They are liable to be stopped by the police and prosecuted if they cannot produce a valid certificate, which they need to produce in order to obtain a vehicle excise duty disc. If there is no valid disc, it could be because of a possible MOT offence.

Dr. George Turner: Will the Minister clarify whether the records will contain information about failure of the test? I should have thought that, if a vehicle failed its MOT because it did not have adequate brakes, that information should be available to the police because it would be a much more significant offence than simply forgetting to get an MOT certificate. Will that information be on the computer?

Ms Jackson: I repeat to my hon. Friend that it is an offence to drive a vehicle on the roads without a valid MOT certificate, for the reasons that I have already given. In many instances, when a car is submitted for an MOT and is deemed to fail in one or two areas, the whole vehicle has to be retested for technical reasons. However, the purpose of the Bill is to ensure that the computerisation process in which the Government are engaged should be capable of detailing, for those who would most need the information, not least the police, whether a vehicle had a valid MOT certificate. That is central and essential to the proposals in the Bill.

Mr. Miller: I understood the question raised by my hon. Friend the Member for North-West Norfolk (Dr. Turner) more clearly when I was sitting down and not under pressure to respond. He made an important point. Will my hon. Friend the Minister look at the possibility of including in the design of the central MOT record system information relating to vehicles that fail the test? Magistrates courts would quite reasonably take different views of someone who omitted to get his vehicle tested within three years and a day, and someone who had driven a vehicle knowing it to be unroadworthy because it had failed the MOT.

Ms Jackson: I thank my hon. Friend for that question because it helps to clarify the position. There will be, within the proposed database, records of passes and failures of vehicles. That is one of the valuable pieces of information that can be made available in certain circumstances to individuals but, more importantly, to the Vehicle Inspectorate because it would enable it to ensure that the testing centres were efficient and were testing adequately and properly, and to highlight areas where it might be necessary to make improvements.

Mr. Shaw: May I press the Minister on this point? Will the information contained in the records say why a vehicle failed? As my hon. Friend the Member for North-West Norfolk (Dr. Turner) said, if it has failed because of dodgy brakes, the magistrates court would want to take that into account.

Ms Jackson: With respect to my hon. Friend, I think that there is slight confusion about the information required in order to proceed with a prosecution. As I said, the information that I should imagine is required by the police is available to the police. The issue of defining on the database what particular faults caused a vehicle to fail the test is interesting. I hope that it would be possible to include that information within the programming of the computer base, because those issues are important not only to people who buy cars, but to those who manufacture them.

As I said, the police will already have access to all relevant information under the provisions of new section 46(5). In other cases, the Secretary of State could be obliged by law to provide information from the proposed record of MOT results—for example, where a court action was pending and evidence was required to be put before

a court relating to information from the record of MOT results. That situation is already contemplated by clause 4, which makes it possible for an authenticated person, on behalf of the Secretary of State, to give evidence from the records maintained under section 45(6B) in written form.

It is also possible that the Secretary of State may face other requests for information and those would have to be considered on their merits, within the context of the regulation-making powers under new section 45(6) of the Road Traffic Act 1988. I trust that my hon. Friend the Member for Ellesmere Port and Neston would agree that those powers are already part of the Bill, so the first part of his new clause is not necessary.

Dr. George Turner: My hon. Friend said that the Bill covered the key people who would want to get at the information. I am not completely clear whether it covers all those who may have a reasonable case to ask for the information, such as insurance companies or people who have also been involved in the incident. Would they be able to request the information, or would it have to come through the police or some official mechanism?

Ms Jackson: As I said, if a case is being prosecuted in a court, the Bill ensures that the police have automatic access to such information. A requirement is placed on the Secretary of State to furnish such information as the court may require. Our courts are open and public places, so any information that is presented to a court would be open to anyone who is in the court to hear it or who reads the report of the court proceedings.

On the wider question of information available to others under the Bill, the Secretary of State will define in regulations the classes of person for whom information will be available. They would have to prove that they had a justifiable reason for making such inquiries about an individual vehicle.

The second part of my hon. Friend's new clause is concerned with maintaining a record of all road traffic accidents involving death or serious injury in which the vehicle involved did not have a valid test certificate. The proposed database would not show whether the fact that a vehicle did not have a valid test certificate was relevant to the accident. It may or may not be relevant—the database would not provide that answer, and at worst it could lead to misleading assumptions being made on the basis of spurious statistics. That is my overriding concern, rather than, as my hon. Friend averred, the perception of vastly increased costs. The point about misleading assumptions was made, in his own individual way, by my hon. Friend the Member for Kilmarnock and Loudoun.

Mr. Miller: The fact that there is a lot of spurious information is precisely what concerns me. There is no scientifically collected data that help us to understand whether there is a correlation between drivers driving without proper paperwork and the consequences of their actions. Academic research may be undertaken, perhaps supported by the Department, but the new clause would create the database that would supply the information to be analysed.

Ms Jackson: The Department intends to engage in research. As I have had occasion to say, the Government are concerned to do everything possible to reduce road casualties. I am not suggesting for one moment that ensuring adequate vehicle maintenance has no bearing on that objective.

My hon. Friend suggested that some vehicle owners take a somewhat casual approach to their responsibilities, and that some drivers are perfectly happy to drive without the valid and necessary paperwork. I think that he was implying that that shows their lack of responsibility for maintaining their vehicle, quite apart from ensuring that it is adequately licensed.

Mr. Browne: As my hon. Friend the Minister said, the existing road traffic legislation provides for the prosecution of the offence of driving vehicles without MOT certificates. Those who have practised in the courts know what small penalties are imposed for that transgression of the law. Unless the prosecution also includes individual breaches of regulations relating to individual parts of the vehicle, the court often does not know the reason for the failure and the reason why the vehicle does not have an MOT.

That long preamble leads me to the general point that I think my hon. Friend the Member for Ellesmere Port and Neston (Mr. Miller) is making. There could be an increase in the penalty for failure to have an MOT certificate and the greater prosecution of individual breaches of regulations if it were known that there is, as many of us suspect, a significant correlation between the roadworthiness of vehicles and their involvement in accidents. I took it from what the Minister said that such research was being undertaken. Will she expand on that for the benefit of the House, and explain the objectives of that research?

10.15 am

Ms Jackson: I thank my hon. Friend for raising an issue that, as I have said, I shall touch on later. We are discussing a vehicle owner's responsibility to ensure that he is legally entitled to drive on our roads by virtue of the relevant paperwork. Vehicle owners also have a responsibility to themselves and to other road users to ensure that, when they put their vehicle on the road, it is roadworthy.

My hon. Friend the Member for Kilmarnock and Loudoun referred to penalties. However, there is, is there not, a deterrent element in the Bill? The modernisation and computerisation of records on MOT testing would affect the ease and speed with which the police would be able to check, in any incident that was brought to their attention, whether the vehicle involved was adequately, properly and legally licensed and had the relevant MOT certificate. The issue of penalties is outside the remit of the Bill.

It is precisely because we are concerned that vehicles on our roads should be roadworthy that we have MOT testing to ensure that vehicles are adequately maintained. We believe that, in the main, the MOT testing scheme serves that objective well. In practice, very few accidents are caused or contributed to by vehicle roadworthiness defects. The vast majority of accidents are caused by driver error, excess speed, or incapacity of the driver through the effects of alcohol or drugs. That is why the Government are working hard to crack down on those problems.

[Ms Jackson]

Research has been carried out over the years to find out what proportion of accidents are caused or contributed to by vehicle roadworthiness defects. Only a small proportion of accidents arise because of such problems. Further research is in the pipeline. An on-the-spot accident study is ready to run for the next three years to provide the Government with up-to-date information on accident causation.

Mr. Dismore: Will my hon. Friend clarify the research? My hon. Friend the Member for Ellesmere Port and Neston (Mr. Miller) was making the point that the lack of an MOT certificate is symptomatic of a much greater disregard for road safety generally. Will the research cover not only the correlation between the lack of an MOT certificate, irrespective of its causative effect on the accident, and the nature of the offence committed by the driver, but the disregard of the need for motor insurance, which often goes hand in hand with the lack of an MOT certificate and a vehicle excise duty licence?

Ms Jackson: I should be happy to furnish my hon. Friend the Member for Hendon with that detailed information. He reiterated the point that my hon. Friend the Member for Ellesmere Port and Neston and I have made. What we are talking about, in respect of a failure to maintain a vehicle in a roadworthy state, is a lack of responsibility on the part of the individual vehicle owner. The requirements of the Bill, and those of existing legislation, are part and parcel of a wish to encourage all vehicle owners to meet those requirements in full.

As I have said, the information that will result from the research to which I have referred, and research of which we already have knowledge, will enable us to make informed decisions about what more can be done to improve safety on our roads. I appreciate that new clause 1 stems from the deep compassion felt by the hon. Member for Ellesmere Port and Neston for the hapless victims of road accidents, which I am sure that all hon. Members share. The Government certainly share it, which is why we have committed ourselves to a wide range of policies and to enabling research to take place. We are taking a number of steps to ensure that our roads become infinitely safer.

I hope that, for the reasons that I have given, my hon. Friend will accept that, in the instances that I have specified, the new clause is unnecessary. The requirements that it mentions are already in the Bill. I trust that he will be willing to withdraw the motion.

Mr. Andrew Hunter (Basingstoke): It would be presumptuous of me to try to add to what the Minister has said, but I should like to make a few brief points about new clause 1.

I appreciated the kind remarks made by the hon. Member for Ellesmere Port and Neston (Mr. Miller) about the Bill, and pay tribute to his commitment to the cause of promoting road safety and related matters. I disagree only with the detail of the new clause, not with the principle.

I agree with the Minister that the Bill as it stands will effectively deliver what the hon. Gentleman seeks. Under the Bill, the police have access to all the information on the database of the Driver and Vehicle Licensing Agency and that on the proposed new MOT database. Clauses 2 and 4 enable information to be made available to any inquiry if the Secretary of State considers that to be necessary.

Dr. George Turner: May I pursue the point about who has a legitimate interest in the information? If I were a solicitor representing someone who had been involved in an accident, I would want to know some facts so that I could advise my client. The information might be available, but I assume that I would have to ask the Secretary of State for permission to have access to it. Does the Bill make it clear that it will be easy for people with a legitimate interest in the information to gain access to it, and that the police would not have to gain access to it first because a court case was involved?

Mr. Hunter: "Easy" is a relative word. Certainly the Bill allows information on the MOT database to be made available to people who have an interest in a particular vehicle. I am afraid that I do not know the precise details of the mechanism whereby the information would become available, but the Bill empowers the Secretary of State, by regulation, to make it available to those who can show an interest in a particular vehicle.

Dr. Turner: I appreciate that the regulations have yet to be drafted, but could the hon. Gentleman give us some idea of how he imagines that the regulations might make the information available, and to whom it would be available? I approve of the principle, but I should like to know more about the practicalities.

Mr. Hunter: The hon. Gentleman must not lose sight of the fact that the regulations will essentially constitute a rerun of those created by the Road Traffic Act 1988. There are points of difference because of the computerisation programme, but they are relatively minor.

I am sorry that I cannot help the hon. Gentleman more. When I was considering tabling the Bill, I went to the Vehicle Inspectorate and was told how the public-private initiative—the new private finance initiative—was working, and what else would be in the programme. I do not know the details, but I willingly accept the principle that the information should be made available as specified in the Bill.

I am afraid that, in my wish to help the hon. Member for North-West Norfolk (Dr. Turner), I have strayed from the subject of new clause 1. The new clause suggests that the record could be useful for research purposes. I confess that I had not considered that possibility, but records of road traffic accidents are currently kept, and the police are obliged to submit completed accident report forms, which are collated and summarised. I understand that they are called "Stats 19 records". That mechanism may not be perfect for providing the information that the hon. Member for Ellesmere Port and Neston wants to be available, but, through discussion with the Government, the Stats 19 records could provide the sort of information that he wants more readily than the MOT database.

Mr. Browne: May I return to the point made by my hon. Friend the Member for Chatham and Aylesford (Mr. Shaw)? My understanding is that clause 2 allows access to information, and that new section 46(6)

empowers the Secretary of State to make regulations to allow access on a commercial basis; but the new subsection restricts access to that which excludes information about the particulars of the premises on which an MOT examination is carried out, or about the person who carries it out—

Mr. Deputy Speaker: Order. The hon. Gentleman's interventions are becoming longer and longer. May I ask him to be a little more brief or, perhaps, to make a speech later?

Mr. Browne: I will try to conform to your guidance, Mr. Deputy Speaker. The simple point that I wish to make is this. A person with an interest may want access to the information for legitimate reasons, perhaps in order to sue a garage or individual tester. Does the new clause provide for that?

Mr. Hunter: I appreciate your leniency, Mr. Deputy Speaker, in allowing the debate to wander from the subject of new clause 1.

New section 46(6) facilitates the commercial sale of information on a database, but excludes means of identifying car owners and MOT testers. New subsection (5) allows the Secretary of State to facilitate access for prescribed persons, such as the police.

10.30 am

Mr. Dismore: There is much to be said for new clause 1. It tries to deal with two different issues: first, the problem that often occurs at the scene of an accident; secondly, the problems that occur later. Perhaps at this stage, I should declare an interest. For some 20 years, I practised as a solicitor specialising in personal injury law, although I have not taken any cases since being elected to this place.

My hon. Friend the Minister for Transport in London dealt with a number of the problems that may arise through references to other parts of the Bill, but one or two key factors are still not being addressed there. At the moment, if someone is involved in a road accident and cannot produce their documents there and then, all the police can do is issue them with a document—I think that it is called a HORT/1—asking them to produce their insurance certificate, MOT certificate and driving licence.

Effectively, the driver can then move off with impunity, irrespective of whether the vehicle is roadworthy. The police will obviously do a check there and then, but, in practice, whether the vehicle has an MOT certificate is not taken into account because the police simply cannot check that.

I hope that, as a result of the Bill—I think that the new clause would go some way towards contributing to solving the problem—the police may be able to dial up and check there and then whether the vehicle has an MOT certificate. However, that begs the question: what do the police do if it turns out that the vehicle does not have an MOT certificate? Do they have the power, for example, to say that the vehicle cannot be moved except on the back of tow truck? Effectively, even though the vehicle does not have an MOT certificate—

Mr. Deputy Speaker: Order. The new clause is not about the powers of the police.

Mr. Dismore: The point that I make arises out of the inquiry that is permitted at the scene of a road traffic accident in relation to the MOT certificate. My concern is whether the police can stop that vehicle being used.

The measure is also helpful for inquiries into the causes of accidents. The Minister mentioned that the vast bulk of road accidents is caused not by the condition of the vehicle, but by the carelessness or wilfulness of the driver concerned. Given my experience of 20 years in practice, I concur with that view, but problems arise concerning the condition of the vehicle, which sometimes may be detected by an MOT certificate and sometimes not.

My hon. Friend the Member for Chatham and Aylesford (Mr. Shaw) made the telling point that, sometimes, a vehicle has been cut in half and welded together. Sometimes, it may have an MOT certificate and sometimes not. I can illustrate the point from personal experience. A few years ago, I had a car stolen. I was very sad to see it go. It was a bit of a boy racer car—a racing green Ford Capri 2.8, the last of the line and utterly irreplaceable. When it was stolen, I was heartbroken. Ultimately, the police found it, but it had been completely stripped of everything.

Mr. Shaw: Even the furry dice?

Mr. Dismore: There were no furry dice, but the sunroof and speedy wheels had gone. The vehicle was written off by the insurers because to replace the spare parts alone would have cost £6,000.

A year or two later, the DVLA asked me the circumstances in which the vehicle had been written off because someone had bought the shell, somehow reconstructed it and applied to re-register the vehicle. When I lost it, the vehicle had an MOT certificate. That person could have reconstructed the vehicle and, for all we know, it could have been driven around in an unsafe condition. In fact, the vehicle was still structurally sound. The thieves had taken only the bits off, so I was able to reassure the DVLA, but that is the sort of problem that could be dealt with by the new clause.

Another problem that often arises in investigating road accidents is determining whether a defect on the vehicle is a latent or patent defect. Sometimes, it may be detected by an MOT inspection and sometimes not. I remember a case that I dealt with in practice where the driver's seat suddenly shifted as the driver came up to a T-junction, propelling him forward and, he said, pushing his foot firmly on to the accelerator. Needless to say, the vehicle shot across the T-junction and into the path of an oncoming vehicle. As people say in such matters, a collision ensued.

The big problem that we had in the investigation was whether the accident was a result of a defect in the vehicle, or whether the driver was making up a story. The new clause would go some way towards helping to resolve that problem.

[Mr. Dismore]

We had grave difficulty in tracking down whether the vehicle had an MOT certificate because court proceedings at that time meant that we could not ask the other party to produce the certificate until after proceedings had commenced. Therefore, during most of the preparations for the case, we had no idea one way or the other about the vehicle's condition, other than what we could detect by inspection. We could not check whether the vehicle had an MOT certificate. The recent rules of court changes that came in a couple of weeks ago may go some way towards dealing with that problem through pre-action protocols, but it was a serious problem at the time.

One of my concerns about the new clause is that it does not necessarily deal with the position where there is a defect in a vehicle that may not require an MOT certificate. I pray in aid of that argument an accident that occurred to a councillor in my constituency only a few weeks ago. A wheel came off his brand new car—it was only a couple of weeks old—as he driving on the motorway. He had no way of knowing about the problem. Luckily, no one else was hurt, but one of the problems in those circumstances would be to determine the cause of the accident. The MOT certificate would not really help much there.

My hon. Friend the Member for North–West Norfolk (Dr. Turner) raised an important point—the extent to which the information will be made available beyond the police and the enforcing authorities and, in particular, whether it will be made available to the victim of a road accident, or that person's lawyers.

At the moment, if a road accident occurs, the normal procedure at the scene of the accident is to exchange details of insurance. As I understand it, there is no obligation in road traffic legislation to exchange MOT details as well. It may be that, through the new clause, that could become part of the standard procedure at road accidents. The new clause may help those investigating road accidents and those at the scene of the accidents—the victims—to deal with that problem.

Ms Glenda Jackson: I appreciate the arguments that my hon. Friend advances but, under new section 46(6) of the Act, anonymised particulars and information would be sold

"(a) to such persons as the Secretary of State thinks fit, and

(b) for such price and on such other terms, and subject to such restrictions, as he thinks fit".

Therefore, as I said earlier, the new clause is not necessary. The requisite powers will be in the Bill.

Mr. Dismore: I am grateful to my hon. Friend for raising that point.

Fees will be levied. In parenthesis, I hope that those are reasonable because the charges that are levied by the police in relation to their reports are sometimes excessive. My concern is that the Bill creates quite a bureaucratic process by which to obtain the information. How much easier it would be if the parties could simply exchange the details there and then, on the spot, at the time of an accident, as they do with insurance details.

The new clause contains the word "inquiry" as opposed to "enquiry". They have, I think, different grammatical and syntax effects. "Inquiry" effectively means inquiries by public authorities, the police and so forth. "Enquiries" would include those made by, for example, solicitors investigating the cause of an accident, or the victim of accident who is trying to find out whether the MOT certificate had any relevance to the case.

For that reason, although I share the sentiments behind it, I cannot support the new clause as it stands, although if the word had an "e" instead of an "i" I would be much more supportive.

Dr. George Turner: New clause 1 might be a helpful tool to allow us to explore the principle of freedom of information. I was elected on a manifesto that said that we, as a party, supported freedom of information.

I congratulate the hon. Member for Basingstoke (Mr. Hunter) on his Bill. I am pleased that some progress is being made in terms of the data that is collected and the use of computers to store, and to help in the analysis of, the data.

I was shocked when, as a police authority member, I found that incidents records were still being kept, in long-hand, in a book—making analysis of the incidents next to impossible. As a result of my experience of a police authority, I believe that the failure of police to adopt information technology must seriously hamper their ability not only to investigate crime, but to analyse incidents. I am absolutely certain that greater knowledge about what causes accidents will help us to reduce the problems that they cause so many people.

I was interested in the Bill also because, as someone with an information technology background, I believe that, in introducing information technology, it is a mistake merely to make minor amendments to previous practice. A common mistake when finally involving computers in our work is simply to record what we have done before. I am concerned that the Bill may have a weakness in that it does not change enough regulation sufficiently to effect current practice.

I should be grateful if the Minister would help me to understand the basis on which information will be made available, as I am not sure whether large sums will be involved in operating the provisions. If large sums will have to be paid to gain information, the Exchequer's point of view on the matter would be understandable. However, I hold the prejudice that information should be readily available to those who want to use it, and that the people best placed to judge whether they should have it are those who will take the time and make the effort to use it.

I accept that personal details—possession of which might be deemed to be an intrusion into an individual's privacy—should be protected. However, we should not extend the concept of privacy to motor vehicles.

Mr. Shaw: I appreciate the point that my hon. Friend is making. On Second Reading, my hon. Friend the Minister for Transport in London gave as an example the fact that

"prospective purchases of second-hand vehicles might be interested to see evidence of the recorded mileage of vehicles submitted for MOT test."—[*Official Report*, 5 March 1999; Vol. 326, c. 1406.]

Does he think that such information would be very welcome to people wishing to buy a second-hand car?

Dr. Turner: Indeed; and I shall deal with that very point after developing my argument a little.

I hold the prejudice that, unless large sums are involved, Government should adhere to the principle of freedom of information, and not censor information unless there is good cause to do so.

Mr. Deputy Speaker: Order. The hon. Gentleman is now going rather wide of the mark, which is new clause 1. I should be grateful if he would come back to dealing with the specifics of new clause 1.

Dr. Turner: I shall, of course, take your advice, Mr. Deputy Speaker. I am essentially coming back to the point made by my hon. Friend the Member for Hendon (Mr. Dismore) on the difference between an "inquiry" and an "enquiry".

We should certainly be considering the possibility of making information available on the basis of an "enquiry". We are talking about information that should, quite reasonably, be available largely on the internet. I do not know why there should be a bureaucratic procedure—in which civil servants process forms claims according to rules drawn up by Ministers, and regulations that took up parliamentary time—to gain that information. We should not create further bureaucracy to handle public information that should be available on the internet. It should take only a few clicks of the mouse to discover the history of the car that one wishes to buy.

10.45 am

Computerisation and other modern technology could revolutionise the way in which consumers are informed. I simply cannot understand why, when they are deciding on a car purchase, people should not be able to analyse the relevant information stored on the internet—such as whether a particular car model made in 1996 had a good repair record. MOT information on why a car or model of car failed its test is very useful for the individual.

Why should access to such information entail a bureaucratic process? Why should we require permission to gain that information? Should not the public have a right of access to information, unless there is a good reason why they should not have it?

Mr. Dismore: My hon. Friend is making a very interesting point. Let us suppose that someone was considering buying a specific vehicle or make of vehicle and paid a fee for information on it, but then decided not to purchase that vehicle or make of vehicle. Under the provisions of the Bill, he would have to pay a fee each time that he wanted information on a vehicle—perhaps several times—whereas, as my hon. Friend said, vehicle information on the internet could be gained at minimal cost.

Mr. Deputy Speaker: Order. Before the hon. Member for North-West Norfolk (Dr. Turner) responds to that intervention, I remind the House that the new clause is not about purchasing vehicles, but relates specifically to accidents.

Dr. Turner: I understand your point, Mr. Deputy Speaker, but I am generalising from the specific point—to which I shall return.

I really should be grateful if, before the new clause is withdrawn or pressed to a Division, the Minister or the hon. Member for Basingstoke would make it clear why there should be any restriction on such information, and why it could not be gained with a simple "enquiry". I appreciate that some information is more personal, involving the privacy of the citizen, and should not be made available without a formal procedure. However, it is entirely legitimate to allow people making a simple "enquiry" access to the type of information that we are discussing—such as whether a vehicle had had an MOT or recently failed one. Members of the public should be able to access that information if they feel that they should have it. We do not need a bureaucracy to give us permission to have access to it.

Ms Glenda Jackson: As I have already had occasion to say, the Bill provides that such information would be available if the "enquirer"—I think that I am right in that; not "inquirer"—could show that he or she had a legitimate interest in a particular vehicle. My hon. Friend spoke of someone wishing to purchase a second-hand vehicle.

Under the regulations, which are to be defined, it will be possible for organisations and businesses dealing specifically in the matter to buy information about a wide range of vehicles. I am sure that my hon. Friend is aware of the Data Protection Acts, and that he joins all hon. Members in wishing to ensure that machines and other individuals are not able to intrude ever more greatly in our lives by making "enquiries", the origin of which we would not know.

Dr. Turner: I thank the Minister for making that point, although I am not sure that I entirely agree with it. I have absolutely no concern about some information about my life being available on computer. Although I should like some of it to be protected, that certainly does not include information about vehicles.

I am simply suggesting that the information should be available on the internet—which is in the spirit in which the Labour party is proposing freedom of information for the citizen. I believe that—generally, if it does not involve real cost—information held by the Government should be available to the public. The real cost of the information that we are discussing would be incurred by creating bureaucracy.

Mr. Shaw: I take my hon. Friend's point, and I am being convinced by his argument. However, does he agree that information should be available not only about a car's history and MOT, but about the garage's history and the quality of—

Mr. Deputy Speaker: Order. I do not want to have to remind the hon. Gentleman again—we are now straying very wide of the mark.

Dr. Turner: On your advice, Mr. Deputy Speaker, I shall ignore that intervention.

I conclude with a straight question. If the provision involves a bureaucratic procedure, why is that necessary? If the information is stored on computer and government computers are already linked, why should the information not be available on the internet? Information that is held by the Government and is not personal is public information and should therefore be accessible to the public at a realistic charge. If the information were on the internet, the charge would need to be only some tenths of a penny.

Mr. Tony McNulty (Harrow, East): I congratulate the hon. Member for Basingstoke (Mr. Hunter) on introducing

[Mr. Tony McNulty]

the Bill, which goes a long way towards precisely what my hon. Friend the Member for North–West Norfolk (Dr. Turner) suggested that it did not do—using computerisation to provide much more than paper records.

Although we have had a useful and interesting debate on new clause 1, the underlying confusion demonstrates the flaws of the proposal, which attempts to do four different things in 10 different directions on the premise of two underlying themes. The notion that there should be, in our legislative body, greater recognition, or analysis, of vehicles involved in road traffic accidents in which death or serious injury occurs is beyond doubt. I could explore why it is shameful that people get away with murder in respect of deaths on the road, but I am sure that I would be admonished. The new clause is not the vehicle to redress the imbalance in our criminal law in respect of those who cause death or serious injury. Although it is well meaning to hook it on to this commendable Bill, it is not necessarily appropriate. Nor is it appropriate to talk at length about 20 mph zones, which reduce the incidence of traffic accidents—

Mr. Deputy Speaker: Order. The hon. Gentleman is anxious not to be admonished, so I should be grateful if he would return to new clause 1.

Mr. McNulty: I apologise, Mr. Deputy Speaker. Although it expresses the important concern about death and serious injury, new clause 1 is inherently flawed in trying to tag it to the Bill. Its aim is commendable, but this is not the place for it.

Unlike my hon. Friends, I have serious difficulties with the flippant phrase, "any inquiry". The new clause might as well have said, "any old inquiry". The notion expressed by my hon. Friend the Member for North–West Norfolk that the information should be accessible to anyone at public cost and that it should be on the internet is nonsense. It is one of the most absurd reasons that I have heard for freedom of information. Frankly, it undermines genuine, serious arguments in support of that.

I also have difficulty with the notion that, somehow, we should narrow the scope of new clause 1 to vehicles for which appropriate test certificates have not been issued. There are fundamental reasons why it should not be in the Bill, not least because its aims are already incorporated in this and other measures. People make spurious links between the absence of a test certificate and the responsibility or otherwise of the keepers of vehicles, not least those involved in accidents, and new clause 1 would formalise that in legislation. It says nothing about the link between road traffic accidents in which death or serious injury occurs and whether or not the vehicle has an MOT and it does not make a case for obtaining the records of the vehicles involved in such accidents. Neither aspect of what is fundamentally a well-meaning new clause would achieve its objective, so it is flawed.

In respect of whether the new clause should refer to an "inquiry" or an "enquiry", the Bill makes it quite clear what is required from any legitimate source seeking to access the information. It is both flexible and permissive. I can only assume that my hon. Friend the Member for Hendon (Mr. Dismore) was touting for trade for his colleagues in the personal injury field by seeking to broaden it further than necessary.

Although the hon. Member for Basingstoke accepted the thrust of new clause 1, which certainly has broad support on both sides of the House, this is not the place to incorporate provisions in respect of death and serious injury in road traffic accidents. New clause 1 is a nice try; it covers many serious issues, but I urge my hon. Friend the Member for Ellesmere Port and Neston (Mr. Miller) to withdraw it, as it does not add much to a Bill that does a great deal in respect of moving MOT records from a paper trail to computerisation. We would do the country a disservice if we did not utilise that opportunity for modernisation. New clause 1 is flawed and I urge the House to sling it out.

Mr. Miller: We have had a fascinating debate on an important issue. If I am allowed, I join you, Mr. Deputy Speaker, in admonishing my hon. Friend the Member for Harrow, East (Mr. McNulty), who missed the spirit of my new clause. My hon. Friend the Member for Hendon (Mr. Dismore) revealed that he is not only a scholar, but a boy racer. Perhaps another time he will give me a lesson in the use of English. The hon. Member for Basingstoke (Mr. Hunter) made an interesting speech and I am grateful for his contribution. We are on the same side in respect of this important issue. My hon. Friend the Member for North–West Norfolk (Dr. Turner) made some important points about privacy. I hope that the Government recognise that we should not design computerised systems simply to replicate the existing paper-based systems. If the regulations are at fault, they should be amended accordingly—

It being Eleven o'clock, MR. DEPUTY SPEAKER *interrupted the proceedings, pursuant to Standing Order No. 11 (Friday sittings).*

Biotechnology

Mr. John Butterfill (Bournemouth, West): On a point of order, Mr. Deputy Speaker. Is it not an abuse of the House that the Government bring forward such an important statement on a Friday, when very few Members are here? Is it not even more of an abuse that the Government have consistently done that on five Fridays when there is legislation that they wish to filibuster—notably the Referendums Bill today?

Mr. Deputy Speaker (Mr. Michael Lord): Madam Speaker has no discretion over the making of Government statements at customary times. The Standing Order relating to Friday sittings makes specific provision for statements to be made at 11 o'clock. That is not a matter in which the Chair can intervene. As far as the Chair is concerned, Friday is a proper working day.

Mr. Eric Forth (Bromley and Chislehurst): Further to that point of order, Mr. Deputy Speaker. Of course we accept what you have said, but perhaps you and Madam Speaker and others could look to see whether it is a coincidence that, over the past few months, when the Government have wished for whatever reason to prolong business, a statement has appeared, while on other days, when that has not been their wish, there has been no statement. Is it beyond possibility or probability that something else might lie behind that coincidence? Perhaps there is a case for looking again at our Standing Orders to see whether such an abuse is avoidable.

Mr. Deputy Speaker: If it is not convenient to Members, I suggest that the right hon. Gentleman takes the matter up through the usual channels or proposes that it be looked at by the Procedure Committee.

11.1 am

The Minister for the Cabinet Office (Dr. Jack Cunningham): Biotechnology is an important and exciting area of scientific advance that offers enormous opportunities for improving our quality of life. In health care, biotechnology has already helped to develop better treatments for diseases, including multiple sclerosis, heart disease and diabetes. It is also helping the environment through techniques such as bioremediation, which assisted the clean-up of beaches following the Sea Empress oil spill in 1996. In agriculture, genetic modification has the potential to ensure the more efficient production of food that is more nutritious, tastes better and requires fewer pesticides. That is just the start.

There are many real and exciting benefits and potential benefits, but the technology is new and the risks must be rigorously assessed. The Government recognise the considerable public concern about the safety of genetically modified food and crops. Our overriding duty is to protect the public and the environment. We must continue to ensure that the controls that we have in place are sound and command public confidence.

That is why my right hon. Friend the Prime Minister established a new Cabinet committee on biotechnology last autumn. It is why the first decision of the Committee in December was to carry out a review of the regulatory framework to ensure that it was rigorous, as transparent as possible and able to cope with so fast-moving a technology. We invited a wide range of interested bodies to give us their views, including the Select Committees of this House. It is also why we thought it essential to seek the views of the public through the consultation on the biosciences. It is why we commissioned a report from the chief medical officer and chief scientific adviser on the public health implications of genetically modified food. All three reports are published today.

My right hon. Friend the Minister for the Environment and my hon. Friend the Minister of State, Ministry of Agriculture, Fisheries and Food, who is responsible for food safety, have also been in discussion with the industry over the past year to ensure the effective management of the cultivation of genetically modified crops in this country. Today, we are endorsing guidelines for the cultivation of those crops.

The review has found that the existing system of careful case-by-case assessment of new biotechnology products and processes is an essential component of our regulatory system. However, there are persuasive arguments for strengthening the system by adding new strategic commissions to take a broader long-term view of developments in the technology.

We shall set up two new advisory bodies. The Human Genetics Commission will advise us on applications of biotechnology in health care and the impact of human genetics on our lives. The Agriculture and Environment Biotechnology Commission will cover the use of biotechnology in agriculture and its environmental effects. Working alongside the Food Standards Agency, which will soon take on responsibility for genetically modified foods, the new bodies will have wide-ranging remits, advising Ministers on likely future developments in the technology and addressing broader issues, such as ethical considerations.

The members of the new commissions will be drawn from a broad range of interests. Those with expertise of consumer issues and ethics, for example, will sit alongside scientists. The commissions will also consult widely with the public and stakeholders when carrying out their work.

One of the main findings of our consultation exercises was that the regulatory system should be made more transparent. We agree, and our report published today includes guidelines on transparency that all committees involved in biotechnology, including the new commissions, will be required to follow. We are confident that, with those changes, we will have a rigorous and open system for regulating biotechnology that will safeguard the public interest.

In their report on genetically modified foods and public health, the chief medical officer, Professor Liam Donaldson, and the chief scientific adviser, Sir Robert May, conclude:

"Many of the issues raised by foods resulting from genetic modification are equally applicable to foods produced by conventional means."

They go on:

"There is no current evidence to suggest that the genetically modified technologies used to produce food are inherently harmful."

They further report:

"We are reassured by the precautionary nature and rigour of the current procedures used to assess the safety of individual genetically modified foods."

They emphasise the need to keep a close watch on developments and to continue to fund research to improve scientific understanding in this area. The Government and our advisory committees will continue to do that.

[Dr. Jack Cunningham]

Their report encourages us to improve the openness of the regulatory procedures to public scrutiny. We are doing that today. The report also recommends that consideration should be given to the establishment of a national surveillance unit to monitor population health aspects of genetically modified and other types of novel foods. The Advisory Committee on Novel Foods and Processes is already discussing how that might be done. The ministerial Committee will review progress in the autumn.

The Government have been working with environmentalists and the biotechnology industry to ensure that the first farm-scale plantings of genetically modified crops in Britain are carefully managed. That is why we have embarked on a programme of evaluations, which are being rigorously undertaken to secure thorough and reliable evidence on whether they cause damage to the environment. Unrestricted commercial cultivation of any crop will not proceed until we are satisfied that it does not harm the environment.

Today, the industry group SCIMAC—the supply chain initiative on modified agricultural crops—has published a package of measures that will ensure that proper care is taken when the crops are grown on farms. We welcome that important step forward. The tough rules are underpinned by legally binding contracts. There will be an independent system of enforcement and audit. Some have said that we should have legislated on the issue. That would inevitably have taken much longer than our voluntary approach. However, we think that the guidelines could well form the basis of future legislation. We shall work with the industry and our European partners to take that forward.

The Science and Technology Committee said this week that we need an informed public debate in this area. It condemned some media treatment of the subject and called for more openness and transparency, and for more information to be provided to the public which is accurate and objective.

We agree. The measures that we have announced today are intended to achieve that, but we need to establish the debate on a firm base. The chief medical officer and the chief scientific adviser firmly believe that there is no current evidence to suggest that genetic modification technologies used to produce food are inherently harmful. The Committee came to the same view. The Royal Society this week convincingly dismissed as wholly misleading the results of some recent research into potatoes, and the misinterpretation of it. There is no evidence to suggest that any GM foods on sale in this country are harmful.

The Government welcome open, rational and well-informed debate. That is the best way to safeguard the public interest. We regret that some political, some media and other treatment of the issues has not served the public well.

Biotechnology undoubtedly has the potential to improve our quality of life in many ways. It is the Government's responsibility to encourage this potential, but we will not do so at the risk to public health and the environment. This duty is at the heart of today's announcement.

Mr. Tim Yeo (South Suffolk): We warmly welcome the statement, and I am grateful to the Minister for making it available to me in good time—about three quarters of an hour ago. However, I fully endorse the points of order raised by my hon. Friend the Member for Bournemouth, West (Mr. Butterfill) and my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) about the disadvantage of interrupting a debate on an important private Member's Bill by, yet again, having a statement on an issue of prime concern to the whole country on a day when the House is inevitably almost empty. I welcome also the reports published with the statement, which we will want to study carefully.

What the Minister has said today will be judged by three criteria. Will it protect the British environment against possible damage from GM crops? Will it protect the British people against the possible risks to human health? Will it restore confidence in the integrity of the Government and guarantee that future decisions are taken more openly, with the environmental and health considerations put before political and commercial considerations?

Does the Minister realise that the last five months of evasions, distortions and muddle have destroyed public confidence in the safety of GM crops and food with GM ingredients? Does he agree that the Government's confusion has dealt a near-fatal blow to the prospects in Britain of a potentially beneficial and important technology? Does he recognise that the Government's failure to distinguish sufficiently clearly between the environmental and health risks has needlessly increased public anxiety?

Does the Minister realise that the Prime Minister himself made the matter worse when he said last February that he thought that it was

"important to proceed on the basis of sound science"

only to be contradicted within hours by the statutory adviser to the Government, English Nature, which said:

"We cannot assure the public that decisions are being made on the basis of good environmental science."?

Those of us, such as the Conservative party, who want the benefits of biotechnology available to Britain can only deplore the Government's handling of the issue so far.

Does the Minister accept that there is a risk that certain genetically modified crops could upset or even destroy the balance of nature? Does he realise that there is now an overwhelming case for an absolute ban on all commercial planting of herbicide-tolerant and insect-resistant GM crops until research into their environmental impact has been completed?

Does the Minister recognise that completing this research will take at least three years—and possibly longer, depending on the results of trials now under way? Does he realise that the need for this approach is supported by English Nature, the chief scientific adviser, the Science and Technology Committee, the Royal Society for the Protection of Birds and many other non-governmental organisations?

Does today's statement mean that some commercial planting of GM crops, as opposed to planting for research purposes, will now take place with Government approval? Will the Minister explain how such planting is to be regulated? Are adequate resources available to monitor it, in light of the rapid increase in the scale of planting expected over the next year?

Does the Minister agree that, as breaches of trial conditions have led already to convictions in court of a leading company, self-regulation by the industry is not

acceptable? The Government must take responsibility for regulation. What protection is proposed for organic farmers from the risk of contamination from GM crops? What protection is available for conventional farmers? Will there be compensation for any farmer whose business is compromised?

Is the Minister satisfied that the SCIMAC guidelines take account of the latest evidence about the greater distance over which pollination can occur? Does he agree with the Minister for the Environment, who is sitting beside him—who said yesterday that, if evidence were available in Britain of threats to biodiversity, such as that posed by BT maize to the monarch butterfly in America, certain GM crops might have to be banned outright?

On health issues, I warmly welcome the publication of the report from the chief medical officer and the chief scientific adviser. I stress that the Opposition accept that the food on sale in Britain today containing GM ingredients passed all the tests thought necessary at the time that it was approved.

Will the Minister confirm that, last year, the Government were sufficiently worried about the long-term health consequences of food with genetically modified ingredients to approve a scheme to collect data from supermarkets about patterns of consumption and monitor them against health trends? Now that the scheme has been dropped, what alternative scheme is being prepared to obtain such data if it is thought necessary?

Does the Minister recognise that, even after today's assurances, some consumers will want to avoid eating food with GM ingredients? Will he therefore introduce simple, clear and accurate labelling requirements? What plans do the Government have to improve the labelling of animal feedstuffs which may contain GM ingredients? Does the Minister accept that, for the purpose of approving novel foods in future, the concept of substantial equivalence is seriously flawed? Will the Minister explain what steps the chief medical officer and the chief scientific adviser will take to watch future developments?

On the integrity of Government decision making, does the Minister realise that the publication yesterday of a letter giving details of discussions of the so-called biotechnology presentation group has raised serious questions about the Government's approach? Will he now publish the minutes of all the meetings of the group? Does he realise that people now suspect that the Government are more concerned with manipulating the media and public opinion than with protecting the environment and the health of the British people? Does he consider it a proper use of civil servants' time to try to control which scientists are interviewed on "Today"?

Will the Minister state whether any changes were made by the group to the draft report submitted by the chief medical officer and the chief scientific adviser before its publication today? If so, what were they and why were they made? Since the same letter states that Departments were

"working to line up third parties to author articles in the media before the announcement"

does he consider, in light of the newspapers of the past two days, that it has been successful in that aim?

How will the proposed "central co-ordinated rebuttals strategy" work? What is its aim? Is it to prevent alternative views to those of the Government from being expressed? Will the Minister confirm that, in future, all advice from the chief medical officer and the chief scientific adviser will be published without having to be

"cleared by the biotechnology presentation group"?

Does he agree that the very idea of subjecting advice that is supposed to be delivered by objective and expert independent advisers to a group of politicians whose aim is to massage public opinion is utterly disgraceful?

Will the Minister consider making the chief medical officer and the chief scientific adviser more directly accountable to Parliament, perhaps through the relevant Select Committees, so that the integrity of their advice can be guaranteed in future?

The Opposition welcome the publication of today's reports as one step towards rebuilding public confidence, but the Minister must understand that the Government will be judged on whether the measures really place the protection of the British environment and the health of the British people higher up the Government's agenda than hitherto.

Dr. Cunningham: Let me take the hon. Gentleman's last point head on. From the outset, following the election of the new Labour Government in May 1997, we put the health and well-being of people and the environment at the top of our agenda; unlike the Conservative Government, we made it our overriding priority and it has remained so ever since. *[Interruption.]*

I am bound to say, if the right hon. Member for Hitchin and Harpenden (Mr. Lilley) will shut up for a moment, that the long list of questions that the Opposition spokesman put to me today could well have been put to the previous Government, but not one of them was. At the very time when the Opposition spokesman was himself a Minister in the Department of the Environment, none of those questions was asked. No, that is wrong: one question was asked, about animal feedstuffs. The Lamming committee advised that the Conservative Government should take action, but Ministers ignored the recommendation and did nothing.

The hon. Gentleman mentioned labelling. *[Interruption.]* When we came to office in May 1997, Government officials in Brussels had instructions from the Conservative Administration to oppose proposals for labelling food—to oppose consumer choice on genetically modified food—so I suspect that he may regret having asked that question. *[Interruption.]*

Mr. Deputy Speaker: Order. There are too many interruptions from a sedentary position. The Minister must be allowed to respond.

Dr. Cunningham: As well as lacking ideas and policies, Mr. Deputy Speaker, Conservative Front Benchers lack courtesy and manners.

The hon. Gentleman began by welcoming the reports. I accept that they contain a large amount of information that he and his colleagues will need time to consider. At least they welcome them in principle, which is helpful. He set out three criteria. Will the proposals more effectively safeguard the environment? Yes, they will. Will they more effectively safeguard the health of the people of this country? Yes, they will. Will they begin to restore public confidence in the safeguards and processes? Yes, they will.

[Dr. Cunningham]

The thorough and wide-ranging consultations that we have undertaken have produced very positive responses in respect of the main parts of the regulatory and advisory system that we inherited from the Conservative Administration. The Science and Technology Committee was robust in its support of the Advisory Committee on Releases to the Environment and of the Advisory Committee on Novel Foods and Processes.

We also got a strong message from the consultations that there should be more openness, transparency and public involvement, to improve public understanding of how the system works in the public interest. We have accepted that criticism and we are putting in place measures to improve matters. We have also accepted that there should be new super advisory commissions, to engage the wider interests of stakeholders—people with legitimate interests—and the public, so people can not only see but be involved in the process that is there to safeguard the public interest.

The hon. Gentleman asked about the integrity of the Government decision-making process. The process is such that we see no evidence at all to support his repeated call for a blanket moratorium on the growing of genetically modified crops. That call is almost devoid of support except from the well-known environmentalist groups.

Mr. Peter Lilley (Hitchin and Harpenden): English Nature.

Dr. Cunningham: English Nature has never called for a blanket moratorium on the growing of genetically modified crops, so the right hon. Gentleman would be better advised to shut up and give up his sedentary interventions, because they are all mistaken, wrong and ill-informed, as is all too easy to illustrate.

The integrity of the Government decision-making process is strengthened by the measures announced today. As for the hon. Gentleman's playful teasing about the way in which the system works, we are criticised by him and by other hon. Members for not co-ordinating the Government's response, and when Ministers get together to do just that, he criticises that, too. He cannot have it both ways. I greatly applaud the excellent work being done by my ministerial colleagues in the inter-ministerial committee. We shall certainly continue to co-ordinate the Government's response effectively, exactly as the public would expect.

Joan Ruddock (Lewisham, Deptford): I thank my right hon. Friend for his statement. I look forward, as must others, to reading in detail the reports to which he has referred. He mentioned guidelines for the cultivation of crops. Is he aware of the concern of the Soil Association and of our organic farmers about the difficulty that they think that they face in preventing contamination of their crops and protecting the integrity of organic food, which we know the public are keen to buy, if the buffer zones are not extended? Is there new provision in the guidelines for extending the zones? If not, will my right hon. Friend make it possible to extend them in future, if contamination occurs from the farm test sites?

Dr. Cunningham: I am grateful to my hon. Friend for her welcome for the statement. As a member of the Soil Association, I am very much aware of its views. Yes, the guidelines for cultivation will cover matters such as crop separation. My hon. Friend the Minister of State, Ministry of Agriculture, Fisheries and Food and my right hon. Friend the Minister for the Environment are in consultation with the association about those issues. One of the arguments in favour of the field and farm-scale trials is exactly to allow us rigorously to assess the implications for the environment and then make whatever decisions are necessary in the light of the evidence that accrues.

Mr. Norman Baker (Lewes): I welcome the fact that we have had a statement, but I am also concerned about its being on a Friday. There was no statement yesterday, although one could have been made at 12.30 pm. I suggest that the Government took that decision because the statement is largely content-free.

We welcome the overarching bodies proposed in the statement, and especially the Agriculture and Environment Biotechnology Commission, and we support the idea of a national surveillance unit. Will those with pecuniary interests in the biotechnology industry be eligible for places on those bodies?

This is a GM dog that does not bark. There is a whole range of questions that the statement does not address in any way. Once again, the Government are running behind the GM juggernaut and are not in the driving seat. I want to ask some of those questions. I can do no better than to ask the questions that the Government themselves have asked.

I refer to a leaked Cabinet paper—not the one that we saw yesterday, but another leaked Cabinet Office document dating from 19 February, entitled "GM Foods—Policy and Presentational Issues". As the Government have had the questions in it before them for three months, presumably the Minister will be able to answer them.

These are the Government's own questions:

"In respect of the voluntary deal with the industry, how can we be sure that the deal will not unravel? What can we do if it begins to do so? Do we have any statutory power to impose in-use conditions?"

"Are we 100 per cent. sure that the voluntary deal will allow us to capture all the necessary data to come to a sensible evaluation?"

"What about long-term monitoring? Even after five years, the real environmental effects may not be known. Will we have the means to identify longer-term effects?"

In terms of labelling, the Government ask:

"is our labelling line on soya oil tenable?"

The questions continue:

"If people have ethical objections to GM processing, should they not have a real choice informed through labelling?"

As for the impact of GMOs on health, the Government asked themselves:

"Why don't we require a pharmaceutical-type analysis of the safety of these foods with proper trials? What if it"—

that is, the study—

"says that there is evidence of long-term effects? This will look like we are not sure about their safety—we do not monitor consumption of other foods."

In respect of animal feeds, the Government ask

"how can we be sure of the safety of products derived from animals which eat GM animal feeds?"

Those are just some of the questions in the Cabinet Office paper that demonstrate that the Government have the questions but no answers. Rather than bringing us a vacuous statement about an overarching body—although I welcome that—which does not answer any of the questions—[HON. MEMBERS: "You just said you welcomed it."] I welcome one part of it, but there is a lot missing.

I ask the Minister to be rather less gung-ho about genetic modification and rather more assiduous in answering the questions he himself asked on 19 February.

Dr. Cunningham: The hon. Gentleman is, as so often, confused. He is referring not to a Cabinet Paper but to a paper for the working meeting of interdepartmental officials. He is wrong to present that to the House as a Cabinet paper. His lukewarm welcome of my announcement is typical of the hon. Gentleman, whose sole parroted cry is either to call for a blanket moratorium on the growing of GM crops, which would mean that we would get no evidence to answer his questions—

Mr. Baker *indicated dissent.*

Dr. Cunningham: That shows the stupidity of his position. His other tactic, which fortunately he has not repeated in the Chamber, although he used it on the radio this morning, is deliberately to misrepresent the views of the Government chief scientific adviser. He is wholly wrong in that regard, too.

Of course, nobody can ever guarantee that a deal will never unravel, especially now when the biosciences are moving so rapidly. However, there are strong provisions in the agreement. There are obligations that have to be met, to which the companies involved have agreed. All our evidence is that the companies want an agreement that will work in practice.

The hon. Gentleman read out a question about the availability of data. I repeat that we can get data on environmental impact only if we have field and farm-scale trials. Perhaps he will go away and reflect on whether he still supports a moratorium on those, at the same time as asking for data to evaluate. That is a contradictory position.

Of course, as the Minister for the Environment and my other colleagues and I have made clear many times, we shall go on examining the trials for as long as is necessary to satisfy ourselves that there are no serious harmful effects on biodiversity. If we find harmful effects of the kind reported by Cornell university in *Nature* this week, albeit from a laboratory experiment, not from field trials, we shall take action similar to that which the European Union has already taken in respect of that evidence from Cornell, and stop licensing processes until we are satisfied that the situation is fully understood.

Several hon. Members *rose—*

Mr. Deputy Speaker: Order. I appreciate that this is an important subject, and the Minister made an important statement that invites longer questions, but I remind hon. Members that this is a private Members' day, so perhaps we can now have shorter questions and answers.

Dr. Phyllis Starkey (Milton Keynes, South–West): I welcome my right hon. Friend's sensible proposals for reforming the advisory system to produce a more holistic way of considering the effects of biotechnology. Will he confirm that the deliberations of the advisory bodies will be based on rigorous scientific research validated by peer review? Does he agree that that will be doubly necessary after the unfortunate public confusion caused by the bypassing of the peer review system by the media release of Dr. Pusztai's now discredited experiments—the accounts of which have been enthusiastically taken up and repeated by some rather credulous Opposition Members?

Dr. Cunningham: I agree with my hon. Friend. All the decisions that we make have been, and will continue to be, taken on the basis of the best and most rigorous scientific evidence available. As my hon. Friend says, that evidence will always be subject to proper peer group review. It is absurd to imagine that the Government, like Opposition Members, including some Opposition Front-Bench spokespeople and those from the Liberal Democrats, could take decisions on the basis of the hysteria surrounding what we now see as the fatally flawed and misrepresented science in the research of Dr. Pusztai. It reflects no credit on Opposition Members that they and their spokespeople participated in the media hysteria, because it damaged the public interest.

Mr. Peter Atkinson (Hexham): I welcome the Minister's assurances from the chief medical officer and the chief scientific adviser that the GM foods currently on the market are safe. That is reassuring. Genetic modification is of importance, because it brings great benefit to the countryside and helps British agriculture to compete in the global market. The hysterical campaign that has been launched against it is in danger of damaging an important British industry.

I believe that the Minister announced two or three—I could not work out how many—

Mr. Eric Forth (Bromley and Chislehurst): Quangos.

Mr. Atkinson: Quangos, if my right hon. Friend will have it so.

Will the Minister tell me whether those bodies will be set up quickly? Will they be able to delay the current field and farm trials? Today's announcement will, of course, cause some uncertainty for the companies currently involved in the experiments.

Dr. Cunningham: I am grateful for the hon. Gentleman's measured response, and his rational conduct of his involvement with such important matters. As he said, there is a great danger that we could seriously damage important United Kingdom industrial and commercial interests. We are one of the world leaders in the biosciences, and it would be a terrible error to allow that to be damaged or undermined in any way.

As for the two new commissions that I announced today—the Human Genetics Commission and the Agriculture and Environment Biotechnology Commission, they will not have any impact on the plans for the farm and field-scale trials. As I said, responsibility for the safety of genetically modified food will eventually pass to the Food Standards Agency. We hope that both the new commissions will be up and active by the end of the year.

Dr. Lynne Jones (Birmingham, Selly Oak): I, too, welcome the setting up of the new biotechnology

[Dr. Lynne Jones]

commission, although I had understood that we already had a Human Genetics Advisory Commission. The commitment to transparency is important. Will my right hon. Friend ensure that the commission and the relevant committees sit in public, and have sufficient resources to carry out their work effectively?

Professor Beringer, the outgoing chairman of the Advisory Committee on Releases to the Environment, told the Science and Technology Committee that his committee had been seriously under-resourced. That problem should be addressed, and I hope that my right hon. Friend will give a commitment that it will.

Does my right hon. Friend agree that our experience shows that, when there is the slightest suspicion on the part of the public that health and environmental considerations, and their right to choice in the food that they eat, are not given overriding priority, above commercial considerations, potentially beneficial technology has no chance of getting off the ground? Is it not in the interests of the commercial companies involved to recognise that fact and to support—indeed, to press for—proper national and international regulation and the segregation of crops so that genuine choice can be provided?

Dr. Cunningham: I am grateful for my hon. Friend's support for the announcements that I have made today. The difference between the commissions that I have announced today and existing committees is that the former will be overarching bodies with a wide remit to consider all aspects of the fast-moving developments in the sciences and technology. My hon. Friend mentioned resources for ACRE, and Professor Beringer. I take the opportunity to place on record our appreciation of the work that Professor Beringer and his colleagues have done, and of the work that all the other scientists and members of the other advisory committees do in the public interest for the Government. My right hon. Friend the Minister for the Environment has taken up the point raised by Professor Beringer and increased, within the Department of the Environment, Transport and the Regions, resource support for the work of ACRE.

The Government have made their position on labelling clear. We believe that consumers should have a clear choice—in contradistinction to the attitude of the previous Conservative Government—and we shall work with the industry and our European partners to improve regulatory control wherever we think necessary.

Mr. Andrew Robathan (Blaby): This is a matter that gravely concerns constituents of every Member of the House. Can the right hon. Gentleman, with his customary courtesy, reassure my constituents and others who are very worried by the reports of butterflies and bees whose immune systems have been destroyed? If that is happening, it must be stopped, as I am sure the right hon. Gentleman would acknowledge. He is a scientist, but my constituents and I do not have his scientific knowledge.

The right hon. Gentleman talked about an open and well-informed debate. Can he categorically reassure the House that the desire to prevent discussion of the Referendums Bill and the Fur Farming (Prohibition) Bill—over which the Minister responsible for animal welfare has been shedding crocodile tears—has not been a factor in the making of the announcement today?

Dr. Cunningham: Perhaps the hon. Gentleman might consider what he has said and do something himself to reassure his constituents, instead of taking an alarmist attitude and undermining possibly already fragile public confidence. I repeat that we shall take notice of any scientific and environmental development as the policies are implemented. If it is necessary to take further action, we will. I emphasise again that our overriding priority is the health and well-being of people and the environment.

Mr. Geraint Davies (Croydon, Central): I very much welcome my right hon. Friend's statement. Will he confirm, first, that the preservation of indigenous species of plants and birds will be a fundamental consideration—including species in those countries that might receive exported GM crops; secondly, that the interests of consumers will be paramount and that, if a product contains GM ingredients on the inside we will start to label GM on the outside; and thirdly, that, while considering the prospective benefits of third-world development, we will also consider the prospective power relationship between multinational countries and third-world development, in the interests of future trade profitability of third-world countries?

Dr. Cunningham: I thank my hon. Friend for his support. We shall do whatever is necessary to protect biodiversity in this country. We want to have farm and field-scale trials so that we can assess the impact on biodiversity. The labelling issue is a question for the biosafety protocol. As for development in third-world countries and in fragile environments, my right hon. Friend the Secretary of State for International Development will shortly publish a paper on those issues.

Mr. Andrew Lansley (South Cambridgeshire): I am sure that the Minister will be aware that some of the leading biotechnology companies in this country are based in my constituency. What further work is he publishing today to follow up the White Paper on competitiveness in the knowledge-based industries that was published last year? Many biotechnology companies wish to know what will be done on that issue and the Minister made no specific mention of it in his statement.

The Minister mentioned a Human Genetics Commission. How will the work of that commission relate to, and be co-ordinated with, the work of the Human Fertilisation and Embryology Authority? Will the commission take on the work of the xenotransplantation interim regulatory authority and give it the regulatory teeth that it demands if successful progress is to be made with the technology, including by a company in my constituency?

Will the Minister confirm that, even though a precautionary attitude will be taken to the planting of GM crops that will lead to a delay in any commercial planting in this country, if another European Union member state were to license the commercial planting of GM crops, there would be no legal bar to a company proceeding with commercial planting in other member states, including here? What have the Government done about that?

Dr. Cunningham: It was not my purpose to deal with the competitiveness White Paper today, but the

development of biotechnology is important for the competitiveness of our industries. That is why the Government have been concerned to try to ensure that we regulate the developments properly and, at the same time, provide a climate in which those important industries can flourish and prosper in the British economy. The hon. Gentleman is right: the way that the system works is that a proposer can seek approvals in any member state and obtain a crop licence, but each member state has to give consent. We inherited that system from the previous Conservative Administration.

Mr. Andrew Miller (Ellesmere Port and Neston): May I follow the point made by my hon. Friend the Member for Birmingham, Selly Oak (Dr. Jones) when she referred to the existing Human Genetics Advisory Commission? Will my right hon. Friend publish soon the details of the bodies that will be incorporated in the new commission? Have the Government considered the evidence collected by the Select Committee on Science and Technology on whether the Human Genetics Advisory Commission should have some statutory powers given to it?

Dr. Cunningham: All the information that my hon. Friend requires is published in the documents that we are making available today. I should have responded on the same point to the hon. Member for South Cambridgeshire (Mr. Lansley). The Human Genetics Commission, which I have announced today, will advise us on the applications of biotechnology in health care and the impact of human genetics on our lives. It will not be a regulatory body.

Mr. Eric Forth (Bromley and Chislehurst): The Minister must be aware that, although many people are worried about the direct effects on people and their diet, they are even more worried about the possible collateral effects of the field trials and the way in which the processes used in the experimentation could spread out of control by being transmitted by insects, in the air, through the soil or in the water. Can the Minister give us an absolute assurance that every step will be taken to ensure that, during those crucial and—I accept—necessary experimental stages, there will be no accidental collateral effects that we might all soon live to regret bitterly?

Dr. Cunningham: Yes.

Dr. George Turner (North–West Norfolk): Can my right hon. Friend assure me that he recognises that—given that we have seen so much bad and selective science and muddling of the issues—the Government will have to address the knowledge of the public about the issues? The public are now very confused about the health implications of the foods that have been licensed, which seem to be muddled up with the environmental problems that we yet face. At times, there is deliberate confusion between trials and commercial plantings. The language and the selective reporting in some of the media—for example, the term "Frankenstein food"—have been deliberately used to misinform the public, who are not scientifically well educated. The Government must deal with the issue.

Dr. Cunningham: It is exactly because we understand public concerns, and because in some cases there have been deliberate attempts to mislead, unsettle and scare the public that we have done all that work over the past five months and are announcing our decisions today. Of course there has been some bad science. Happily, that has been thoroughly exposed for what it was. There has been deliberate muddling of the issues. On more than one occasion, we have heard people on radio and television, including the interviewers themselves sometimes, claiming that genetically modified crops "were being let rip". Nothing could be further from the truth.

My hon. Friend referred to commercial planting. There is no unlimited commercial planting taking place in this country—none at all. Controlled planting is taking place, under rigorous supervision, and it will go on in that way until we are satisfied that it is safe for any single plant or product to go on to the next stage.

Dr. Peter Brand (Isle of Wight): May I put the record straight? No Liberal Democrat has called for a total ban on growing any genetically modified food—[HON. MEMBERS: "You have."] No, no; we have welcomed trials so that we can get the science right. We are asking for a ban on commercial production involving GM food.

Will the new commissions, which sound as though they will be extremely useful bodies, bring together representatives of the industry, academics and representatives of other regulatory bodies? If the commissions are to have members from the industries involved, is it not vital that the regulatory body, the Food Standards Agency, should be made up entirely of people without commercial or financial interest in the industry?

Dr. Cunningham: As ever, the Liberal Democrats seem to want to run with the hare and hunt with the hounds, depending on the audience that they are addressing. Many of the hon. Gentleman's hon. Friends have deliberately given the impression that they wanted a total stop to all the work on GM foods. It is not good enough for the hon. Gentleman to come into the Chamber this morning and pretend that that has not been the case.

As for people from industry serving on Government advisory bodies, there is no bar to anyone from any walk of life serving voluntarily on Government bodies. We want Government advisory and regulatory bodies made up of the best membership that we can achieve. That always has been the case, and it remains so.

Mr. Deputy Speaker: Order. We must now return to the Bill.

Mr. Robathan: On a point of order, Mr. Deputy Speaker. I seek your guidance on behalf of the many people outside the House who are concerned about the constitutional issues regarding fair rules for referendums, and the prohibition of fur farming. How can we explain to them that the Government are determined that the Referendums Bill nor the Fur Farming (Prohibition) Bill will reach the statute book, and are deliberately getting craven toadies on their Back Bench to talk the measures out?

Mr. Deputy Speaker: The hon. Gentleman knows full well how the House works. That is not a matter for the Chair. We must return to the Bill before the House.

ROAD TRAFFIC (VEHICLE TESTING) BILL

Not amended in the Standing Committee, again considered.

New Clause 1

INFORMATION ON ACCIDENTS INVOLVING UNCERTIFICATED VEHICLES

'. The Secretary of State shall authorise the use of information in the records maintained under section 45(6B) of the Road Traffic Act 1988 for the purposes of any inquiry into a road traffic accident in which death or serious injury occurs, and shall maintain a record of all such incidents concerning vehicles for which an appropriate test certificate has not been issued.'.—*[Mr. Miller.]*

Brought up, and read the First time.

Question proposed [this day], That the clause be read a Second time.

11.54 am

Question again proposed.

Mr. Miller: I am convinced that the public at large would disagree entirely with the point just made by the hon. Member for Blaby (Mr. Robathan). Surely to goodness the House regards the deaths of 3,000 people each year as somewhat more important than his trivial little Bill.

Mr. Andrew Robathan (Blaby): I watched the hon. Gentleman on the monitor, presenting his argument in a very slow, turgid manner. He showed no interest in the subject on Second Reading. Many people have written to me about referendums and about fur farming. They will know where to lay the blame for the fact that fur farming will not be prohibited in this country.

Mr. Miller: On the Conservative party.

Before the statement, I was responding to important comments made by my hon. Friend the Member for North-West Norfolk about matters relating to privacy. I shall not answer his point in full, as that would involve my expressing my personal view of the way in which matters of privacy should be dealt with in society, as the Government and the public service hold more and more co-ordinated data on individuals. I have strong views on that, which I would be prepared to share with my hon. Friend outside the debate.

We must remember that it is not vehicles with defects that cause death and serious injury; it is drivers. I am grateful for my hon. Friend the Minister's remarks about the research that is going on, and the ideas that that has given me for potential regulation within the scope of the Bill, if the research identifies a correlation which, I suspect, exists, as I said in my opening remarks.

My hon. Friend the Member for Hendon spoke of the possibility of MOTs being exchanged as part of the showing of particulars when there is a road traffic incident. That is an interesting point which the Minister may want to consider.

The debate has been helpful, and I hope the issues discussed will be taken on board by my hon. Friend the Minister. Bearing in mind the observations made by the promoter of the Bill, whose efforts I strongly support, and the assurances received from the Minister, I beg to ask leave to withdraw the motion.

Motion and clause, by leave, withdrawn.

Clause 2

REGULATIONS UNDER S.45 OF ROAD TRAFFIC ACT 1988, 1988 c. 52

Dr. Nick Palmer (Broxtowe): I beg to move amendment No. 1, in page 2, line 36, leave out 'application or'.

I shall address a different aspect of the Bill—the possibility of introducing an element of privatisation to MOT tests. The amendment is quite minor because its purpose is to delete two words. However, it would remove the central determination of fees for testing for the purpose of obtaining an MOT certificate.

When we consider the privatisation of any activity, I suggest that five tests should be carried out, each of which applies in this instance. The first test is whether there is a clear definition of quality. Rail privatisation is an example of privatising without applying that test. The companies that take over the work will interpret their duties in widely different ways and there is a danger that standards, as perceived by the public, will deteriorate sharply.

The second criterion is whether there is potentially a large competitive market. The rail industry provides an example where, effectively, there are many local monopolies. The effect of privatisation has been to move from a state monopoly to a set of private monopolies. Most people—even those who have an ideological preference for privatisation—will agree that that is sub-optimal.

12 noon

Thirdly, is there a regulatory format? Water privatisation is an example of the difficulty of regulators who are torn between regulating for superior water quality and regulating for lower price. Their job is not enviable and privatisation, where it is not easily possible, is somewhat suspect.

Fourthly, we will seek always to ensure that, where privatisation is undertaken, there is minimal disruption and hardship for the existing staff, who have loyally administered the service previously. The coal industry is an example of the dangers of privatisation. Effectively, since the coal industry has been denationalised, it is well on the way to being phased out altogether. I admit that there were some tendencies for that to happen before denationalisation.

Fifthly, we need to see the potential for significant cost savings, either for the Government or for consumers. I think that the privatisation of telecommunications is generally accepted, even by those who are not enthusiastic about privatisation as a concept, to have resulted in substantial benefits for the consumer.

If we apply these criteria to MOT testing, the House may agree that all five of them are satisfied. The Bill gives us the opportunity, by deleting "application or" to open the door to them. First, let us consider well-defined quality measures. What the MOT test consists of has been laid down for many years. From time to time, the Government may introduce a change, but there is no dispute about what an adequate MOT test is. That is clear to everybody, and it will continue to be so if pricing is left to the individual garage.

The second consideration is whether there is a potentially large competitive market. I suppose that there are thousands of small firms throughout the country that offer MOT testing facilities. It seems clear that, if they were allowed to compete on price for the MOT test, they would be interested in doing so. If some of them were to withdraw from the market, others would take their place. There seems every prospect of a vibrant competitive market for MOT testing.

Mr. Shaw: I am concerned about what my hon. Friend said. The idea that small garages in rural areas will be able to compete with large multinationals by keeping their prices lower is—

Mr. Deputy Speaker (Mr. Michael Lord): Order. We are straying rather wide of the mark.

Dr. Palmer: I shall make a general observation. The vibrant competitive market to which I refer is partly ensured by the fact that most people will wish to have an MOT test carried out locally. The likelihood of their going to a large multinational company for an MOT test is not as great as it would be in some other industries.

Thirdly, there is the question of disruption and hardship for existing staff. My proposal would involve existing establishments continuing, as envisaged by the Bill, with some degree of additional licensing and training. I think that we all welcome the provisions set out in the Bill, and allowing garages to compete with one another on price should not, in principle, produce any problems for them. There may, of course, be cases where an individual garage feels that downward pressure on the price for MOT tests forces them to withdraw from the service. However, that in itself is unlikely to result in disruption or hardship for that garage. Other hon. Members may correct me, but I believe that relatively few garages depend heavily on income from MOT testing for their survival. The impact on businesses should be minimal; I doubt whether even one would cease trading.

Mr. Shaw: Do not MOT testing and servicing go hand in hand? Garages, therefore, rely on MOTs because the two are carried out together.

Dr. Palmer: The fee for the MOT test makes up a relatively small component of the bill paid by the typical car owner, but the necessary servicing resulting from it, and the parts involved in that, make up a large component. For that reason, even the smallest garage would find it valuable to continue in the market, simply because of the attraction of the ensuing service work.

That point brings me to the possibility of significant cost savings, which is the fifth criterion. I suspect that the cost of MOT tests would descend rapidly towards zero. Given the difficulties of attracting customers, of which most of us who have worked in any kind of small business are aware, it would be much cheaper to attract a customer by offering a free MOT than by taking out any amount of advertising for services or repairs, and the consumer might benefit in respect of the entire cost of the MOT.

Under the Bill, a garage would pay a fee to the Department; I am not suggesting that that fee should be abolished or varied, although it needs to be standardised so that the garage can recoup its costs. In an age in which most of us have declared ourselves to be open minded on matters of state control versus privatisation, I wonder whether it is appropriate for the Government to say precisely what charge should be made, from John o' Groats to Land's End, for work done for the general public. I welcome the Bill as much as have previous speakers. It gives us the opportunity to look again at that assumption and to ask ourselves whether it is time to open up the possibility of a new option.

Mr. Browne: A feature of clause 2, which my hon. Friend seeks to amend, is that it substantially restates existing law. Indeed, the words that he seeks to delete from the clause already appear in section 46 of the Road Traffic Act 1988. Is it not in the interests of the consumer that such a standard national test has a standard application and a standard fee to ensure that testers do not cut corners?

Dr. Palmer: I am grateful to my hon. Friend for making that point, which brings me back to the need for a well-defined quality measure, which is the first criterion. It is tempting for any MOT establishment to cut corners, simply because that saves time. They do not—or we suppose that they do not—because a well-defined list of activities has to be carried out under the MOT test. Under the other criteria relating to the Bill, people would be specifically trained in what needs to be done. A more well-defined licensing system for approved assessors would be put at risk if they attempted to cut corners.

Mr. Dismore: Is not the answer to my hon. Friend's point that the Bill introduces much tougher policing of garages to ensure that they maintain standards?

Dr. Palmer: I am grateful to my hon. Friend, who said what I was trying to say in a much clearer way.

The Bill offers an opportunity that is worth seizing for the benefit of consumers, and presents no hazards for standards of quality control or for those who have to operate it. I ask the House to accept the amendment.

Mr. Hunter: I listened carefully to the hon. Member for Broxtowe (Dr. Palmer) and to the interventions that he allowed, and I wonder whether a slight misunderstanding prevails. Under the current regime, there is no standard or fixed fee for the tester to charge the motorist for an MOT test. The downward pressure of market forces, which the hon. Gentleman advocates—and which I warmly advocate, too—is possible under the present regime. The Motor Vehicles (Tests) Regulations 1981, as amended, prescribe a total maximum amount that a tester can charge a motorist. If I recall correctly, the precise figure that the tester is obliged to pay the inspectorate is 58p per blank certificate. That is the cost of implementing the test process. The Department estimates that that sum might rise by £1 to £1.58 or thereabouts, but, as the hon. Gentleman said, it is a very small proportion of the total charge that the motorist pays for his MOT test.

Dr. Palmer: Does the hon. Gentleman agree, however, that the passage that the amendment seeks to delete appears to suggest that the fee to be paid on an application—by the consumer—will be laid down?

Mr. Hunter: That is not my understanding. I apologise to the hon. Gentleman—perhaps the Minister can clarify

[Mr. Hunter]

this point in due course. I understand that the principle of payment that currently applies will continue to apply. The tester will buy in advance space on a database, which represents the blank certificates that he now buys. The Secretary of State sets the maximum charge that the tester can then make to the motorist. It is the intention of neither the Bill nor the Department to change that basic principle.

It is perhaps ironic that, as someone who believes in the open market and privatisation, I support the current regime and want it to continue, as the Bill would allow it to do. I do so, however, because this is not a genuine open market. Where market principles apply in their purest form, the purchaser has the option not to purchase, whereas every car owner is obliged to have his or her vehicle MOT tested. The law requires that, and that causes a distortion of the marketplace. Therefore, the regime of imposing a maximum sum is a consumer protection measure. Although the hon. Gentleman and I support downward pressure of market forces, the reverse could happen—MOT testers could raise their charges because motorists are obliged to undergo the test. I defend the current regime, and I oppose the hon. Gentleman's amendment. He may have misunderstood the situation. We need to protect the motorist—and other consumers—from an unreal market.

12.15 pm

Dr. Palmer: As I understand it, the hon. Gentleman is arguing that there is already an open market, but he also likes the fact that there is not one. I should be grateful if he would clarify that. The charges to be paid by the tester are regulated under clause 2(1)(j), whereas the charges to be paid by the consumer are regulated under clause 2(1)(f). Many privatised services are, in effect, compulsory: water supply is an obvious example. Consumers can refuse to take water, but few do so.

Mr. Hunter: I follow the hon. Gentleman's argument, and I am sorry if I did not make my point entirely clear. I certainly accept the principles of an open market, and in many respects I am sympathetic to what the hon. Gentleman is seeking to achieve by his amendment. However, there is downward pressure of market forces under the present regime, so the amendment is not needed to achieve the objectives that the hon. Gentleman seeks.

I believe that the experience of the past 10 years has justified a measure of consumer protection to prevent garages from raising the cost of the MOT test above the level prescribed by the Secretary of State. The Bill reflects that view, which is why the hon. Gentleman's amendment is mistaken.

Dr. George Turner: I represent a rural constituency, and such protection is particularly important in a rural environment. People who live in an urban environment may have many test centres in their immediate vicinity, but people who live in villages in my constituency need the protection that the law currently offers, and we should maintain that.

Mr. Hunter: I acknowledge the hon. Gentleman's point, and with that I conclude my remarks.

Mr. McNulty: If I were being honest, I would say that, when I first read the amendment tabled my hon. Friend the Member for Broxtowe (Dr. Palmer), I did not understand where it was going or where it was coming from. He has now explained with great eloquence where he is seeking to go. I agree wholeheartedly with the hon. Member for Basingstoke (Mr. Hunter) that, if that is where my hon. Friend wants to get to from here, the Bill is the wrong device to use. Moreover, I do not share my hon. Friend's goals.

My hon. Friend the Member for North-West Norfolk (Dr. Turner) referred to consumer protection and the existing ceiling on the charge. That protection should not be hampered or interfered with. The Bill implies a shift from 58p to £1 per certificate for the database, which is a fair charge and can be recovered subsequently, as we shall see when we come to the next amendment.

The test is compulsory, consumer protection measures are in place and there is a ceiling on the charge, so the market is already regulated, and that would be disrupted if the amendment were accepted. In my area, garages use the MOT test as an entrée to get people to go back for further services, whether it be petrol, regular car servicing or other services. I fear that, if that maximum charge is lost and we have a less regulated market, or a market that is not regulated at all, small garages with MOT testers in rural areas will go, and there will be a completely distorted market.

If the amendment were passed, we would have not a pure free market—the hon. Member for Basingstoke will not like this, but such a thing does not exist anyway, except in the psychotic minds of people like Milton Friedman—but a far more distorted market. By definition, large, perhaps multinational, garages will be in a far better position to defray all testing expenses—whether or not a computerised database is involved—than a one-man outfit.

Moreover, the amendment might well distort the process of dealing with criminal elements in the issue of MOT certificates. By liberalising the market, it might affect one of the key aspects of the Bill, which I firmly support. Computerisation could enable authorities to identify disconcerting patterns of testing—for instance, a disproportionate number of passes for older cars—far more readily, and to police effectively the whole MOT process. That ability would be lost if a broader free-market regime were introduced, leaving consumers unprotected.

Many garages now say that, if a car fails its test, they will test again free of charge. Many now say that they will incorporate the test in the regular service. It is crucial to consumer choice that smaller garages should retain the freedom to act in that way, within a regulated market. If—I suspect that this will not happen—the amendment were passed, and brought about the pure free market that my hon. Friend the Member for Broxtowe wants, that would be a disaster. He has not said so thus far, but I hope that his is a probing, even teasing, amendment, intended to air the issues involved.

I commend many of the Bill's provisions. Computerisation will improve the current regime. Tinkering with the pricing regime and the regulatory framework will not allow us to improve the operation of computerisation, and the amendment should be resisted as strongly as possible.

Ms Glenda Jackson: The reasons why the Government cannot accept the amendment have been put succinctly by my hon. Friends the Members for North–West Norfolk (Dr. Turner) and for Harrow, East (Mr. McNulty), and by the hon. Member for Basingstoke (Mr. Hunter). This Government—and, indeed, previous Governments—have felt that it must always be within the powers of Government to set the level of the maximum fee for an MOT test.

The amendment would delete part of subsection (1)(f) of the proposed new section 46 to the Road Traffic Act 1988, which mirrors, and enlarges, the existing section 46. I have no argument with—indeed, I endorse—the desirability of keeping legislation as simple as possible, and I have little doubt that that was part of the thinking of my hon. Friend the Member for Broxtowe (Dr. Palmer). However, the Government cannot accept the amendment, because it would remove the Secretary of State's power to prescribe in regulations the fees to be paid by applicants for MOT tests. My hon. Friend the Member for North–West Norfolk described the difficulties that would be caused to his constituents, and—in his own way—my hon. Friend the Member for Harrow, East expressed the Government's concerns.

Part of new section 46 to the 1988 Act simply repeats what is provided in existing section 46, which has been tried and tested over the years and has been found to work well in practice. Therefore, in principle, there is no reason to disturb the legislation. Existing section 46 of the Act re-appears in the Bill because it is clearly better to consolidate the legislation into a single section of sequential provisions, rather than to amend many isolated parts of the existing provisions. It has clearly been done for ease and clarity of drafting and to make the legislation easier to work with in practice, all of which is commendable and, as I have said, was part of the thinking of my hon. Friend in tabling the amendment.

Perhaps more fundamentally, the existing wording of the relevant part of the clause is needed because, as I have already said, it is essential for the Secretary of State to be able to prescribe the fees to be paid by applicants for MOT tests. In practice, what is prescribed in subordinate legislation, the Motor Vehicles (Tests) Regulations 1981—the point was made by the hon. Member for Basingstoke—is the maximum amount that can be charged by an MOT testing station for carrying out an MOT test.

Surely, were the Secretary of State not able to do that, from John o' Groats to Land's End, there would be no control of how much an MOT test might cost. Motorists would be faced with being required by law to have their vehicles MOT tested, but there would be no protection in the law to regulate how much could be charged for those MOT tests. As I have said, successive Governments have felt that control to be necessary. Those points were endorsed by my hon. Friends the Members for North–West Norfolk and for Harrow, East, and the hon. Member for Basingstoke.

I was somewhat concerned when my hon. Friend the Member for Broxtowe referred to the possibility of garages—or, indeed, testing stations—cutting corners. I am sure that he is aware that arrangements have been in existence since the inception of the MOT scheme in 1961 for the Vehicle Inspectorate to supervise the conduct of the scheme. Generally, it works very well. However, the computerisation project has been designed to give the inspectorate far better information than it has ever had, so that it can do its job even more effectively. That will enable the inspectorate to concentrate its efforts where they are most needed.

Perhaps my hon. Friend the Member for Broxtowe is not aware that the inspectorate has to supervise the standards of some 55,000 nominated testers at 19,000 MOT testing stations throughout the country to ensure that vehicles are tested to the correct standard and that motorists get a fair test. In practice, the inspectorate does that by ensuring that testers and testing stations are given clear ground rules for carrying out testing when they first join the scheme. Thereafter, inspectorate examiners check on their performance once every 12 to 18 months. Most people would say that that was a bare minimum to ensure fair and proper standards, rather than a case of vexatious regulation. As I say, computerisation will enable the inspectorate to have far better information and to be able to target, if it perceives any lapse of standards in the results of vehicles that have had their MOT.

In the light of what I have said, and mindful of the reasons—the best of all possible reasons—why my hon. Friend the Member for Broxtowe tabled the amendment, I trust that he will withdraw it.

Dr. Palmer: I am grateful for hon. Members' comments. With regard to the Minister's remarks, I clarify that the suggestion of cutting corners did not come from me. I expressed confidence that the existing arrangements would avoid that.

The feeling of the House on the point is clear. Rather than pressing it to a vote, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

12.30 pm

Dr. Palmer: I beg to move amendment No. 2, in page 4, line 14, leave out subsection (6).

This is a probing amendment, the aim of which is to explore the extent to which the Government should become involved in the commercial use of MOT data. It may well be that, to defray the costs of the computerised system—which has the benefits to which other hon. Members have very rightly referred—such involvement would make sense. Nevertheless, it is appropriate that the House should have a quick look at the issue, to decide whether we wish to move down that path.

Subsection (6), which the amendment would delete, would allow the sale of information, for any price,

"on such terms, and subject to such restrictions"

as the Secretary of State thought fit, to any persons whom the Secretary of State thought fit.

The only restriction proposed in the subsection is that information on

"the premises at which any examination was carried out or any person concerned with the carrying out of the examination"

should be protected.

I wonder whether the subsection will provide sufficient protection. It is not instantly clear to me whether information about persons involved in the ownership, or driving, of a vehicle will also be protected—as that information is held in separate DVLA records, and I am not sure of the extent to which those records are open to

[Dr. Palmer]

the general public. If they are open, cross-searches and cross-retrievals would make it possible to undertake a quite massive direct mailing operation, writing to those who have taken an MOT test, drawing on their experience to date and attempting to influence their future buying patterns.

If information on individual car owners is not available, the issue will be substantially de-fanged. However, I still wonder about the extent to which the Government should market their knowledge of individuals' transactions with the Government. If we accept the principle of the provision without amendment, there are a great many other spheres—tax records, for example—in which we might feel able to market government knowledge. One current and controversial example is the marketing of information from the electoral register.

I invite the Minister and the hon. Member for Basingstoke (Mr. Hunter) to give the House their views on whether subsection (6) will offer sufficient protection against misuse of data.

Mr. Hunter: I wonder whether the hon. Member for Broxtowe (Dr. Palmer) is aware of the Transport Act 1982—which has not been enforced, but is a paving Act for privatisation of the Vehicle Inspectorate. The previous Government passed it, but never implemented it. Nevertheless, it remains on the statute book. If the current Government, or a future one, wished to enable it, privatisation of the inspectorate would happen, and the core of the hon. Gentleman's arguments would, I suspect, cease to apply. He is concerned about the Government, rather than a private industry, becoming involved in commercialism.

I think that, in one respect, I may be able completely to reassure the hon. Gentleman. Personally, I do not know about the accessibility of the DVLA database—but I do know that the Bill will not remotely affect it. The Bill is concerned only with establishing the MOT centralised computer database.

The hon. Gentleman also asked about anonymity, and whether vehicle owners' identity would be contained. The answer lies in clause 1(6B). The only information that would be made available under that provision is that pertaining to vehicles and

"the carrying out of and the results of the examinations",

not the names of the registered keepers. I understand that the names of registered keepers are not available from the MOT database.

We could spend a long time discussing the principle of how much the Government should be involved in commercial activities. I am not sure that it is right to question that in the absolute and general; we should concentrate on the detail. If the Secretary of State were able to become involved in commercial activities and "sell" information, consumer organisations might wish to use that information to advise consumers about the reliability or otherwise of specific motor cars; manufacturers might use it to rectify defects in their models; prospective purchasers would find it valuable, not least in respect of the mileage of second-hand cars; and vehicle insurers might wish to know whether the vehicles of the drivers whom they insured had valid tests. I look at the issue pragmatically: the database contains information which many individuals and organisations would find useful, so it should be made available on a commercial basis.

Finally, the commercial element would go some way to offset the cost of computerisation and would therefore benefit the motorist.

Mr. McNulty: The final point made by the hon. Member for Basingstoke (Mr. Hunter) is extremely important. People should not run away with the notion that we are commercialising and selling the MOT database simply to defray the entire cost of its computerisation. As he suggested, it will go some way towards it, but will not cover it completely. Rather than being in any way sinister or suddenly opening up some huge new opportunity for the ghastly men and women from direct marketing organisations, because of the qualifying statement at the end of clause 2(6)(b), it is of no value to direct marketing, blind-selling organisations.

As my hon. Friend the Member for Broxtowe (Dr. Palmer) said, the only caveat on the sale, or passing on, of information from the database is if those particulars do not identify the premises at which any examination is carried out or any person concerned with carrying out that examination. When that important caveat is included in the equation, it is not some liberalisation-mad free-market measure that will mean that, having got an MOT, one will receive a barrel-load of unsolicited rubbish because the nasty old Government have sold the information. If that is not the case, what is the main motive for selling on, or making accessible, certain elements of the database? I would suggest that, rather than defraying the cost of computerisation, there are fundamental consumer protection reasons. Again, I would depart from what my hon. Friend the Member for North-West Norfolk (Dr. Turner), who is not in his place, said. He seemed to suggest that Governments were good at modernising and computerising various activities that had been done on paper, without producing benefits. The Bill takes us into areas of consumer protection that we would not begin to entertain under the certificate-based system, and that is much to its credit. Those elements will be lost if we accept the amendment, which is why I strongly argue against it.

The proposal that anybody—that is legitimate organisations and individuals rather than the "inquiry versus enquiry" argument from dodgy solicitors or anyone else—who can show reasonable cause should be able obtain the MOT history of a particular vehicle must make more sense to a potential purchaser. They would not be allowed to do that if we accepted the amendment.

Anonymous, vehicle-specific information such as recorded mileage will be of use to the purchaser of a second-hand car. Another useful and exciting element of the new database is that commercial organisations will be able to purchase anonymous aggregate data on the MOT performance of particular brands of cars from particular years. Better information on trends in the performance of particular makes and models in MOTs must feed into overall protection for the consumer.

The existing MOT pricing regime will continue. The elements of consumer protection from the previous testing regime are vital. In relative terms at least, the MOT testing process has been a success. Without discarding the successful elements, we are adding new, interesting and exciting areas of consumer protection afforded by the

development of a computerised base. Lord knows, second-hand car salesmen, like solicitors, are not, in some regards at least, one might suggest, necessarily by nature the friends of consumers and always interested in their protection.

I commend my hon. Friend the Member for Broxtowe for tabling the amendment, which, like the previous ones, has allowed us to highlight the important areas of consumer protection that the computerisation of the MOT regime affords. The hon. Member for Basingstoke is to be congratulated on the enhanced consumer protection that the Bill provides in an area where it is needed.

I do not want people to run away with the notion that the proposals represent the wicked commercialisation of another database that would result in anyone who has an MOT getting an avalanche of rubbish through their door. The anonymity of the vehicle keeper and the garage at which the test was carried out are fundamental and are the only caveats needed to render the database worse than useless for direct mail organisations. Those provisions are vital for consumer protection, enhancing, rather than moving away from, the consumer protection elements in the existing MOT structure. I commend subsection (6) strongly to the House, because it is fundamental to the spirit of the Bill. Removing paragraphs (a) and (b) would deeply wound the Bill in a way that I would find unacceptable.

Ms Glenda Jackson: We strongly agree with the points made by my hon. Friend the Member for Harrow, East (Mr. McNulty) about the benefits inherent in the Bill for consumer protection. I am aware of the concerns expressed by my hon. Friend the Member for Broxtowe (Dr. Palmer) but I trust that, in responding to the amendment, I shall be able to reassure him that the kind of scenario that he has evinced to the House this morning will not be possible, given the strictures within the Bill.

12.45 pm

In effect, the purpose of the amendment is to delete a part of the proposed new section 46 of the Road Traffic Act 1988. If the amendment were to succeed, it would—I am sure inadvertently—defeat one of the main objectives of the Bill. That objective is the disclosure of anonymised information in bulk from the computerised records of the results of MOT tests for the benefit of consumers—a point made by my hon. Friend the Member for Harrow, East—and many other interested parties. For that reason, I hope that my hon. Friend the Member for Broxtowe will withdraw the amendment.

Subsection (6) of new section 46 of the Road Traffic Act 1988 would enable the Secretary of State, by regulation, to sell anonymised information in bulk from the MOT database. He would be able to sell such particulars and information to such persons as he thought fit—for such price, on such terms and subject to such restrictions as he thought fit.

The objective in being able to do that is twofold. First, we would make information available from the database which could be used for all sorts of useful and beneficial purposes. Secondly, there would be the ability to sell such information for a price that reflects its commercial value, so that the proceeds would help to offset the cost of introducing and running computerisation in the MOT scheme. All of those very positive benefits would be lost if the amendment were to succeed.

It is the view of the Government that there is an overwhelming desire for better information about the results of MOT testing to be more widely available. The useful opening debate this morning on an amendment tabled by my hon. Friend the Member for Ellesmere Port and Neston (Mr. Miller) showed that, with many hon. Members presenting interesting and detailed contributions. At present, the available information is somewhat limited—primarily because no central record of MOT tests exists at present. That is understandable, given that the MOT scheme relies on paper-based records.

That will all change with the introduction of computerisation over the next couple of years, and it is therefore absolutely right that information that will be gathered on the database should be put to maximum use. That means making it available for other people to use, other than just the Department of the Environment, Transport and the Regions. That is exactly what new section 46(6) of the Road Traffic Act 1988 is designed to enable the Secretary of State to do.

It is not possible here to give a full account of all the possible uses to which this information might be put. However, it seems highly likely that consumer organisations, and indeed the motor vehicle manufacturers themselves, will have an interest in being able to find out, for example, which makes and models fail the MOT test at what stage, and for what reasons. Such information would clearly be of interest to prospective purchasers of second-hand vehicles, as would information about recorded vehicle mileage. Vehicle insurers, for example, are also likely to be interested in being able to confirm that vehicles of drivers whom they insure have valid MOT certificates if they need them.

Under the provisions of new subsection (6), as it stands, no information would be released which identified the registered keeper of the vehicle—because such information would not be on the record of the results of MOT tests anyway. Nor would any information be released about where vehicles were tested or about who tested them, because the provisions of the Bill preclude that information from being supplied. The Government believe that the provisions that would enable the Secretary of State to disclose anonymised particulars and information have clearly been very carefully thought through, and provided for in the Bill.

The clear objective of the provision is to enable the Secretary of State to reflect the commercial value of the information in the price that is charged for it. The income arising would be used to offset the cost of computerisation. That, we believe, is an equitable arrangement.

I am aware of the concerns expressed by my hon. Friend the Member for Broxtowe about the possible misuse of such information. I am sure that we all share those concerns. As with all legislation, the Bill must accord with the requirements of the Data Protection Acts. My officials have already held preliminary discussions with the assistant Data Protection Registrar about the Bill's provisions and the controls needed to meet those requirements. No significant problems have been encountered or envisaged.

The regulations enabling the Secretary of State to sell anonymised information in bulk and detailing the particulars as to prices charged and the individuals or groups to whom or which such information may be sold

[Ms Glenda Jackson]

will all be drawn up with the benefit of consultation. We have little, if any, doubt that the information that will be available once the MOT test scheme is computerised will be safe from misuse. No one wants anyone's letter box to bring a daily avalanche of unsolicited junk mail. There are more serious uses to which the information could be put, and we are very clear that everyone must be protected from such misuse.

In the light of what I have said, I trust that my hon. Friend will withdraw the amendment.

Dr. Palmer: I am grateful to the Minister and to all who have commented on the amendment. We had a useful discussion, putting on the record exactly what the intentions of the clause are. I accept my hon. Friend's assurances: it is a reasonable package. I therefore beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Order for Third Reading read.

12.52 pm

Mr. Hunter: I beg to move, That the Bill be now read the Third time.

As hon. Members may be aware, the Bill had the briefest of Second Reading debates and was unchallenged in Committee. I therefore welcomed the fact that amendments were tabled on Report, because that exposed some of its central features to scrutiny. Few things are worse than a Bill being passed unscrutinised.

Hon. Members will be aware that the Bill's origins lie in a consultation process initiated by the previous Government in the Department of Transport's 1994 review of MOT testing. We would probably have arrived at this point in the evolutionary process set in motion by that review at about this time, regardless of which party won the 1997 general election. The Bill is not contentious from the point of view of party politics.

The main purpose of the Bill is to provide a statutory framework for the establishment of a central computer database of the MOT test status of vehicles. We believe that the database will help to ensure compliance with the requirement to hold a valid MOT certificate and will aid enforcement. It will help to ensure high and consistent standards of testing and facilitate the introduction of paperless tests should that be deemed desirable at some time in the future. As we have heard, it will also allow the sale of information on the database, to the benefit of consumers and to offset the cost of computerisation.

I thank the Minister for allowing me access to her officials while the Bill was being prepared and during its passage through the House. I am most grateful to them for their invaluable advice and help. I commend the Bill to the House.

12.55 pm

Mr. Miller: The House should express its gratitude to the hon. Member for Basingstoke (Mr. Hunter) for introducing the Bill. I am especially grateful for what he has just said; this has indeed been a useful exchange on several issues that would not otherwise have received any scrutiny.

It is absurd that we still have a paper-based system for MOT certificates. One large vehicle manufacturer put it to me that the average vehicle coming off the production line today has more computer power than the Apollo lunar module that landed on the moon. We have very sophisticated vehicles with extraordinary computing power, yet the regulatory regime that licenses their use on the road does not incorporate the same technology. The House should therefore welcome the Bill, and I urge the Minister to ensure that progress is made rapidly towards bringing it into practice.

One of the aspects of the Bill is something on which I have done extensive work—the relationship between computerised data and the rights of private citizens, in terms of the Data Protection Acts. The House will be aware that one of the Government's early actions was to introduce a Bill incorporating the European directive on data protection into mainstream legislation; its provisions were absorbed into the 1988 Act, which was passed under the Conservative Government. That was a positive step.

Bills such as this underline the need for us all to be vigilant on behalf of our constituents about the continued protection of privacy where there is legitimate concern. Anyone who does not meet the legal requirement to have a proper MOT certificate should expect that information quickly to reach the hands of the various authorities, including the police, the prosecuting authorities, magistrates courts and so on. That is right.

However, when data are sold, it is vital to have proper mechanisms for the anonymising of the information, so as to protect the individual citizen. The state has more and more information about the individual citizen on databases that can be cross-referenced, and I can see that more of that will result from the Bill. Cross-referencing between the police national computer and the MOT database is right, but, as the powers get stronger, we must consider carefully the privacy issues that arise.

I have consistently argued that, some day, we shall need to consider the role of the Data Protection Commissioner, as she is now called, and that her role should be expanded, to make her commissioner both for data protection and for privacy. That is a powerful argument, and the Bill illustrates the need to consider it. Whether that will happen as a result of this Bill, or of subsequent mergers of databases—the merger, for example, of the databases of the Contributions Agency and the Inland Revenue—is open to discussion.

I urge the Minister to reflect on that observation in the context of her responsibilities, because there are some important issues that we need to consider.

As the hon. Member for Basingstoke suggested, the central purpose of the Bill is to create the database. The subsequent issues stemming from that must be to ensure that people abide by the law and that we collect information that may help us in the future with the better design of vehicles. We must not allow the Bill to be used for purposes that might put at risk the privacy of an individual citizen. I commend the Bill to the House.

1.1 pm

Mr. Browne: I congratulate the hon. Member for Basingstoke (Mr. Hunter) on introducing this Bill. It is clear to me from the debate today and from reading the report of the Second Reading and Committee stages that both sides of the House agree that this modest, technical

Bill will make an important contribution to the growing body of road traffic legislation. I checked in the Library yesterday and that legislation now takes up the equivalent of five volumes of an encyclopaedia.

Vehicles of an appropriate age are certified through the MOT test as roadworthy and that has been an important addition to the cause of accident prevention. As my hon. Friend the Minister made clear in the debate on new clause 1, it is probably as a consequence of the MOT requirement that research shows that the lack of roadworthiness of vehicles contributes to comparatively few accidents. However, we must bring the MOT system up to date.

As the Bill makes clear, there are many advantages in having a centralised computer database of the MOT test status of vehicles. Not only will a computerised system provide a means of control of the issue of the some 22 million MOT tests that are carried out annually, it will make it easier for the Department's Vehicle Inspectorate to monitor the performance of MOT testing stations and, as importantly, the individual testers who will now be effectively licensed.

Much was said on Second Reading, in Committee and in the debate today about how the database will assist the police to enforce the law on MOTs; how the instant access through the PNC will be a preventative force; how it will facilitate the relicensing of vehicles; and even, through access by prospective purchasers, how it will help to protect consumers. Those positive advantages justify the proposed changes in the Bill.

On Report, I raised a question with the hon. Member for Basingstoke about the disclosure of information under the new sections 45 and 46 of the Road Traffic Act 1988 that the Bill will introduce. My reading of new section 46(6)(b) is that no information can be disclosed that identifies who tested a particular vehicle or where it was tested. If I have understood that provision correctly, it means that the information can be sold commercially either in bulk or to individuals such as prospective purchasers of vehicles, but information about the premises where the vehicle was tested, or who tested it, cannot be revealed. I believe that that is what the hon. Member for Basingstoke said in response to my intervention on the point.

I seek reassurance from the hon. Gentleman or from my hon. Friend the Minister that regulations made under subsection (5) will not necessarily restrict access to information about who tested the vehicle or the premises at which it was tested. I can envisage circumstances in which an individual other than the owner or registered keeper of the vehicle could legitimately argue for access. For example, a person injured in an accident may want that information for civil proceedings, so that the testing station or the individual tester may be held responsible. Subject to that clarification, I support the Bill.

1.10 pm

Mr. James Cran (Beverley and Holderness): I shall be brief. The Opposition support the Bill. That support was expressed on Second Reading and it has not changed. However, we spent almost four hours on Report considering the most fatuous collection of amendments that I have ever seen, illustrated by the fact that the Minister simply swept them all away—very elegantly, if I may say so. The ulterior motive was never to improve the Bill, but to—

Mr. Deputy Speaker (Mr. Michael J. Martin): Order.

Mr. Cran: The intention was merely to make sure that the next—

Mr. Deputy Speaker: Order. The hon. Gentleman must resume his seat when I stand. He is straying from the Third Reading motion.

1.12 pm

Dr. Alan Whitehead (Southampton, Test): I support the Bill and congratulate the hon. Member for Basingstoke (Mr. Hunter) on introducing it. I am delighted to be present on Third Reading to make a brief contribution.

I have a confession to make to the House. I belong to the small but shamefaced club whose members are people who have bought clocked cars. I did so some years ago, having undertaken what I considered to be reasonable checks about the provenance of the car. It appeared to have 30,000 miles on its clock, and I took it home and began driving it.

The circumstances in which I found out that the car was clocked are pertinent to the Bill. I believe that, in future, when consumers purchase a second-hand car and face the same problem as I had, they will be grateful for the passing of the Bill. After I had driven my car for a while, I was surprised to receive a telephone call from the trading standards officer of Wiltshire county council—not the county where I resided at the time.

The trading standards officer had been on a "fishing" expedition around car auctions in Wiltshire, and happened to have recorded the mileage of cars that were sold at the car auction at which I had bought mine. He had taken it upon himself to search, by whatever means he could, the destination of the cars sold at that auction and to telephone the registered keeper of the cars whose destination he had traced, to find out whether the mileage that he had recorded was the same as that which the purchaser believed to be the case. The car that I thought was a good purchase at 30,000 miles in fact had more than 80,000 miles on the clock. I was astonished and humbled to find that my checks had been so useless and that I had been sold a thoroughly dodgy car, so I took up the matter with the vendor. When I returned the car to the vendor, I contacted the trading standards officer concerned to thank him for his diligence.

The organisation that had sold me the car denied all knowledge of the circumstances in which it had been clocked. It claimed to have been taken in as much as I had been when it purchased the car. I was paid back most of my money and, thanks to the trading standards officer, I was spared having a car that was not fit for use.

The company that had sold me the car escaped any prosecution or any come back for its activity and it is still trading. The trading standards officer could not demonstrate that the vendor had sold the car knowing it to be clocked and was guilty of an offence.

I hope that the hon. Member for Basingstoke will be able to assure me that a car's mileage as registered at its MOT can be obtained with proper safeguards. That will

[Dr. Alan Whitehead]

allow two things to happen that will be a complete response to the calamity that I have set out. First, I will be protected substantially on purchasing a car that appeared subsequently to have been clocked. As importantly, trading standards officers would be assisted in establishing, when a second-hand car dealer bought a car, perhaps at an auction, and passed it on, the point at which the clocking had taken place.

A genuine purchaser of a car for sale, believing it to show the correct mileage on the clock, would be able to mount a defence. Someone who had taken on the car with a high mileage on the clock and clearly between the point of purchase and resale had clocked it, could be identified. If that is a correct reading of clause 2, it represents a tremendous step forward for consumer protection. It will allow purchasers in future to rest assured that it is possible by reasonable inquiry—there will still be people who purchase cars without undertaking sufficient checks, who will be duped—to have a good chance of knowing what has happened to a car and the circumstances in which it was purchased and sold to them.

If that is the position, the Bill's progenitor, the hon. Member for Basingstoke, is to be congratulated. Purchasers of cars will have recourse to action whereas I discovered only by chance that my car was clocked.

1.14 pm

Mr. Dismore: I congratulate the hon. Member for Basingstoke (Mr. Hunter) on the progress that his Bill has made. Not many hon. Members have the opportunity to introduce a private Member's Bill, and far fewer have the opportunity of taking it through the House and seeing it, one hopes, make rapid progress in the other place.

I welcome the Bill for several reasons. First, it will make a great contribution to vehicle safety, not only in the short term for one-off vehicles but in the longer term. The database that the Bill will create will enable the Secretary of State to accumulate comprehensive and authoritative statistical data on the trends of vehicle roadworthiness.

We often hear about problems with new vehicles. I do not know how many times I have seen recall notices in the press when a design fault has suddenly been found or a manufacturing defect has affected a number of vehicles. Such difficulties are often easily and quickly detected, the vehicles are brought back for repair and the problem is dealt with. The most obvious example was the Ford Pinto case in the United States. The design fault was the positioning of the petrol tank and cars exploded suddenly when they were rear-ended at traffic lights, incinerating the occupants. The Ford Motor Company took some time to accept that there was a design fault on the vehicle and that was one of the issues on which Ralph Nader, the great defender of consumer rights, made his name.

The Bill goes beyond that and, through the database, will look at the longer-term trends of vehicle safety. That will, first, enable manufacturers to determine whether there is a longer-term design fault in a vehicle, which may not be immediately apparent when it appears on the road—for example, a part may wear out more frequently on one type of vehicle than on another—and, secondly, inform them in their design processes. They will be able to work through the MOT system to check what may be going wrong with a particular vehicle, and that will help them to improve design.

Thirdly, the Bill will help consumer choice when people are buying vehicles second hand. If we publish the statistical information on which cars last longer, we will enable people in that market to make a much better choice. For example, we all know that Morris Minors go on for ever. Such information does not come from MOT testing, but from experience gained over many decades, and it could be made available to consumers at a much earlier stage.

Mr. Miller: My hon. Friend has raised an interesting point about the safety of second-hand vehicles, which is very pertinent to me. My wife suffered whiplash injuries in a crash. Immediately following that, there was a press announcement about the reinstallation of a petrol cap. Had there been a computerised system, she could have got that information far earlier and perhaps avoided the injuries that she sustained.

Mr. Dismore: I am grateful to my hon. Friend for that intervention, because it graphically illustrates the point I am making. Design faults are often found early on, but sometimes they are longer term and the MOT system could be a useful early-warning system for consumers who have bought a particular vehicle or as part of the second-hand market.

I also welcome the Bill because it will enable the inspectorate to monitor garages much more closely. We all agree that most garages do an excellent job when they repair cars and carry out MOT tests, and that they would not be involved in ripping off the consumer in any way, shape or form. Equally, as in every profession, one or two rogues may not test vehicles as they should. Someone may issue an MOT certificate on a dodgy vehicle in return for a back-hander, but the Bill will allow us to monitor statistically the performance of garages. If the same garage issues dodgy MOT certificates time and again, we will be able to clamp down quickly and easily, which is a great consumer benefit.

I am also pleased that we are putting the training of people involved in MOT testing on a statutory basis. My hon. Friend the Member for Harrow, East (Mr. McNulty), who is not in his place, had quite a pot at solicitors. Perhaps I may return the compliment by having a pot at teachers, lecturers and instructors—there are good, bad and indifferent ones. Putting the training mechanisms on a statutory basis, including the charging arrangements for them, will result only in an increase in standards.

The Bill will also achieve much better supervision of MOT testing stations. Garage chains were mentioned earlier, and the authorised examiner may not be able to be present at every garage for every test. That is inevitable. Therefore, I am pleased that the Bill provides for nominating supervisors at each MOT testing station to ensure that the tests are carried out effectively and competently. That is an excellent improvement that has been made to the Bill.

We discussed how the Bill will help crime prevention, but many issues that warrant being highlighted were not mentioned. In particular, the Bill will help to remove the incentive to steal and forge MOT certificates. That is one of the problems that often occurs through the dodgy garages that I mentioned earlier—those who, for a back-hander, issue dodgy MOT certificates—which find that blank MOT certificates have disappeared from the

garage safe. If, as a result of the Bill, the definitive MOT record is on a database rather than a paper certificate, it will make a great contribution to combating the problem of stolen MOT certificates. It will also mean that we can stop supplying blank MOT certificates and get rid of the whole paper chase.

My hon. Friend the Member for Southampton, Test (Dr. Whitehead) mentioned the important benefit of including vehicle mileage on the record. One of the problems is that people rarely keep previous MOT certificates, so a vehicle's long-term history is not available. For example, a company car may cover a vast number of miles in the first year or two, which would take much of the life out of the car. Indeed, it would run it into the ground. It may then be sold on to somebody who uses it very little for two or three years. When it is sold on again, the mileage, averaged out, may look reasonable. However, it is important that the consumer buying that car knows that, in its early years, it had a lot of use, because that may affect the vehicle's life. That is another important protection for consumers.

My hon. Friend the Member for Test also made a valid point about the Bill avoiding the clocking of vehicles. It is important that we make that information available to consumers. I do not want to rehearse our earlier arguments about who can make inquiries, but I hope that this mechanism will enable consumers and those interested in vehicle safety to obtain MOT histories for the purposes that I have described.

Another benefit of the Bill is that of renewing the MOT certificate. When my tax disc comes up for renewal, I know that I must buy a new one because I receive a reminder and can trot down to the post office and fill in the relevant form. I doubt whether I am alone in that, the last time that I went to renew my tax disc at the House of Commons post office, I forgot to take my MOT certificate with me. That was a bit of a nuisance, because I then had to return to renew it on another occasion. If we have automatic renewal through a computer database, we will not need to produce our MOT certificates in order to renew our tax disc, so the risk of having to make two trips to the post office will be avoided.

Moreover, if one receives a reminder, it ensures that one renews the certificate. My hon. Friend the Minister said that, when people have to renew their tax disc, it serves as a reminder that their MOT test may be due at the same time. Although that may be so for people who have an annual tax disc, those who renew periodically during the year may find that their MOT certificate is out of sync with the disc.

Happily, the garage to which I take my car for repair issues its own reminder to me. Obviously, that is of great commercial benefit to the garage—it not only reminds me that my MOT certificate is due for renewal but suggests that I might like to go back to the garage to have the job done. It is an excellent garage and I have no qualms about taking my car there. I suspect, however, that many people forget to renew their MOT certificate and thus commit an offence along the lines that we discussed earlier. The Bill will therefore benefit consumers in that way.

For the reasons that I and my hon. Friends have given, I commend the Bill to the House and congratulate the hon. Member for Basingstoke on making such progress with it.

1.25 pm

Ms Glenda Jackson: I add my voice to those that have already been heard in the Chamber thanking the hon. Member for Basingstoke (Mr. Hunter) for introducing the Bill. As he is aware, the Government welcome its introduction. I also thank him for his gracious comments about the help afforded to him by my officials.

I should also like to thank hon. Members who have contributed to the debate. As the hon. Member for Basingstoke said, the Second Reading debate was comparatively short. The contributions that we have heard this morning from my hon. Friends the Members for Ellesmere Port and Neston (Mr. Miller), for Kilmarnock and Loudoun (Mr. Browne) for Southampton, Test (Dr. Whitehead) for Hendon (Mr. Dismore) for North-West Norfolk (Dr. Turner) and for Broxtowe (Dr. Palmer) have been fascinating to listen to, because they have been informed and particularly detailed. I should also like to thank hon. Members not only for their good-natured approach to the debate, but, although it was brief, for the way in which the Committee stage was conducted.

I must exclude from that list the contribution of the hon. Member for Beverley and Holderness (Mr. Cran), who is the official spokesperson for the Conservative Opposition on this issue. He had the temerity to dub as fatuous amendments tabled by my hon. Friends that sought to improve the Bill and to ensure a reduction in deaths and injuries on our roads. Their amendments were concerned with data protection to safeguard the individual, given the computerisation of information proposed in the Bill.

Mr. Deputy Speaker: Order. The hon. Lady knows that I brought the hon. Member for Beverley and Holderness (Mr. Cran) to order because a discussion of the amendments takes us away from the motion, which is that the Bill should be read a Third Time.

Ms Jackson: I am grateful for your advice, Mr. Deputy Speaker, and for the fact that we share a view about the contribution of the hon. Member for Beverley and Holderness.

I shall deal with the issues that have been raised by my hon. Friends on Third Reading. My hon. Friend the Member for Ellesmere Port and Neston was rightly concerned—as I am sure that all hon. Members are—about how we ensure data protection, given the requirements of the Bill, and about individual privacy.

My hon. Friend the Member for Kilmarnock and Loudoun asked to whom information on the computerised database will be available and what information the database will contain. I trust that I shall reassure him by saying that new section 45(6B) of the Road Traffic Act 1988 covers all details of the tests—not only the results, but where and by whom the vehicle was tested. New section 46(5) allows, by regulation, disclosure of full details under new section 45(6B) to people who can show reasonable cause for wanting such information, such as for an investigation into a car accident. New section 46(6), however, provides bulk disclosure of information to anyone, but that precludes the selling of information on where, and by whom, a vehicle was tested.

My hon. Friend the Member for Test gave us painful and personal details of what had happened to him and his vehicle. He rightly highlighted the fact that a computerised central database will help to ensure that such situations do not arise in the future.

[Ms Jackson]

My hon. Friend the Member for Hendon brought together the central themes of this important debate. He referred to the co-ordination and dissemination of information, which can bring only benefits in the important areas of crime reduction; ensuring that testing and test centres are the best that they can be; and consumer protection. As he most tellingly pointed out, such information can also assist in the better design of motor vehicles. All that is part and parcel of what I regard as one of the central conclusions of today's debate: that the dissemination of information can play a major part in reducing the number of deaths and injuries on our roads. That was the opening theme of the debate, when we discussed new clause 1.

As I have said, the Government welcome the Bill. We believe that computerisation will bring significant benefits to MOT testing. We are proceeding with the modernisation of the existing scheme, but, as I am sure that all hon. Members know, the current legislation would impose constraints that would prevent us from achieving all our objectives. The Bill will ensure that modernisation takes place as cost-effectively as possible, and with the maximum benefits.

One of the Bill's main purposes is to amend provisions in part II of the Road Traffic Act 1988 relating to MOT testing. None of the Bill's provisions will relax or remove any of our existing controls over the scheme; on the contrary, the Bill will preserve and enhance those controls.

The main objective of MOT computerisation is to enable the Secretary of State to establish and maintain a central record of the MOT status of vehicles, and the project will ensure that the Secretary of State has better information. The need for better information has been a recurring theme today, and not only in the context of how tests are carried out. Computerisation will clearly enable testing standards to be controlled more effectively; what the Secretary of State would not be able to do without the Bill is to enable the police to check easily and quickly whether a vehicle has a valid MOT certificate. The Bill will also help to facilitate paperless vehicle relicensing transactions, and will enable information from the proposed MOT database to be used for the benefit of others. For instance, the information could be used to help to meet the cost of introducing computerisation.

As has been pointed out, the Bill provides the potential for us to reduce the amount of crime, and to make it easier for consumers to meet requirements in legislation specifying that vehicles on the road should be properly licensed and roadworthy. It will make better enforcement possible, and may enable vehicles to be relicensed over the telephone. As I have said, we are aiming for paperless vehicle relicensing transactions.

We welcome the provisions enabling information to be made available to prescribed persons in certain cases. Hon. Members were rightly concerned about that issue, but, as I was at pains to point out, it will be for the Secretary of State to define what information may be disseminated to whom and for what amount. The Government have no intention of selling information from the database about the identity of registered keepers of vehicles; indeed, such particulars will never be recorded there. Particulars in database records, such as where and by whom an MOT test was carried out, will not be disclosed except in cases prescribed by regulations. I have responded in detail to my hon. Friend the Member for Kilmarnock and Loudoun, who was rightly worried about that.

We want to ensure that disclosures of information will be permitted only when the person requesting the information can demonstrate the existence of reasonable cause for requesting it. For example, the regulations would require it to be demonstrated that an inquirer had a legitimate connection with the state of the vehicle involved. That could be achieved by the quoting of the 17-character alpha-numeric identification number that is unique to individual vehicles.

The Bill enables the Government to obtain maximum benefit from a central computer record of the MOT test results of approximately 22 million vehicles, tested every year at 19,000 MOT testing stations. A full regulatory impact assessment has been carried out. It is estimated that the cost of computerising the MOT testing scheme will be approximately £22 million per annum. That cost will be borne initially by the Vehicle Inspectorate at the Department of the Environment, Transport and the Regions, but passed on to motorists through an increase in the MOT test fee, amounting, we expect, to no more than around £1.

If anonymised information from the proposed MOT database is sold for commercial benefit, as we hope that it will be, the Vehicle Inspectorate will have a share in the income generated and, in turn, will use that income to help to reduce the extra £1 burden of the test fee, so the Bill will benefit consumers not only by making additional information available to them, but by helping to reduce the cost of obtaining an MOT test.

I am pleased to reiterate that the Government welcome the Bill, which will greatly assist in achieving the maximum benefits from introducing computerisation into the MOT scheme. For all those reasons, and for all the reasons that have been put forward by hon. Members, I commend the Bill.

Question put and agreed to.

Bill accordingly read the Third time, and passed.

Referendums Bill

As amended in the Standing Committee, considered.

New Clause 3

COMMENCEMENT (NO. 2)

'.—This Act shall come into force on such day as the Secretary of State may by order appoint.'.—*[Mr. Miller.]*

Brought up, and read the First time.

1.37 pm

Mr. Andrew Miller (Ellesmere Port and Neston): I beg to move, That the clause be read a Second time.

We have spent the morning dealing with dodgy MOT certificates. We now deal with a dodgy insurance policy, as proposed by the hon. Member for Blaby (Mr. Robathan). On Second Reading and throughout Committee, he described the Bill as an insurance policy. I have sought to amend the Bill extensively to turn it from a dodgy insurance policy into one that will work, but the hon. Gentleman does not want to take any advice on the matter.

Mr. Andrew Robathan (Blaby): As regards advice, has the hon. Gentleman taken any advice from the Under-Secretary of State for the Home Department, the hon. Member for Knowsley, North and Sefton, East (Mr. Howarth), or from anyone in the Whips Office, on the new clause that he has tabled?

Mr. Miller: I will be frank. I tabled a considerable number of the amendments after my own research, and some were tabled after discussions with my hon. Friend the Under-Secretary. I make no bones about it. I seek to improve what was perhaps intended to be helpful legislation. It seems that the hon. Gentleman was not open to advice because the Under-Secretary has, I understand, offered to embrace the spirit of the Bill within the electoral commission that is proposed by the Government. That was described on Second Reading at great length.

Mr. Oliver Letwin (West Dorset): In that case, will the hon. Gentleman call on the Government to guarantee what we have repeatedly asked for: no referendum will be held until rules similar to those proposed are in place?

Mr. Miller: I do not need to call on the Government to make such commitments. I know my hon. Friend the Under-Secretary extremely well. I trust him absolutely. I know the Home Secretary extremely well and I trust him as well. I also trust the Government. Clearly, the weakness of the hon. Gentleman's position is that he does not trust anyone. That is indicative of the problems that face the Tory party: Conservative Members do not trust even each other.

Mr. Letwin: Of course I understand that the hon. Gentleman trusts his own Front Benchers. However, it would be a little difficult for him to trust them if they have never made the statement, would it not? Would it not be helpful if they stated that they would not hold referendums until they had rules in place?

Mr. Deputy Speaker (Mr. Michael J. Martin): Order. We are discussing new clause 3. Let us concern ourselves with that.

Mr. Miller: I should love to answer the point made by the hon. Member for West Dorset (Mr. Letwin), but—on your advice, Mr. Deputy Speaker—I shall not.

Mr. Robathan: You cannot.

Mr. Miller: Yes, I certainly can.

The substance of the new clause deals with the date of commencement. The problem is that the hon. Member for Blaby does not seem to trust anyone, but wants his so-called insurance policy to be effected immediately. I am trying to be helpful to him.

New clause 3 would make alternative provision for the implicit commencement date of the Bill's provisions. I believe—although there are greater experts on the matter than I am—that, unless an alternative date is provided, a Bill's provisions will commence automatically on Royal Assent. New clause 3 would simply provide for the Bill to come into force on a date determined by the Secretary of State.

Mr. Letwin: Never.

Mr. Miller: Does the hon. Gentleman want to say something? I am not quite sure what the word "never" means. Never say never is my advice to him—or he might stay in opposition for ever.

Mr. Letwin: I am, of course, trying to say that the intent of new clause 3—it would be better if the hon. Gentleman admitted it—is to give the Secretary of State power never to implement the Bill's provisions.

Mr. Miller: Again, the hon. Gentleman shows no faith in anyone.

Mr. Andrew Dismore (Hendon): I do not know whether my hon. Friend is aware of the case of R *v.* Secretary of State for the Home Department ex parte Fire Brigades Union and others, but it deals with a point of construction applying to his amendment. I hope to be able—if I catch your eye, Mr. Deputy Speaker—to expand on that issue later in the debate.

Mr. Miller: I am not sure whether to address my hon. Friend as learned, as he has substantially more legal qualifications than I do. Nevertheless, I shall avoid responding to his point, but leave him to make it later in the debate.

New clause 3 will enable the Secretary of State to determine the date on which the provisions come into force, presumably giving him the option of following the advice and guidance sought by the hon. Member for Blaby. If there were to be a referendum before establishment of the promised electoral commission, the Secretary of State could trigger the Bill's provisions

[Mr. Miller]

—which would, quite rightly, provide at least some mechanism to deal with the hon. Gentleman's concerns about the conduct of the referendum.

Mr. Robathan: Has the hon. Gentleman just admitted the possibility that there could be a referendum before the measures are in place? If he did, he has contradicted everything that he said in Committee.

Mr. Miller: I did not say that. I am working on the basis that I have as little knowledge of what happens in Cabinet as the hon. Gentleman does.

Mr. Robathan: You trust them.

Mr. Miller: I have considerably more trust in my right hon. Friends than the hon. Gentleman obviously does. If the Cabinet decided tomorrow that there should be a referendum, the new clause would give them a vehicle to provide the types of protection that the hon. Gentleman is seeking.

Mr. Robathan: Last night, about 65 of the hon. Gentleman's colleagues voted against the Government. Do they have a similar trust in the Cabinet?

Mr. Deputy Speaker: Order. We are debating a new clause. Those matters should not be dealt with in this debate.

1:45 pm

Mr. Miller: Last night, my hon. Friend the Member for Kingswood (Mr. Berry) said that he accepted 98 per cent. of the Bill that was before us. If the hon. Member for Blaby would trust the Government and my hon. Friend the Minister 98 per cent., we would not be having this rather odd exchange. As I said, the Government have the opportunity to put in place the protection that the hon. Gentleman seeks should the Cabinet decide on a referendum on any subject between now and the enactment of the Bill.

Mr. John Butterfill (Bournemouth, West): The hon. Gentleman has already admitted that, without the new clause, the Bill will come into effect on Royal Assent, so the new clause would simply delay its implementation. Can he explain why we need a delay?

Mr. Miller: That is a perfectly sensible point and it is my duty to explain it to the House. Due to the filibustering of the Opposition, I have not had the chance to do so. The Bill gives the Secretary of State the power to trigger the Bill if, hypothetically, the Government decided on a referendum on the abolition of Blaby or anything else. That is the insurance policy that the hon. Gentleman requires. If there is no referendum between now and the enactment of the Bill, without the new clause, we shall have set up a body that is superfluous to requirements at public cost, wasting taxpayer's money. The new clause would enable the hon. Member for Blaby to have his insurance policy without the potential waste of public money that would result from his having purchased that insurance policy earlier than necessary.

Mr. Robathan: I am grateful to the hon. Gentleman for being so generous with his time, although he would quite like to spin out his speech. I am prepared to accept his new clause without further discussion if he guarantees that the Bill will receive a Third Reading this afternoon. If he wants to have an insurance policy brought in by the Secretary of State, I am willing to accept that in return for the Bill receiving a Third Reading today.

Mr. Miller: As a humble Back Bencher, I regret that that is not within my gift. During the debates on the several amendments that I have tabled, I want to ensure that a rather weak insurance policy is improved so that we do not end up with the dodgy-MOT-certificate syndrome that we discussed this morning.

Dr. Alan Whitehead (Southampton, Test): I have listened carefully to my hon. Friend's reasons for the new clause. Is he assuming that the Bill applies only to national referendums and not to local and regional ones, which may well take place at a time that is difficult to specify and according to the wishes of the Secretary of State or is he assuming that those flaws in the Bill will have been ironed out before Third Reading?

Mr. Miller: As I understand it, the Bill refers only to referendums that are triggered by an action of a Secretary of State. Whether that could cover local or regional referendums is a matter for discussion. Some of my hon. Friends from the north-east have said that they would like an early referendum on the devolution of powers to that region. Such a referendum would require the Government to create the reference framework. I do not know whether the same applies to referendums at county council or district council level, although I am sure that it could be the case in certain circumstances. My one-line new clause would remove the possibility of an absurd amount of public money being wasted on the creation of a body that, even if Conservative Members have only a small amount of faith in the Government—surely they have at least some—

Mr. Letwin: No.

Mr. Miller: If that is the official position of the Conservatives, it reflects badly on them.

Mr. Butterfill: Surely the hon. Gentleman accepts that everything that has happened today has been an organised filibuster to prevent the Bill from reaching the statute book. The Minister could give an undertaking to introduce Government legislation if he wanted. Of course we distrust the Government.

Mr. Miller: I find that insulting. Throughout my time in the House, I have worked very hard with hon. Members from both sides on issues relating to road safety. My new clause, which we spent a substantial amount of time discussing today, was about issues relating to the death of 3,000 people a year. The hon. Gentleman should not regard that as filibustering. His constituents would not agree. It is probably substantially more important than this Bill.

As I was trying to say before I was interrupted several times by Conservative Members, this is a simple new clause aimed at minimising the waste of public money that would ensue from all the provisions in the Bill coming into force on Royal Assent. I would prefer it if

the Conservatives had a little faith in the Government and accepted the spirit in which my hon. Friend the Minister made his representations on Second Reading. I have been assured that there will be an electoral commission draft Bill, which will be subject to widespread public consultation. It is surely right that a Bill on issues that are so fundamental to our constitution should be subject to public consultation. I am sure that the hon. Member for Blaby accepts that. Why waste time and resources on the body specified in the Bill? If the hon. Gentleman wants an insurance policy, the new clause would get him more sympathy from Labour Members without wasting a lot of public money.

Mr. Robathan: We have 36 minutes left today, so I suspect that we shall not finish all the business on this Bill or on the Fur Farming (Prohibition) Bill, which I regret, because I support that Bill.

Mr. Miller: Will the hon. Gentleman therefore condemn the actions of his colleagues last week in talking out that Bill?

Mr. Deputy Speaker: Order. The hon. Gentleman must not go into that.

Mr. Robathan: I would not dream of doing so. However, there is time available next week, when we have a recess starting on Thursday—

Mr. Deputy Speaker: Order. The hon. Gentleman must not mention those matters. He must refer to the new clause.

Mr. Robathan: I bow to your ruling, Mr. Deputy Speaker. The new clause is a small clause, and the hon. Member for Ellesmere Port and Neston (Mr. Miller) asked us to put more faith in the Government and to have an insurance policy. I do not particularly object to the clause, and I would be prepared to accept it. We agree that we want a referendums commission.

The hon. Gentleman and the Minister sat through the Committee. I believe that the Minister thinks that this is a good idea. He may not think that every aspect of the Bill is a good idea, but I think that he accepts that it would be good to have a referendums commission so as to have the rules for referendums brought in before the next referendum—be it, as in the new clause, at the discretion of the Home Secretary, or be it at the enactment of the Bill.

The hon. Member for Ellesmere Port and Neston was voluble about the new clause, as he has been throughout the day. We are asked to put faith in the Government, but the amendment paper shows that we should not have faith in them. Why has the new clause been tabled? It is not normal for a specific derogation to the Home Secretary to be made at this stage of a Bill. It is normal to have that enacted at Royal Assent. I do not object to the clause, but I want to know why it has been tabled. Why have the Government assisted in producing this clause and others, as we have heard, and why are they opposed to the Bill?

The hon. Member for Ellesmere Port and Neston talked about a waste of public money and resources. However, he is aware that negligible amounts of public money would be spent under the Bill because there would be no need for a referendums commission if no referendum were called. I look forward to seeing the Government's proposals to give discretion to the Home Secretary to determine when the measures are brought into law.

I would have more faith in the Government if they would give us the guarantee for which Members on both sides have asked, as have many outside the House.

Mr. Letwin: Does my hon. Friend agree that we could accept entirely the new clause and the refusal of the Government to accept the Bill as a whole if we had such a guarantee? Does he further agree that proposing the new clause in the absence of that guarantee provides nothing like an insurance policy? If the Government are determined not to promise that they will have no referendum before the new commission is enacted, they will show no sign of actually implementing the legislation in advance of a referendum. Therefore, we have an insurance policy that the Government could negate.

Mr. Robathan: My hon. Friend is right. The hon. Member for Ellesmere Port and Neston talked about improving the insurance policy but, as I have said all along, I will withdraw the money that I wish to put in that insurance policy if we have the Government's insurance policy on the table. The clause will not improve the insurance policy and is designed to damage it.

I remind the hon. Gentleman of the famous words of the right hon. Member for Hartlepool (Mr. Mandelson) on exactly this subject when he was asked whether the Government were obliged to accept the Neill recommendations. The right hon. Gentleman was then a Cabinet Minister; this was before his sad demise. I do not hear Labour Members cheering. The right hon. Gentleman said:

"We don't have to but we need to be mindful of the analysis that he is offering."

I should like the Government to say rather more firmly that they will accept the recommendations and introduce a Bill to be enacted before a referendum, with the discretion of the Home Secretary involved, as in the new clause.

2 pm

The new clause—along with various others—seems foolish in its introduction, its inception and its motivation. I do not know whether the hon. Member for Northampton, North (Ms Keeble) intends to speak, but the hon. Member for Hendon (Mr. Dismore), who has been drafted in, may waffle on about the new clause. I confidently expect them to be talking on it at 2.30, but they should know that those who act as toadies of the Whips only gain the contempt and derision of the Whips, and of their constituents, and they irritate and bore the House. I notice that the hon. Member for Hendon is laughing. I am delighted to say that his constituents will have a good opportunity, at the next general election, to reject him.

Mr. Letwin: Does my hon. Friend agree that there are many circumstances under which the tabling of such a new clause and the filibustering techniques that are being used would be perfectly legitimate but that what he and I object to so strenuously in this case is the fact that we are dealing with the fundamentals of our democracy? The tabling of a new clause that is designed to do nothing

[Mr. Letwin]

other than destroy a measure intended to protect democracy against possible distortion by the use of public money and public broadcasting media is nothing short of a disgrace.

Mr. Deputy Speaker: Order. I remind hon. Members that interventions should be brief.

Mr. Robathan: I agree with my hon. Friend, but it is more important to note that hon. Members of all parties agree with him. The hon. Member for Newport, West (Mr. Flynn) is a sponsor of the Bill and agrees with me, with Liberal Members, with the independent hon. Member for Tatton (Mr. Bell) and with people outside the House that the new clause was tabled purely to undermine the Bill and to undermine any better democracy in this country.

Mr. Paul Flynn (Newport, West): I have not been physically present in the Chamber for most of today, but I have heard all the speeches by my hon. Friend the Member for Ellesmere Port and Neston (Mr. Miller). He spoke on the Road Traffic (Vehicle Testing) Bill, which I accept is very serious. There are 16 Bills before us today, and I am sure that my hon. Friend has expert knowledge of them all and would like to speak about them all with equal brevity but, sadly, although the Bill is splendid and the new clause is entirely acceptable and worth while, we are witnessing not only the assassination of a number of Bills by tactics that many of us might consider questionable—that happened last week, as it does on many Fridays—but the degradation of the rights and powers of Back Benchers.

Back Benchers' time is wasted by Governments and by the Opposition when they want not to argue against a Bill but to use the crude weapons of Parliament to destroy it in an entirely undemocratic way. Today, as on most Fridays, the reputation of Parliament is being demeaned. We want genuine modernisation of the House.

Mr. Robathan: I am grateful to the hon. Gentleman, with whom I agree on this subject, as on many, although on some we fundamentally disagree. Does he agree that there is plenty of time in a parliamentary Session to discuss those matters fully and put new measures that are needed—be they about bull bars or whatever—on the statute book? We have plenty of time, but we keep going off on enormously long recesses.

Mr. Flynn: I am grateful to the hon. Gentleman. He seemed to think that I was giving way, but I had in fact finished my speech. We are two years into this Parliament. The Government came in as modernising new Labour, but the modernisation—

Mr. Deputy Speaker: Order. Perhaps the hon. Gentleman has indeed finished his speech, because he has not said much about the new clause. Perhaps someone could speak on the new clause.

Mr. Dismore: I congratulate the hon. Member for Blaby (Mr. Robathan) on the Bill's having reached this stage. As he knows from what I said on Second Reading, I have many reservations about it, but I agree with much of what he has said about the new clause.

I am only sorry that the right hon. Member for Penrith and The Border (Mr. Maclean) is not here today—he is another member of the usual Friday crew—because we could have had an interesting trip down memory lane.

When I intervened on my hon. Friend the Member for Ellesmere Port and Neston (Mr. Miller), I mentioned the case of the Crown *v.* Secretary of State for the Home Department, ex parte Fire Brigades Union and others. It was the leading case that interpreted, in a particular context, wording similar to that of my hon. Friend's new clause. That represents a trip down memory lane for the right hon. Member for Penrith and The Border and myself because I was the solicitor who handled the case, and he was the Home Office Minister whom, I am pleased to say, I defeated in the House of Lords.

The case concerned the then criminal injuries compensation scheme under the Criminal Justice Act 1988, which contained in its implementation provisions wording almost identical to that of the new clause. The House of Lords construed what the meaning of the word "may" was in that context. The case turned on whether "may" means "shall", or "shall" means "may", or neither, in any particular case. Bearing in mind what was said when we discussed the Road Traffic (Vehicle Testing) Bill just now, it is somewhat peculiar that, for the second time today, I am having to criticise the wording of an amendment devised by my hon. Friend the Member for Ellesmere Port and Neston.

I may be able to answer the question asked by the hon. Member for West Dorset (Mr. Letwin) when he intervened to challenge my hon. Friend about what he intended to achieve, by telling hon. Members that the enacting provisions in the 1988 Act, on which the House of Lords had to adjudicate, were expressed as coming into force

"on such day as the Secretary of State may . . . appoint".

That is almost identical to the wording in the new clause.

In fact, the Secretary of State did not appoint a day, so the then non-statutory criminal injuries compensation scheme remained in operation. In 1993, the Home Secretary said that those provisions of the 1988 Act would not be brought into force, but the existing non-statutory scheme would be replaced, simply through the diktat of the Home Secretary.

The case was brought by the Fire Brigades Union and a consortium of other trade unions, the TUC and many others to challenge the decision in the courts. Unfortunately, although we were on a winning streak, it went all the way to the House of Lords.

Mr. Letwin: I am most grateful to the hon. Gentleman, because now he is explaining what he is talking about—a five-year delay during which the Government went unchallenged in not implementing legislation. That would be just long enough to hold the referendums on the euro, on proportional representation and so on, while the so-called insurance policy was left in abeyance.

Mr. Dismore: If the hon. Gentleman had listened to what I said earlier—clearly he is already bored by our proceedings, although we have not been going long—he would know that, for that very reason, I have much sympathy with what the hon. Member for Blaby said, and am not happy with my hon. Friend's new clause.

If I may finish the ratio of the case, I shall be able to develop my argument more fully. I regret to say that the House of Lords decision was split—there seem to be lot of split decisions recently—but it found that the wording in the 1988 Act, which is almost identical to that in the new clause,

"imposed a continuing obligation on the Secretary of State to consider whether to bring the statutory scheme . . . into force; that he could not lawfully bind himself not to exercise the discretion conferred on him; that the . . . scheme was inconsistent . . . and that, accordingly, the Secretary of State's decision not to bring"

the provisions

"into force . . . had been unlawful".

However, the legislation

"did not impose a . . . duty on the Secretary of State to bring"

the scheme

"into force at any particular time".

The wording of my hon. Friend's new clause would, therefore, mean that the Home Secretary would have an obligation to keep the implementation of the legislation under review, but would not actually have to bring it into force.

Such wording frequently appears in legislation, and because of my experience of that legal case, I always have great difficulty with it; the formulation is so vague. I think that Bills should either be drafted in the same way as the Bill before us, so that they come into force on the date of Royal Assent, or contain a clause similar to the new clause, but using the word "shall" instead of the word "may". That would impose an obligation on the Secretary of State to bring the legislation into force at some stage.

I am concerned about such general discretion provisions, because the net impact of the 1995 case that I mentioned—if the then Home Secretary had got his way—would have been to introduce dramatic cuts in the compensation available to victims of crime. It was thanks only to the consortium of trade unions being prepared to put its money where its mouth was and take on the Home Secretary and the right hon. Member for Penrith and The Border that we were able to stop the process. That led to much better provision for victims of crime in the legislation that the Conservative Government were forced to introduce.

For those reasons, I am very concerned by the wording of new clause 3. It is not wise to allow such wide discretion because it should be for Parliament to decide when primary legislation should come into force. I accept the need for some time to be specified in secondary legislation for orders to be drafted and approved by Parliament, and the Bill contains many opportunities for that process. I would prefer the Bill to read as suggested by the hon. Member for Blaby or for new clause 3 to contain the word "shall" instead of "may".

Mr. Tony McNulty (Harrow, East): My hon. Friend has set out two positions, but would he agree that a third position—putting a date of commencement into the Bill, such as 1 January 2001—would be preferable? That was proposed in Committee and, had the promoter not been as petulantly churlish then as he has been today and accepted it, we might not have needed new clause 3 at all.

Mr. Dismore: I have not had the opportunity to read the report of that part of the proceedings in Committee, but my hon. Friend makes a valid point. Many possible dates suggest themselves and, if the hon. Member for Blaby thought that there would be a referendum on Europe or electoral reform, he could have accepted the date proposed in Committee or tabled an amendment with a different date. That would have avoided the problem.

Mr. Robathan: The Government, whom the hon. Gentleman has been urging us all to trust, have told us that we will have a referendum on European integration and on proportional representation. For once, I have trust in the Government and he does not. What is going on?

Mr. Dismore: It is not a question of trust from my perspective. I trust the Government, just as my hon. Friend the Member for Ellesmere Port and Neston trusts the Government. My concern is one of statutory construction. The incorporation of words such as those proposed by my hon. Friend would be a bad addition to the Bill and that is why I do not support new clause 3. Much as I appreciate what my hon. Friend is trying to do, I cannot support him in this case.

The Parliamentary Under-Secretary of State for the Home Department (Mr. George Howarth): I welcome new clause 3 on commencement. The hon. Member for Blaby (Mr. Robathan) has said on several occasions that he sees his Bill as an insurance policy. What he is apparently seeking to insure against is the Government not introducing their own legislation on the conduct of referendums before a referendum is held on the single currency, proportional representation or any other matter. The hon. Gentleman knows the answer to that and I shall not repeat it because he heard it ad nauseam on Second Reading, in Committee and on other occasions. He should know by now that the risk of that happening is such that there is simply no need for such an insurance policy.

Both I and my right hon. Friend the Home Secretary have made it clear on several occasions that the Government are committed to early legislation on the main findings of the Neill report, which include specific proposals about referendums.

Mr. Letwin *rose—*

Mr. Howarth: I shall give way briefly to the hon. Gentleman, but I do want to make some progress.

Mr. Letwin: I am grateful to the Minister, but the idea that he wants to make progress is risible. I offer him the opportunity one last time in the progress of the Bill to give the assurance that would give us, and democracy in the United Kingdom, so much comfort—that the Government will not hold referendums on major issues before the provisions are implemented.

Mr. Howarth: The hon. Gentleman has asked me the same question over and over again, and I have given him the same answer over and over again. I will not play this silly little game with him. If the hon. Gentleman wants to waste time this afternoon, that is his business. I am not prepared to take part in that.

2.15 pm

Mr. Eric Forth (Bromley and Chislehurst): I have not asked the Minister the question before, so may I try? I have the permission of my hon. Friend the Member for Blaby (Mr. Robathan), the Bill's promoter, to take a little time to try the question again. Will the Minister give a simple undertaking that no referendums will be held until the provisions of the Bill are embedded in our law?

Mr. Howarth: For the benefit of the right hon. Gentleman, the assurance that I have given in the past is that it is most unlikely that there will be a referendum on the single currency or on the electoral system before the provisions are on the statute book. However, I cannot give him any greater assurance than that for various reasons which he, as a member of a previous Government, would recognise. I cannot predict with any certainty what will happen, for example, on European integration and progress on the single currency, so it would be absurd for me to give such an assurance. We do not expect that that will be the case.

We hope to have an electoral commission established and new controls, including those on the conduct of referendums, in place before the next general election. The hon. Member for Blaby knows that the Government's position is clear on the timing of possible referendums on the single currency and on the voting system for the House. There is no immediate prospect of either of those referendums being held.

If the hon. Gentleman is serious about what he says, he would welcome new clause 3. Under the new clause, the Bill would come into force on a day prescribed by order. As a result, it would be possible to hold back on the appointment of a referendums commission until a referendum was in prospect. Consequently, the commission would have a real job to do. Such an arrangement would preserve the hon. Gentleman's insurance policy, but it would also ensure that taxpayers' money was not used as a premium to pay for setting up a referendum commission in the interim. My hon. Friend's amendment is worthy of support.

Mr. Letwin: If the Minister genuinely believes that the amendment is worthy of support, and—leaving aside what I regard as his spurious argument—if he genuinely intends that there should be no referendum before proper rules are in place, there is a course of action open to him in the next 12 minutes, by association with his colleagues, the Whips. That, I believe, would be wholly acceptable to my hon. Friend the Member for Blaby (Mr. Robathan) who has worked so hard on the Bill, to me, to many other hon. Members and to many outside the House who care about such matters.

The Minister should withdraw the new clause and the other new clauses and amendments, and give the Bill a Third Reading so that it is on the statute book in a form that enables the Secretary of State to determine when it will be implemented. That would be a great step forward in our legislation.

I admit that initially I was not optimistic about the speech of the hon. Member for Hendon (Mr. Dismore). I know that he speaks eloquently and at length, but generally not to the purpose of improving the Bill. However, what he said this afternoon was illuminating and it increased my education. It helped to show that, although the Bill would not be perfect, if it were accompanied by good will on the part of the Government, it would be an improvement on the present situation. It would be by no means as good as a Bill without the new clause, for the reasons that the hon. Member for Hendon gave, but it would be a great improvement.

That course of action is open to the Minister. If, by stating his expectation, the Minister means honestly to suggest that the Government do not want to hold referendums without the legislation, he should adopt such a course of action. We have the basis as a House and as a country for judging whether we should or should not have the trust in the Government that the hon. Member for Ellesmere Port and Neston (Mr. Miller) suggested that we should have.

I have always believed that the Minister, and very probably the Home Secretary, intended to do the right thing. I have always seen the Minister as a democrat. However, I am deeply suspicious of the motives of the Home Secretary's colleagues in Cabinet. They have tried to jettison the Bill through the new clause and the many amendments that are to come. I am deeply suspicious because the future of our democracy and its reputation depend on not holding another major referendum without having in place the necessary rules. I suspect that, in their hearts, all Labour Members know that. An opportunity has been granted to us by my hon. Friend the Member for Blaby, who has introduced the Bill, and by the Minister, who says that his intentions are based on good will. I hope that we shall see the Government and their Back-Bench Members behaving with good will this afternoon.

Mr. George Howarth: I think that the hon. Member for West Dorset (Mr. Letwin) is being playful. I wrote to the hon. Member for Blaby (Mr. Robathan)—the hon. Member for West Dorset received a copy of the letter—on 17 March. I set out clearly the Government's position. I see no point in entering the debate that the hon. Gentleman is trying to create. Nothing has moved on since 17 March. The Bill received its Second Reading and it was debated in Committee in great detail. The Government's basic position is no different from that set out in the letter of 17 March, a copy of which I have no doubt he cherishes and reads every night before he goes to sleep. That is where we stand on the matter.

The hon. Gentleman knows full well that I have said from the beginning that he should wait until we publish a draft Bill on the Neill proposals before the summer recess. That Bill will set out fully where we intend to go with our proposals for an electoral commission. If the hon. Gentleman accepts the case for an electoral commission, it is nonsensical to go forward with a referendums commission, when we are so near to establishing something that would embrace all concerns.

Mr. Letwin: If the Minister means what he has just said, the hon. Member for Ellesmere Port and Neston (Mr. Miller) has offered him a route to an irenic solution. There would be no need to establish the referendums commission in advance of the electoral commission if the electoral commission had been established before a referendum and if, as the new clause suggests, the Secretary of State had not implemented the Act. Surely the Minister should be willing on his own logic just

espoused to accept the new clause, and then to urge his hon. Friends to withdraw the rest of the amendments and give the Bill a Third Reading.

Mr. Miller: I have listened to this great debate with much interest. I am particularly interested in the lawyers' club axis that is developing between my hon. Friend the Member for Hendon (Mr. Dismore) and the hon. Member for West Dorset (Mr. Letwin).

I want to simplify the process. I want to test the will of the House on this matter. If my hon. Friend the Member for Hendon wishes to oppose the new clause, let us see whether he has the support of Opposition Members.

Question put, That the clause be read a Second time:—

The House divided: Ayes 3, Noes 0.

Division No. 195] **[2.23 pm**

AYES

Brand, Dr Peter
Burstow, Paul
Flynn, Paul

Tellers for the Ayes:
Mr. Andrew Miller and
Mr. Tony McNulty.

NOES

Tellers for the Noes:
Mr. Andrew Dismore and
Dr. Alan Whitehead.

It appearing on the report of the Division that 40 Members were not present, MR. DEPUTY SPEAKER *declared that the Question was not decided, and the business under consideration stood over until the next Sitting of the House.*

Mr. Butterfill: On a point of order, Mr. Deputy Speaker. It should be shown on the record that the only reason that the Division was inquorate was that Opposition Members were not prepared to take part in a charade put up by Labour Members, who voted against their own new clause—

Mr. Deputy Speaker: Order. That is not a matter for the Chair.

Remaining Private Members' Bills

FUR FARMING (PROHIBITION) BILL

Order read for resuming adjourned debate on Question [14 May] on consideration of Bill, as amended in the Standing Committee.

Amendment No. 36 proposed to the Bill, in page 2, line 20, at the end, to insert the words—

'(c) in Northern Ireland, to the Crown Court'—[*Mr. Forth.*]

Question proposed, That the amendment be made.

Hon. Members: Object.

Debate to be resumed on Friday 11 June.

MISUSE OF DRUGS (AMENDMENT) BILL

Order for Second Reading read.

Hon. Members: Object.

To be read a Second time on Friday 11 June.

WILDLIFE AND COUNTRYSIDE (AMENDMENT) BILL

Order for Second Reading read.

Hon. Members: Object.

To be read a Second time on Friday 11 June.

PREVENTION OF DELAY IN TRIALS BILL

Order for Second Reading read.

Hon. Members: Object.

Second Reading deferred till Friday 23 July.

REGULATIONS ON SMALL BUSINESSES (REDUCTION) BILL

Order for Second Reading read.

Hon. Members: Object.

Second Reading deferred till Friday 11 June.

HARE COURSING BILL

Order for Second Reading read.

Hon. Members: Object.

Second Reading deferred till Friday 11 June.

LICENSING (YOUNG PERSONS) BILL

Order read for resuming adjourned debate on Second Reading [16 April].

Hon. Members: Object.

Debate further adjourned till Friday 11 June.

[Hon. Members]

AGE LIMITS ON HEALTH CARE BILL

Order for Second Reading read.

Hon. Members: Object.

Second Reading deferred till Friday 11 June.

HEALTH CARE AND ENERGY EFFICIENCY BILL

Order read for resuming adjourned debate on Second Reading [23 April].

Hon. Members: Object.

Debate further adjourned till Friday 11 June.

ACCESS TO ENVIRONMENTAL INFORMATION BILL

Order for Second Reading read.

Hon. Members: Object.

Second Reading deferred till Friday 11 June.

PLANNING APPEALS BILL

Order for Second Reading read.

Hon. Members: Object.

Second Reading deferred till Friday 11 June.

BUS FUEL DUTY (EXEMPTIONS) BILL

Order read for resuming adjourned debate on Second Reading [12 March].

Hon. Members: Object.

Debate further adjourned till Friday 11 June.

PUBLIC HOUSE NAMES BILL

Order for Second Reading read.

Hon. Members: Object.

Second Reading deferred till Friday 11 June.

EUROPEAN PARLIAMENTARY ELECTIONS (GIBRALTAR) BILL [LORDS]

Order for Second Reading read.

Hon. Members: Object.

Second Reading deferred till Friday 11 June.

ADJOURNMENT (WHITSUN)

Motion made and Question put forthwith, pursuant to Standing Order No. 25 (Periodic adjournments),

That the Order of the House [30th April] relating to Adjournment (Whitsun) shall have effect subject to the following modification in line 3, to leave out 'Thursday 27th May' and insert 'Wednesday 26th May'.—*[Mr. Kevin Hughes]*

Question agreed to.

BUSINESS OF THE HOUSE

Ordered,

That the Order of the House [30th April] relating to Business of the House shall have effect subject to the following modification in line 1, to leave out 'Thursday 27th May' and insert 'Wednesday 26th May'.—*[Mr. Kevin Hughes]*

Ordered,

That, at the sitting on Monday 24th May, the Speaker shall put the Questions necessary to dispose of proceedings on the Motions in the name of Margaret Beckett relating to the Second Report from the Select Committee on Modernisation of the House of Commons, on Sittings of the House in Westminster Hall (HC 194), and to Sittings in Westminster Hall not later than three hours after the commencement of those proceedings and the Motions may be entered upon and proceeded with, though opposed, after Ten o'clock.—*[Mr. Kevin Hughes]*

Motion made,

That, at the sitting on Wednesday 26th May—

(1) the Speaker shall put the Questions necessary to dispose of proceedings on the Motions in the names of Margaret Beckett or Mrs. Marion Roe relating to—

(a) the First Report from the Administration Committee, on the Proposal to Re-open the Line of Route during the Summer Adjournment (HC 394), not later than two hours after the Motion has been entered upon;

(b) Members' Travel to EU Institutions not later than one hour after the Motion has been entered upon; and

(c) Financial Assistance to Opposition Parties not later than one and a half hours after the Motion has been entered upon;

and the last foregoing Motion may be entered upon and proceeded with, though opposed, after Ten o'clock; and

(2) the Motion in the name of Margaret Beckett relating to Select Committees (Quorum) may be entered upon and proceeded with, though opposed, after Ten o'clock.—*[Mr. Kevin Hughes]*

Hon. Members: Object.

DRAFT LOCAL GOVERNMENT (FUNCTIONS AND STANDARDS) BILL

Resolved,

That it is expedient that a Joint Committee of Lords and Commons be appointed to consider the draft Local Government (Functions and Standards) Bill published in the Command Paper entitled Local Leadership, Local Choice (Cm. 4298), and that the Committee should report by 31st July 1999.—*[Mr. Kevin Hughes.]*

Families

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Kevin Hughes.]*

2.33 pm

Ms Sally Keeble (Northampton, North): I am grateful for the opportunity to have this debate on the important issue of support for families. Despite the emptiness of the Chamber for a Friday Adjournment debate, this matter is of great concern to many hon. Members and is of great and growing interest to many people outside the House because of the changing pressures on family life.

The issue is rarely out of the public arena. Support for families is a source of great strength for many, and its decline is seen as a cause of social decay for many people. It is a particularly important issue for my constituency, because it contains about 12,000 families, which is well above the national average for constituencies.

I should like to read out the views of some of my constituents on family life. These people wrote to me about their experiences during six months of consultation and campaigning on family issues. A single parent wrote movingly about her desire to be at home to look after her child. She wrote:

"I had my child because I wanted to raise her myself, not to be a part-time Mum".

She was retraining to go back to work, and wanted to be able to combine work with a constructive family life. A vicar wrote:

"Historically societies that have failed to uphold the family, and the sanctity of marriage, have often come to the point of collapse."

A much older woman, whose family was grown up, wrote:

"I have no authority at all to pass opinions on how others should bring up their families, but I'm a great believer in family life."

A teacher, expressing views shared by a number of people, wrote:

"Family/parenting/relationships etc could and should be dealt with more in schools and these messages should be reinforced through Government policies etc. Unfortunately I feel that many of these issues are hard to address because we are a very materialistic and therefore work driven society."

Another older woman wrote to me. I thought at first that her letter would be about how women should stay at home looking after the children. She wrote:

"I firmly believe that children under four years need 'one to one' with a parent. I worked part-time when my two children were this age on data processing 6-10pm. My husband arrived home around 5.30pm and took over with the children and put them to bed. It seems now always that material possessions are given priority over the love and care given to bringing up children."

Family policy is sometimes a difficult area for Governments to deal with, because it is on the fault line between the private and the public, the personal and the political. In the past, Governments who have talked a lot about family values have got into trouble. I am drawing on the views and experiences of my constituents, and I pay tribute to many people from all walks of life who participated in the debate that produced the report "Supporting Families in Northampton", a copy of which I have sent to my hon. Friend the Minister. It is based on a Government consultation document.

I thank Avon, Barclays Home Finance, Boots the Chemists, the bishop of Brixworth, Relate, Age Concern, Northamptonshire county council, Northampton borough council, the National Union of Knitwear, Footwear and Apparel Trades, Weston Favell credit union, and many members of the public who filled in questionnaires, came to meetings or just talked on their doorsteps about what they wanted for their families.

For most people, the big issue was change. There was change in the world of work; in particular, there was the impact of women working. In my constituency, many women work, many in part-time jobs, and their incomes are important to the family budget. In the long term, the growing economic independence of women will have profound implications; but in the short term there are practical issues affecting family life. There is also the changing nature of work, from full-time nine-to-five work to part-time work, or shift working in a 24-hour economy. Different types of job require different skills.

The other big change has been in what constitutes a family. Many families have broken up and reformed. Relationships are very different, finances have become more complicated, and, rather than having a nuclear or an extended family, many people have a network extending over a variety of families and generations.

Those changes have led to the need for a very different kind of provision and support, as was reflected in the ideas presented by my constituents. It was noticeable that people were not judgmental about the different types of family, but took a pragmatic approach to the supporting of families in the sometimes very difficult circumstances in which they found themselves, whether those families involved two parents or one, or were "reformed families".

People also made it clear that they considered that the Government's role was to support families—not to interfere in their private lives, decisions and choices, or indeed their life styles, but to provide practical assistance to meet their needs. For example, 100 per cent. of people aged between 25 and 40 who were surveyed in my constituency—including those with the heaviest family commitments—said that they thought that it was the Government's responsibility to ease the pressures of family breakdown, while 91 per cent. considered that it was the responsibility of employers to ensure that their employees could juggle home and work commitments.

People did not necessarily think that Government action had to mean legislative action. It could simply mean extending or reinforcing best practice, or, for example, using purchasing power to ensure that employers implemented family-friendly employment practices. Indeed, many thought that legal solutions were not the best, because they were adversarial and expensive, and inappropriate in the case of what were often interpersonal issues.

Most of the change that people wanted was in the sphere of work. Perhaps surprisingly, they wanted flexible working arrangements, allowing them time off work to deal with family crises. Many people, including the woman whose letter I quoted, went to a lot of trouble to juggle work and family commitments, so that their children could be cared for at home by a family member—perhaps with the mother fixing her working hours for when her partner was at home to care for the children. They wanted support in relation to those sometimes complicated arrangements. Quite a large number of people used nurseries, but, where people were working shifts and difficult hours, the hours of the nurseries, creches and such like often did not fit their

[Ms Sally Keeble]

working hours. They also wanted help with child care costs. I am pleased that those issues are being actively addressed by the Government.

People mentioned the impact on public services of the changes, with the need for public services to be organised around user rather than provider needs and priorities. From the public services—the local authorities themselves—came the view that that did not always have to mean extra money; there were different ways in which to provide services, using existing resources. Services such as NHS Direct and the youth offender panels, which provide services outside regular office hours, are welcome steps in the right direction, but, too often, public sector services lag behind the changing patterns of people's lives.

Another factor that came up was the importance of grandparents, especially when it came to child care. What emerged from the survey was that support from grandparents was regarded more highly by parents than by the grandparents themselves. I know that many hon. Members could attest to the importance of being able to telephone grandparents to ask for help when all other child care arrangements break down.

From the survey, the difficulty of juggling work and home emerged as the biggest pressure for 25 to 40-year-olds—it was an even bigger family pressure than finance. At a conference on the family, we heard from Boots that, for 90 per cent. of people, their ability to balance work and home life was a key factor in their commitment to their employer. Indeed, 20 per cent. said that they would take a pay cut if they felt that the changes in their working lives would lead to an improvement in their home life.

One of the biggest barriers, other than the practical ones of economy and staff management, to more family-friendly working was seen to be a lack of a forum for best practice. People said that there was a need for positive rewards and incentives, including from Government, for firms to introduce family-friendly policies.

Another big plea was for more support during the difficult time when families break down, when the biggest pressures were seen to be financial. Indeed, 60 per cent. of housing repossessions are due to financial problems following family breakdown; they are not due simply to debt problems. Often, those occur when women are left in homes with mortgages that they cannot afford and which the former partner fails, or refuses, to help to pay for. People had a raft of suggestions, including that financial institutions should examine different financial packages for families to ease them through the different stages of family life, for changes to mortgage arrangements and for arrangements for handling bad debt when things get tight.

There were suggestions for Government, such as ensuring that there was joined-up government not just between central Government Departments, but between local and central Government and Government agencies, including the Benefits Agency and the Child Support Agency. People saw Government as having a role in bringing together and providing backing for some of the more innovative ideas from financial institutions.

People felt that there had to be much more focus on support for second families, especially the needs of children. On one of my school visits, I went to a school in quite an affluent part of my constituency. The head teacher spoke at some length about the special needs of children there, which surprised me. He went on to say that most of the special needs were directly caused by pressures on children due to family breakdown. The child who had the most severe needs was a girl of eight who had already lived in three different families.

Many people in my constituency talked about the need for a culture change—for a culture that was more supportive of families. For the faith communities, there were the important issues about marriage and family life. Those arguments are well known and have been well rehearsed, but, even from the more secular in our society, there was talk about changing values, so that our society was more supportive of families. People talked at great length about the impact of the media and the portrayal of violence; the emphasis on business; and the contradiction that they sometimes detected in Government policy—which seemed to support families, but also to punish them when things went wrong.

Many people spoke about the need for the educational system to teach young people about relationships. Many people—such as the teacher whose letter I quoted at the start of my speech—said that they thought that schools, communities and families were inextricably linked and needed to support one another.

I ask my hon. Friend the Minister, in replying to the debate, to deal with some of those specific points, and also to say when the Government will be implementing the initiatives described in the document "Supporting Families". There is a huge fund of good will supporting implementation of the initiatives and a Government lead in encouraging other institutions to provide a more family-friendly society. It also supports the Government's provision of a legislative and financial framework to help the many families in my own constituency and elsewhere.

2.51 pm

The Parliamentary Under-Secretary of State for the Home Department (Kate Hoey): I am very pleased that my hon. Friend the Member for Northampton, North (Ms Keeble) has been able today to raise the very important subject of family policy. I agree with her wholeheartedly that, although it is a Friday afternoon and there are very few hon. Members in the Chamber—although it is very nice to see my hon. Friend the Member for Luton, South (Ms Moran) here—people feel very strongly and great concern about the issue.

Family life is the foundation on which our communities, our society and our country is built. Families are central to the Government's vision of a secure, just and inclusive society. The House owes a debt to my hon. Friend the Member for Northampton, North for the work that she has done in her own constituency in organising not only the survey but the conference, which has produced such interesting results. The Home Office official who attended the conference found it very interesting and was particularly impressed by the breadth of support shown for it by my hon. Friend's constituents, who were from all walks of life.

The consultation document, "Supporting Families"—which has been mentioned already—was the first ever consultation paper on family policy. The public reaction to it—over 900 responses—has been overwhelming, and, in June, we shall publish a summary document. All the responses that we received will feed into the on-going work on family policy of the ministerial group on the family.

One of most important aims of the consultation was to raise awareness of family and parenting issues—and I think that it has already achieved that aim. My hon. Friend the Member for Northampton, North has led the dialogue on the issues in her own constituency, and a similar dialogue is being held across the United Kingdom—although I should say that the process elsewhere in the country has not yet produced results as detailed or in the same depth as it has in her constituency.

As the consultation process has been under way, we have made progress across a wide range of policy areas that will make a difference to families. My hon. Friend the Member for Northampton, North has already mentioned some examples.

A new National Family and Parenting Institute has been established with £600,000 of strategic funding from the Government. The institute aims to change the culture of parenting, so that seeking advice and information is seen as a sign not of failure, but of responsible parenting.

We have also established a new family support grant—with £7 million, over three years—to improve family support services in the voluntary sector. The grant will help to build infrastructure organisations working to support families, and fund innovative parenting and family support work so that we are able to learn lessons of good practice across the country. It will also support work with boys, young men and fathers—groups in which the ministerial group has identified a particular need for targeted support.

My hon. Friend found that 66.7 per cent. of 25 to 40-year-olds in her constituency would like a national helpline for parents to be established. The Government have given £300,000 to Parentline, to help it to expand into a national helpline for parents.

Parentline will also help the new National Family and Parenting Institute to identify the major problems facing families today through the use of anonymised call data on the issues about which parents call in.

The Government have committed £80 million in 1999-2000 to the sure start initiative for local work with families with young children in some of the most disadvantaged areas. The first 21 trailblazer areas for the sure start programme were announced on 9 April. The projects will start this summer.

In Northampton, 73.6 per cent. of people responding to the survey wanted firms to be more family friendly—an important issue. Since we published "Supporting Families", we have made progress in helping families balance work and home. The Employment Relations Bill will bring in a right to parental leave and time off for urgent domestic reasons and will simplify maternity rights. The Department for Education and Employment is taking forward plans for a wide-ranging campaign to promote family-friendly employment practices. As the Northampton report says, the Government should lead by example as a family-friendly employer. We are working on that in all Government Departments.

One of the key themes in "Supporting Families" was the need to strengthen marriages and support adults in their relationships for the sake of their children. I was interested to learn that 75.7 per cent. of people responding to the survey in Northampton want the Government to intervene to help families when relationships break down.

The proposals in the consultation document were intended to increase the support and advice available throughout people's married lives, and in particular at times of stress such as when first children are born.

The survey in Northampton also revealed that 75 per cent. of respondents wanted Government funding for counselling services for couples in difficulty. As my hon. Friend will know, the Lord Chancellor has initiated a review of Government funding for marriage support services. The review will help us develop a more strategic approach to funding for marriage support.

All the responses to "Supporting Families" will help us as we develop family policy. The ministerial group on the family has already identified some key issues to be addressed over the coming year. In particular, it will be taking forward work on boys, young men and fathers. As we approach the new millennium, the lives of young men are undoubtedly more complex than they were in previous generations: a whole raft of social and economic factors have combined to create a need to find ways of preparing young men better for the realities they will face.

Our primary aim is to recognise the potential of young men to make a positive contribution to society. However, anything we do to help boys must not have an adverse effect on the advances that have been made for young women over recent decades. So, while the ministerial group on the family looks at the needs of young men, the women's unit will be taking forward parallel work looking at the particular needs of young women.

The role of fathers is crucial in this respect. Research has shown that boys who have no contact with their fathers are more likely to be violent, to get hurt, to get into trouble and to do less well at school.

Ms Keeble: One point that was hotly debated during a discussion about nursery schools was that boys can go through their early-years and primary education without a male educational role model. If they do not have a father at home either, they are very much adrift. Is that thought behind the work of the ministerial team?

Kate Hoey: I certainly hope so. I shall write to my hon. Friend and tell her exactly what is happening. Even when children are in contact with their father, voluntary organisations have told us that it is more difficult to encourage fathers to participate in parenting support. We want to encourage schemes for fathers and promote recognition of the fact that they have an important part to play.

The ministerial group will be taking forward family policy in providing help for families facing serious problems. In "Supporting Families", we looked at the particular problems of teenage pregnancy, youth offending and domestic violence. We recognise that many other serious problems face families, including mental health problems, disability, alcohol and drug abuse. We shall be looking at those problems to try to ensure joined-up thinking and joined-up services so that families get the help that they need when they need it.

[Kate Hoey]

We are grateful to my hon. Friend for her work in raising the profile of family issues in her constituency and for sending us the results of her research. She has provided a useful opportunity to give more publicity to "Supporting Families". What we have learned from Northampton will help us in our attempt to make a difference to the lives of families in the United Kingdom. I congratulate her on the work that she has done in her constituency and on giving us a coherent resume of what her constituents have said. It will be useful as we develop our family policies.

Question put and agreed to.

Adjourned accordingly at one minute past Three o'clock.

CORRIGENDA

Official Report, 18 May 1999: In column 971, Mr. Norman Baker's speech, the fifth sentence in the sixth full paragraph should read:

According to figures from the Ministry of Agriculture, Fisheries and Food and from the Meat and Livestock Commission, a comparison of farmgate prices in October 1997 and 1998 shows the price of feed wheat down 13 per cent., lamb down 32 per cent., beef down 18 per cent., pigmeat—suffering particularly badly—down 41 per cent., milk down 12 per cent., eggs down 13 per cent. and broilers down 7 per cent.

In column 974, the first sentence in the fourth full paragraph should read:

There is great worry among local farmers about what genetically modified crops mean for them.

Written Answers to Questions

Monday 10 May 1999

INTERNATIONAL DEVELOPMENT

Sudan

Dr. Tonge: To ask the Secretary of State for International Development what data she has collated on the take-up of children's vaccination in Southern Sudan. [83088]

Clare Short: United Nations Children's Fund UNICEF confirm that during two rounds of National Immunisation Days (NIDs) in Sudan in February and March this year, over one million children in Southern Sudan were vaccinated against polio. The next Sudan NIDs are planned to take place in February and March 2000.

Poverty Elimination Programmes

Dr. Tonge: To ask the Secretary of State for International Development if she will make a statement on her Department's plans to link debt relief with poverty elimination programmes. [83297]

Clare Short: We are working to influence the World Bank and the IMF during the comprehensive review of the Heavily Indebted Poor Countries (HIPC) initiative to strengthen the linkage between debt relief and poverty eradication. In particular we are stressing the need for HIPC to deliver a greater reduction in the level of service payments in the early years to enable governments to invest sufficient resources in anti-poverty programmes such as health and education and so achieve the International Development Goals.

Debt Relief

Dr. Tonge: To ask the Secretary of State for International Development (1) what discussions were held at the recent IMF/World Bank meeting in Washington on debt relief; and if she will make a statement; [83298]

(2) if she will make a statement on the HIPC Initiative following the IMF/World Bank spring meetings. [83304]

Clare Short: The Chancellor of the Exchequer and I participated in discussing the Heavily Indebted Poor Countries (HIPC) initiative at the Interim Committee meeting of the IMF and at the Development Committee of the World Bank in Washington at the end of April. At both meetings, Ministers gave strong support to providing more debt relief to countries which are committed to eradicating poverty. In discussions on the fundamental review of the HIPC initiative, the Chancellor and I emphasised the need for change, in order that the initiative provides countries with a permanent exit from their debt problems, as it was intended to do. We also stressed the importance of debt relief being provided in such a way that it releases resources for governments to invest in key sectors to enable them to achieve the International Development Goals. Phase 2 of the HIPC review will consider how to strengthen this link between debt relief and poverty elimination.

Dr. Tonge: To ask the Secretary of State for International Development what provision will be included in the Government's proposed debt relief framework for debt *(a)* service and *(b)* stock reduction. [83300]

Clare Short: The Heavily Indebted Poor Countries (HIPC) initiative focuses on reducing the stock of debt, with countries receiving one large cut in their debt which takes effect after many years. We are pressing the international community to agree not only to provide more debt relief to countries who are implementing demonstrably pro-poor policies, but to provide it in a way that enables governments to increase spending on anti-poverty programmes. This points to revising the Initiative so that it takes more account of what governments can afford to pay from their budgets, and delivers greater reductions in debt service paid, especially in the early years.

Reconstruction (Balkans)

Dr. Tonge: To ask the Secretary of State for International Development what assessment she has made of the long-term reconstruction needs of *(a)* Albania, *(b)* Montenegro and *(c)* Macedonia. [83299]

Clare Short: We are working with the European Commission, EU Member States and International Financial Institutions to determine the longer term needs of Albania, Macedonia and Montenegro. As the Donors Conference on Macedonia on 5 May indicated, the international community is prepared to provide considerable support based on real needs. Bilaterally we plan to focus on know how and technical support to enable the Governments of the region to increase their capacity to respond to the crisis and absorb international assistance.

IMF

Dr. Tonge: To ask the Secretary of State for International Development what assessment her Department has made of the IMF's suitability as the lead organisation in helping poor countries meet the 2015 international development targets. [83301]

Clare Short: Multilateral organisations including the IMF have a key role to play in helping countries to meet the international development targets. Following last year's review of the IMF's Enhanced Structural Adjustment Facility, it was agreed that the IMF should take more account of the social impact of their programmes, the quality of government expenditure, and should protect budgets in high priority areas such as health and education. We are encouraging the IMF to work more closely with the World Bank to ensure that, in designing structural adjustment programmes, they take account of the impact on the poor. Following proposals put forward by the UK, the World Bank is developing principles of good practice in social policy, in consultation with the IMF. We envisage that these principles will be

drawn upon by the World Bank and the IMF in the design of programmes. We continually emphasise the need for the IMF to build support for reforms which lead to economic growth which benefit the poor programmes, through discussion and consultation with civil society.

Ethiopia and Eritrea

Dr. Tonge: To ask the Secretary of State for International Development if she will make a statement about the current humanitarian situation in Ethiopia and Eritrea. [83302]

Clare Short: The UN estimate that there are 3,250,000 people in need of humanitarian relief in Ethiopia. 397,000 of whom have been displaced due to the border conflict. In Eritrea 540,000 people need support with 290,000 displaced by the conflict. Main relief requirements are food, shelter, clothing, household items, health care, water and sanitation. Since January 1998 Britain has provided £5.2 million (including our contribution to EU actions) for emergency food and other support to Ethiopia and Eritrea.

Democratic Republic of Congo

Dr. Tonge: To ask the Secretary of State for International Development if she will make a statement about the current humanitarian situation in the Democratic Republic of Congo. [83303]

Clare Short: We are continuing to press all parties to the conflict to agree a cease-fire and to reach a negotiated settlement. The signing in April of the Sirte agreement between the DRC, Uganda, Libya, Chad and Eritrea was a welcome step towards a cessation of hostilities, as was the communique issued on 5 May by the leaders of Tanzania, Rwanda and Uganda re-affirming their commitment to a peaceful settlement of the conflict.

Fighting in the country is resulting in continued flows of refugees into neighbouring countries. The conflict and movement of those displaced continues to prevent humanitarian agencies from accessing many of those in need.

The UK is ready to respond to appeals from UN agencies and NGOs. We have so far this year provided over £450,000 bilaterally through humanitarian agencies to support refugee and displaced populations, and other vulnerable groups.

Open Government

Dr. David Clark: To ask the Secretary of State for International Development how many applications for information she received under the Open Government: Code of Practice on Access to Government Information in the last parliamentary session; and how many of these applications were granted. [83117]

Clare Short: In the Parliamentary session October 1997 to July 1998 I received and granted four applications for information under the Open Government Code of Practice on Access to Government Information.

ENVIRONMENT, TRANSPORT AND THE REGIONS

Ministerial Meetings (US)

Mr. Matthew Taylor: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer on 26 March 1999, *Official Report*, column *417*, how many times Ministers in his Department met their counterparts in the US Government between 1 January 1998 and 1 June 1998; and if he will list the dates and locations of each meeting, the Ministers involved on each occasion and the name of the US counterpart at each meeting. [82227]

Mr. Prescott: The information for DETR is as follows:

Date	*Location*	*DETR Minister*	*US Counterpart*
13 February 1998	London	John Prescott	Stu Eizenstat (Under Secretary of State for Economic, Business and Agricultural Affairs)
16 February 1998	London	Gavin Strang	Mortimer Downey (Deputy Secretary, US Department of Transportation)
4 April 1998	Leeds Castle	John Prescott Michael Meacher	Carol Browner (Administrator at the US Environmental Protection Agency)
28 April 1998	Washington	John Prescott	Rodney Slater (Secretary of Transportation)

Norwich Hospital

Dr. Gibson: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to ensure *(a)* public transport access and *(b)* access off the southern bypass to the new hospital in Norwich from the city centre. [82688]

Ms Glenda Jackson: Public transport access to the new Norfolk and Norwich Hospital at Colney is a matter for Norfolk County Council as the local transport authority, the Hospital trust, who have entered into an agreement with the County Council to provide a high quality bus service for the new site, and the commercial operators.

My noble Friend the Parliamentary Under-Secretary of State has asked the Highways Agency to look again at access to the hospital. The Highways Agency is considering the matter. A decision will be taken as quickly as possible.

Regional Development Agencies

Mr. Harvey: To ask the Secretary of State for the Environment, Transport and the Regions how many staff transferred to each regional development area from *(a)* English Partnerships, *(b)* the Rural Development Commission, *(c)* Government offices, *(d)* regional development organisations and *(e)* other bodies. [82922]

Mr. Meale: The table shows the number of staff transferring to each regional development agency on 1 April 1999. The figures exclude temporary staff and vacant posts which also transferred. Figures for RDAs exclude overseas staff.

Number of staff transferring to RDAs on 1 April 1999 by source organisation

Region development agency	*English partnerships*	*Rural development commission*	*Government offices*	*Regional development organisations*	*Other*
Advantage West Midlands	26	7	30	57	0
East of England	9	15	13	0	0
East Midlands	35	11	13	29	0
North East	85	9	27	91	0
North West	83	8	20	44	0
South East of England	16	9	15	0	0
South West of England	44	23	13	44	5
Yorkshire Forward	60	11	33	63	0

Mr. Harvey: To ask the Secretary of State for the Environment, Transport and the Regions what staff with environmental expertise have been recruited by each regional development agency. [82923]

Mr. Meale: Staff transferring from English Partnerships, the Rural Development Commission and Government Offices to take forward transferring functions, will have, or will have access to, any necessary environmental expertise to carry out the work. RDAs have been recruiting for a wide range of posts, including strategy development and corporate functions. Where environmental expertise is relevant to the post this will have been a consideration in the advertisement and selection process. RDAs will also be establishing links with a range of organisations, some of which will be able to provide advice on environmental issues. However, separate records are not kept on the environmental expertise of individual staff in the RDAs.

Refrigerants (Emissions)

Mr. Hoyle: To ask the Secretary of State for the Environment, Transport and the Regions (1) what assessment he made of whether the author of the report, "UK Emission of HFCs, PFCs and SF6 and Potential Emission Reduction Options", had been involved in lobbying on behalf of *(a)* the refrigeration industry and *(b)* the manufacturers of refrigerants referred to in the report; and if he will make a statement; [82928]

(2) what action he plans to take as a consequence of the report commissioned by his Department, "UK Emissions of HFCs, PFCs and SF6 and Potential Emission Reduction Options"; [82927]

(3) what representations he has received concerning the independence of his advisers on climate change issues, with particular reference to the global warming impact of different refrigerants. [82926]

Mr. Meale: We have received representations concerning the consultants who have prepared for my Department a report which updated annual UK emissions data for HFCs, PFCs and SF6, provided emission projections to 2020 and assessed the costs and benefits of options to reduce future emissions. One of the representations included a detailed list of comments on the report, and a detailed reply, responding in full to each of the points raised, has been made.

The consultants were chosen on their technical merits and we see no reason to question the objectivity of the report. The preparation of the report included wide consultation with industry and was overseen by an interdepartmental steering committee.

The Government intend to develop a balanced and equitable strategy across all sectors, to meet the UK's climate change targets. The climate change consultation paper, which we published last October, set out a range of policy options that could be used to meet these targets. We are now developing a draft UK climate change programme for publication later this year. This will be informed by the responses to the consultation paper and other relevant information, including the above report and any representations concerning it.

Metered Dose Inhalers

Mr. Reed: To ask the Secretary of State for the Environment, Transport and the Regions what progress he has made in phasing out the chlorofluorocarbon exemption on metered dose inhalers. [83172]

Mr. Meale: The Montreal Protocol allows chlorofluorocarbons (CFCs) to continue to be produced for use in the manufacture of metered dose inhalers (MDIs). This essential use exemption will continue to be provided only until an adequate range of non CFC alternatives is on the market, which in the European Union is likely to occur within the next two to five years.

The Montreal Protocol also required Parties to prepare a national or regional strategy by 31 January 1999, which would ensure a smooth and efficient transition from CFC MDIs to non CFC MDIs whilst protecting the health and safety of patients.

As the European Community is a Party to the Protocol, the European Commission prepared an EU wide transition strategy in consultation with member states, which was published by the Commission at the end of October 1998. The EU strategy sets out the criteria which will be used to determine when the essential use criteria for MDIs will be withdrawn in the EU. A number of non CFC MDIs are now available in the UK, and we anticipate that it should be possible to complete the transition for most types of MDI in the next three years.

To complement the EU strategy, my Department is currently consulting stakeholders and interested parties on a draft UK strategy which will manage the transition

process within the UK. The consultation ends on 31 May 1999 and we aim to publish the final strategy later in the year.

Mr. Reed: To ask the Secretary of State for the Environment, Transport and the Regions what estimate he has made of the annual volume of chlorofluorocarbons released into the atmosphere through the use of metered dose inhalers in the UK in 1997 and 1998. [83173]

Mr. Meale: Based on data supplied by the European Commission, my Department estimates that the volume of chlorofluorocarbons used by manufacturers of metered dose inhalers in the United Kingdom was 2,208 tonnes in 1997 and 2,109 tonnes in 1998. About 40 per cent. of these metered dose inhalers will be used in the United Kingdom, the remainder being exported to other European Union countries and elsewhere. It is assumed that all the chlorofluorocarbons used in the manufacture of metered dose inhalers will eventually be emitted to atmosphere.

Local Authority Housing

Mr. Cox: To ask the Secretary of State for the Environment, Transport and the Regions what recent discussions he has had with London borough councils on the number of empty housing units in their authorities. [83333]

Mr. Raynsford: As part of the annual Housing Investment Programme determination, officials from the Government Office for London regularly discuss with all London boroughs many aspects of their housing strategies and their performance as housing authorities. These discussions include the boroughs' enabling role in bringing empty properties back into use and their private sector renewal strategies to tackle empty properties in the private sector.

The Government fully support the work of the Empty Homes Agency and the London Empty Property Forum, which are both playing an important role in bringing empty homes back into use.

Road Freight

Mr. Baker: To ask the Secretary of State for the Environment, Transport and the Regions what proportion of road freight in the United Kingdom originated outside the United Kingdom, in the latest year for which figures are available. [82882]

Dr. Reid *[holding answer 5 May 1999]:* In 1997, an estimated 2.5 per cent. of all tonne-kilometres performed in Great Britain, for both domestic and international haulage, were performed by vehicles originating outside the United Kingdom. Virtually all of this foreign activity was accounted for by the British part of international journeys by foreign hauliers. Domestic journeys by foreign hauliers accounted for under 0.04 per cent. of the total Great Britain tonne-kilometres in 1997, which is the last year for which we have full figures. However, there is some anecdotal evidence that the foreign haulier activity within the UK has been increasing over the recent years. This is one of the issues we will be addressing through the Road Haulage Forum.

Manchester Airport

Mr. Blunt: To ask the Secretary of State for the Environment, Transport and the Regions what were the main environmental safeguards agreed under section 106 of the Town and Country Planning Act 1990 as preconditions for granting planning permission for the second runway at Manchester airport. [83353]

Mr. Raynsford: Manchester airport entered into a number of legal agreements including such matters as landscape and nature conservation, noise controls, night flying, highways improvements, public transport and the relocation of listed buildings.

Domestic Violence

Mr. Cohen: To ask the Secretary of State for the Environment, Transport and the Regions when research into accommodation and support services available to households experiencing domestic violence is expected to be *(a)* completed and *(b)* published. [83564]

Mr. Raynsford: The research was commissioned by the Department of the Environment, Transport and the Regions, in association with the Women's Unit and the Department of Health, in June 1998, and is progressing well. The research involves a number of data collection exercises, including surveys of local authorities and women's refuge groups, case studies in a small number of local authorities, and interviews with households who have made use of the accommodation and support services. Fieldwork will be completed by the end of the year.

The final report and good practice guidance for local authorities on the options for addressing the accommodation and support needs of households experiencing domestic violence is expected to be published in summer 2000.

Passenger Partnership Fund

Ms Keeble: To ask the Secretary of State for the Environment, Transport and the Regions when he will publish the guidelines for the Passenger Partnership Fund. [83699]

Ms Glenda Jackson: OPRAF will be publishing shortly guidance for those who wish to bid for some of the Rail Passenger Partnership Fund.

Open Government

Dr. David Clark: To ask the Secretary of State for the Environment, Transport and the Regions how many applications for information he received under the Open Government Code of Practice on Access to Government Information in the last parliamentary session; and how many of these applications were granted. [83105]

Mr. Prescott: For monitoring purposes, this information is collected on a calendar year basis. Information for 1997 was published last year in the Open Government Code of Practice on Access to Government Information 1997 Report. In 1998 my Department received 5,304 applications for information under the Code and granted 5,302 of them.

Urban Centres

Mr. Jim Cunningham: To ask the Secretary of State for the Environment, Transport and the Regions what steps the Government are taking to improve facilities in urban centres for *(a)* the less mobile and *(b)* those on low incomes. [83599]

Ms Glenda Jackson: My Department has issued guidance to local authorities on a range of measures to improve town centres for people with mobility difficulties. On the transport side, in January this year we published new guidelines on the use of tactile paving surfaces to provide warning and guidance to blind and partially-sighted pedestrians. We also intend to publish our strategy to encourage walking soon. This will set out the need for town centre improvements to take into account the needs of all groups, including disabled people and the 30 per cent. of households without access to a car.

More generally the planning policy guidance for town centres and retail developments (PPG6) we have issued to local authorities has made particular reference to improving access to and within town centres, improving the pedestrian environment and, in particular, addressing the needs of people with mobility difficulties. We would expect authorities to survey the access and mobility needs of disabled people and demonstrate a commitment to meeting their needs in drawing up their strategies for town centres, their development plans and in making decisions on new developments.

We also expect local authorities to demonstrate a similar commitment in their Local Transport Plans (LTPs). The guidance already issued to local authorities on preparing their LTPs has made particular reference to the needs of people with mobility difficulties. We expect LTPs to provide evidence to support their record in this area, and provide detail of their future plans.

Turning to buildings, Part M of the Building Regulations requires that reasonable provision should be made for access and facilities for disabled people in all new buildings. These requirements currently apply to buildings other than dwellings, but from 25 October this year they will be extended to all new dwellings.

In terms of low incomes, we have commissioned research into the links between public transport and social exclusion. The research will seek to establish the level of exclusion from public transport, identify the factors which discourage different groups from using it, examine the initiatives to encourage new passengers, and propose a range of initiatives to encourage ridership among excluded groups. The results of the research will be available in late 1999.

Rural Brown-field Sites

Mr. Fraser: To ask the Secretary of State for the Environment, Transport and the Regions what the Government's policy is on returning rural brown-field sites developed in the Second World War and no longer required for the original purpose to greenfield status. [83778]

Mr. Raynsford: The future use of a previously developed site should be consistent with the local planning authority's development plan and with the Government's planning policy guidance.

Planning Guidance

Mr. Fraser: To ask the Secretary of State for the Environment, Transport and the Regions (1) what account he takes of public support for the construction of a relief road in deciding whether to give statutory protection to an area considered by English Nature to be worthy of special conservation the designation of which will obstruct the building of that road; [83777]

(2) what account his Department takes of the effect on environmental pollution of selecting a site for protection as a Special Area of Conservation whose designation will obstruct the construction of a relief road. [83760]

Mr. Meale: None. All Special Areas of Conservation are selected on the basis of their scientific conservation interest. The decision to allow the building of a road must be based on a number of planning factors one of which is its possible effect on nature conservation sites. Article 6 of the Habitats Directive requires all plans or projects which may have a significant effect on sites designated as Special Areas of Conservation (SACs) to be assessed for their implications on the site's conservation objectives. If that assessment shows that the plan or project would adversely affect the integrity of the site, consent may only be given, in the absence of alternatives (ie a less damaging way of carrying out the scheme), in the overriding public interest.

London-Ipswich Corridor

Mr. Jenkin: To ask the Secretary of State for the Environment, Transport and the Regions what is the remit for the multi-modal transport study for the London–Ipswich corridor; when it will be completed; if he will place any papers relating to traffic flows, investment options and opportunities for the injection of private finance received in the course of the study in the Library; and if he will make a statement. [83749]

Ms Glenda Jackson: Following consultation with the Regional Planning Body and others, we announced on March 23 that a study into the London to Ipswich corridor would be added to Tranche 2 of the Multi-Modal Studies programme. Tranche 2 studies will begin in 2000 and are expected to take on average 2 years to complete.

The terms of reference for the study will be drawn up by a Steering Group which will include the Regional Planning Conference (SERPLAN) the Government Office, the Local Highway Authorities and transport providers. The aim of the study will be to address strategic problems within the London to Ipswich corridor, including on the A12, and to identify solutions to those problems from all modes of transport and land use planning which meet our overarching environmental, safety, economic, accessibility and integration objectives for transport.

The study will be an open process conducted in partnership with SERPLAN and in consultation with a wide range of interests. Specific reports related to the studies, covering topics such as data collection, option testing and strategy formulation etc., will be available from the Government Offices who are managing the studies.

Fenchurch Street Station

Mr. Mackinlay: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 5 May 1999, *Official Report*, column *396*, concerning services to Fenchurch Street Station, if he will introduce legislation to improve the level and speed of compensation for customers in respect of infrastructure failures which are the responsibility of Railtrack. [83714]

Ms Glenda Jackson: Compensation to passengers for delays and cancellations, whatever their cause, is paid under the Passenger's Charter. These payments are made directly to passengers by the Train Operating Companies (TOCs) with which they travelled. All TOCs were required as part of their franchise agreements to publish a Passenger's Charter and the level of compensation offered and the events which triggered such payments were required to be as good or better than those offered by British Rail. The Franchising Director cannot unilaterally require improvements.

Mr. Mackinlay: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 5 May 1999, *Official Report*, column *396*, concerning services to Fenchurch Street Station, what action the Government are taking to ensure that Railtrack invest sufficiently to reduce the incidence of infrastructure failure. [83716]

Ms Glenda Jackson: We made it clear at the National Rail Summit in February that the Government is prepared to work in partnership with the railway industry to deliver a better rail service and increased investment. But Railtrack must play its part in creating a high quality, high growth, high investment railway. We have appointed Sir Alastair Morton to lead the shadow Strategic Rail Authority, and Tom Winsor as Rail Regulator, to ensure that that investment is delivered.

Westminster Council

Mrs. Shephard: To ask the Secretary of State for the Environment, Transport and the Regions what has been the total cost to public funds of the Westminster auditor's inquiry into the Westminster Council's designated sales policy over the period 18 July 1989 to 30 April 1999. [83381]

Ms Armstrong: We are advised by the Audit Commission that the auditor's costs for the investigation, up to and including the publication of his report in 1996, was £3,017,905, which has been met by Westminster City Council. The Audit Commission has, since the commencement of High Court proceedings, met further costs of £3,705,000. This includes the legal costs of the auditor for the High Court and Appeal Court Hearings, and the costs of those appellants whose appeals were successful in the High Court. It does not include the High Court and Appeal Court costs of Dame Shirley Porter and David Weeks; the Appeal Court is reconvening in several weeks to consider the award of these costs.

Audit Commission

Mrs. Shephard: To ask the Secretary of State for the Environment, Transport and the Regions if he will set out the authority under which the Audit Commission may make, vary, or refuse payments to a District Auditor it has appointed; and if he will make a statement. [83382]

Ms Armstrong: The Audit Commission appoints auditors in accordance with the provisions set out in the Audit Commission Act 1998. Section 3(8) gives the Audit Commission discretion to make appointments on such terms and for such periods as the Commission may determine. These terms include the basis on which payments are made to appointed auditors.

Fuel Poverty

Mr. Dismore: To ask the Secretary of State for the Environment, Transport and the Regions when he expects to publish the Government's fuel poverty policy proposals. [83906]

Mr. Meale: The Government intend to publish their proposals for the way ahead on fuel poverty tomorrow. They follow an extensive inter-departmental review of all current policies and programmes, including discussions with over 60 organisations with an interest in this area. Fuel poverty is an important issue which affects all too many households and which we are determined to address. The proposals will be subject to a two month consultation period, during which we shall actively seek views from interested parties. Copies of the consultation paper will be available tomorrow morning in the Library of the House and the Vote Office.

WALES

Union Recognition

Mr. Llew Smith: To ask the Secretary of State for Wales what monitoring his Department undertakes of the implementation of Government policies on wages and union recognition in companies in South Wales. [81921]

Mr. Hain:

Wages

The Government asked the Low Pay Commission to monitor and evaluate the introduction and impact of the national minimum wage with particular reference to the effects on pay, employment and competitiveness. The Commission has been asked to report its findings by December. However, all employers in Wales will need to act within the law respecting the provisions of minimum wage legislation.

Union Recognition

The Employment Relations Bill, which contains a statutory procedure for trade union recognition, is currently being considered in another place. The Government is committed to reviewing the operation of such a procedure once it is in place.

Genetically Modified Crops

Mr. Edwards: To ask the Secretary of State for Wales if he will list each application for a licence to grow genetically modified crops in Wales in 1999, and the proposed locations. [82220]

Mr. Jon Owen Jones: No applications to release genetically modified organisms at sites in Wales have been received in 1999.

An application was received, in December 1998, for the approval of research trials of Spring GM oilseed rape at 15 locations across Great Britain. In line with normal procedures this was assessed by the Advisory Committee on Releases to the Environment who appraise the application and advise on whether consent should be granted. One of the proposed release sites was in Monmouthshire and a consent was issued earlier this year. Subsequently, the farmer in Monmouthshire has withdrawn his permission to trial the GM crop.

My right hon. Friend's responsibilities in this area are shortly to transfer to the National Assembly for Wales.

New Deal

Mr. Rowlands: To ask the Secretary of State for Wales what estimate he has made of the number of lone parents who have agreed to join the New Deal programme in Wales. [83765]

Mr. Hain: The latest information from the Employment Service indicates that, by the end of March 1999, over 4,400 lone parents had agreed to participate in the New Deal for Lone Parents in Wales.

Mr. Rowlands: To ask the Secretary of State for Wales what his latest estimate is of the number of lone parents who have found jobs under the New Deal arrangements in Wales. [83764]

Mr. Hain: The latest information from the Employment Service indicates that, by the end of March 1999, almost 1,200 lone parents had secured jobs through the New Deal for Lone Parents in Wales.

Mr. Rowlands: To ask the Secretary of State for Wales what is his estimate of the numbers of 18 to 24-year-olds who have obtained jobs through the New Deal arrangements in Wales. [83766]

Mr. Hain: The latest information from the Department for Education and Employment indicates that, by the end of February 1999, over 4,300 young people had secured sustained jobs through the New Deal for 18–24s in Wales.

Open Government

Dr. David Clark: To ask the Secretary of State for Wales how many applications for information he received under the Open Government: Code of Practice on Access to Government Information in the last parliamentary session; and how many of these applications were granted. [83121]

Mr. Michael: For monitoring purposes this information is collected on a calendar year basis. Information for 1997 was published last year in the Open Government Code of Practice on Access to Government Information 1997 Report. In 1998 my Department received 18 applications for information under the Code and granted 14 of them.

DEFENCE

Armed Forces (Overstretch)

11. **Mr. Bercow:** To ask the Secretary of State for Defence what measures his Department is taking to address overstretch in the Armed Forces. [82588]

Mr. Doug Henderson: We remain firmly committed to addressing overstretch in the Armed Forces. Recruiting is an important priority; it remains buoyant and all three Services have improved their recruitment achievements during the last year. We are also making strenuous efforts to improve retention, for example through the Strategic Defence Review 'Policy for People' initiatives.

Kosovo

12. **Ms Squire:** To ask the Secretary of State for Defence if he will make a statement on the current security situation in Kosovo. [82589]

Mr. George Robertson: Serbian forces continue their brutality against Kosovar Albanians. Over one million have been forced from their homes. The UNHCR report that approximately 800,000 are now resident in temporary camps outside Kosovo or in countries elsewhere. A further 350,000 to 800,000 are thought to be internally displaced seeking refuge and safety in Kosovo.

15. **Mr. Dalyell:** To ask the Secretary of State for Defence what is the estimated tonnage of ordnance dropped on oil and chemical plants in Yugoslavia since 24 March; and what estimate he has made of resulting emissions of *(a)* ammonia, *(b)* benzene, *(c)* chlorine, *(d)* mercury, *(e)* phosgene and *(f)* sulphur dioxide. [82592]

Mr. George Robertson: I am withholding information on the tonnage of ordnance dropped in Yugoslavia since 24 March under exemption 1 of the Code of Practice on Access to Government Information. We take the need to avoid dangerous emissions from nuclear and chemical plants fully into account in making decisions about targets. The UK will comply with its obligations under the First Geneva Protocol.

22. **Mr. Amess:** To ask the Secretary of State for Defence what assessment his Department has made of the effectiveness of the air campaign against the Federal Republic of Yugoslavia to date. [82600]

Mr. George Robertson: NATO's military action has had significant impact on Yugoslav military and special police operations and continues to do so. The air campaign is moving systematically and progressively to disrupt the violence and degrade President Milosevic's forces, his sustaining infrastructure, command and control and other targets associated with his system of repression.

Ms Dari Taylor: To ask the Secretary of State for Defence what role British troops are playing in assisting the humanitarian relief effort for Kosovar Albanian refugees. [82610]

Mr. Doug Henderson: The UK will continue to play a leading role in responding to the humanitarian crisis in the region.

British troops in Macedonia have been assisting refugees since the beginning of April. They are continuing to prepare and distribute food and to supply blankets, nappies and other essential items. UK troops have also been involved in improving infrastructure at the refugee camps. This has included erecting tents and shelters, digging latrines, laying water pipes, removing rubbish, erecting fences and constructing tracks and bridges.

Today we plan to make available some 1,000 UK troops, currently in Macedonia, to assist in the humanitarian aid effort in Albania, where they will work with troops from other NATO nations to construct camps for up to 65,000 refugees. These camps will be handed over to Non Governmental Organisations to administer as soon as they have been established.

23. **Mr. David Heath:** To ask the Secretary of State for Defence what role British troops are currently playing in providing humanitarian support in south-east Europe. [82601]

Mr. Doug Henderson: In south-east Europe, British troops are providing humanitarian support in the Former Yugoslav Republic of Macedonia and in Albania. For the details of their role, I refer The hon. Gentleman to the answer I gave to my hon. Friend the Member for Stockton, South (Ms Taylor) today, *Official Report*, column *140*.

Mr. Llew Smith: To ask the Secretary of State for Defence what quantities of *(a)* food, *(b)* medical equipment and *(c)* temporary accommodation have been provided by (i) United Kingdom military forces and (ii) NATO forces to refugees in (1) Macedonia, (2) Montenegro and (3) Albania since the outset of the NATO action in Yugoslavia; and what has been the cost to date of such assistance. [81944]

Mr. George Robertson: UK forces have not yet provided any assistance to refugees in Montenegro. In Albania and Macedonia UK forces have played a key role in alleviating the refugee crisis. In Albania this has not as yet involved provision of food, medical supplies or temporary accommodation. In Macedonia, full details of the quantities are not available, but estimated costs to date under the relevant headings are as follows:

	£
(a) food	2,500,000
(b) medical supplies	37,000
(c) temporary accommodation	95,000

The Department for International Development will reimburse MOD for the above costs, and has assumed responsibility for future assistance. We do not have records of the value of assistance supplied by other NATO nations.

Mr. Blunt: To ask the Secretary of State for Defence how many additional *(a)* major units and *(b)* trained soldiers the Army would require to sustain 24-month tour intervals if operational deployments to Kosovo/ Macedonia/Albania and Bosnia are sustained at current levels indefinitely. [83139]

Mr. George Robertson *[holding answer 4 May 1999]:* This would depend on the circumstances of particular operations, the overall level of operational commitment and progress towards achieving full manning.

Mr. Bercow: To ask the Secretary of State for Defence what reports he has received on the identity of the perpetrators of war crimes in Kosovo. [83402]

Mr. George Robertson: It is for the Chief Prosecutor of the International Criminal Tribunal for the Former Yugoslavia in The Hague to seek indictments against individuals she believes have been responsible for serious violations of international humanitarian law in Kosovo. The Government will hand over as much information as they can that will be relevant to the Tribunal's investigations.

Mr. Wareing: To ask the Secretary of State for Defence what reports he has received of the extent of collateral damage caused by NATO air raids in *(a)* the Belgrade suburb of Banjica and *(b)* Aleksinac. [83490]

Mr. George Robertson *[holding answer 7 May 1999]:* We do not have any information on collateral damage to the Belgrade suburb of Banjica.

As NATO has said, a military facility was struck at Aleksinac, home of the 203rd mixed artillery brigade. Despite meticulous pre-attack planning, it is possible that one weapon fell short of the target. (I am placing in the Library of the House a full transcript of what was said on the subject by a NATO spokesman at a press conference on 6 April 1999).

Unlike President Milosevic, we take great care to reduce the risk of casualties and collateral damage. If there has been any unintended damage to civilian property or loss of life we regret this, but NATO's military actions are the result of Milosevic's brutal policy of ethnic cleansing.

Royal Army Medical Corps

13. **Mr. Fraser:** To ask the Secretary of State for Defence if he will make a statement on funding for the Royal Army Medical Corps. [82590]

Mr. Doug Henderson: The Strategic Defence Review increased the size of the Royal Army Medical Corps by 212 Regular and 675 Territorial Army personnel, an increase of 14.5 per cent. overall. This is part of a major enhancement of the Defence Medical Services for which we are providing an extra £140 million over the years 1998–99 to 2001–02, with further expenditure planned in subsequent years.

Former Service Men (Sexual Orientation)

14. **Dr. Harris:** To ask the Secretary of State for Defence if he will make a statement on the position of former service men discharged on the basis of their sexual orientation. [82591]

Mr. Doug Henderson: The Ministry of Defence does not monitor Service personnel once they have been discharged from the Armed Forces, whether on the grounds of their sexual orientation, or any other grounds.

NATO Summit

16. **Mr. Cohen:** To ask the Secretary of State for Defence what decisions were made at the NATO summit in Washington regarding the non-proliferation of (i) nuclear weapons and (ii) weapons of mass destruction; and if he will make a statement. [82593]

Mr. George Robertson: At the NATO Summit meeting in Washington on 23–25 April, which I attended, the Alliance decided to launch a Weapons of Mass Destruction Initiative. It is designed to integrate and

further improve Alliance political and military efforts to counter their proliferation. This decision was recorded in the summit communiqué.

Staff College (Camberley)

17. **Mr. Hawkins:** To ask the Secretary of State for Defence if he will announce his plans for safeguarding the war memorial and buildings of staff college, Camberley; and if he will make a statement. [82595]

Mr. Spellar: In the light of the decision to base the Joint Doctrine and Concepts Centre at Shrivenham, a further review of the future of the Camberley site will now take place and a report will go to Ministers in the autumn. This solution will take full account of the war memorial in the Main Building.

Guided Missiles (Saudi Arabia)

18. **Mr. John Cryer:** To ask the Secretary of State for Defence if he will make a statement on the planned gift of guided missiles to Saudi Arabia. [82596]

Mr. George Robertson: The details of the gift of Paveway bombs are contained in the Departmental Minute which was laid before Parliament on 4 February 1999.

Territorial Army

19. **Miss McIntosh:** To ask the Secretary of State for Defence what proportion of the Territorial Army is currently deployed on operations. [82597]

Mr. Doug Henderson: 334 Members of the Territorial Army (TA) are currently deployed on operations, and these represent some 0.67 per cent. of the overall TA. The majority of these are in Bosnia.

Mr. Waterson: To ask the Secretary of State for Defence what assessment he has made of morale in the Territorial Army. [82605]

Mr. Doug Henderson: I refer the hon. Member to the answer I gave on 22 February 1999, *Official Report*, columns 27–28. The situation remains unchanged.

Parachute Regiment

20. **Mr. Gerald Howarth:** To ask the Secretary of State for Defence if he will review the proposed reorganisation of the Parachute Regiment following operations in Kosovo. [82598]

Mr. Doug Henderson: No. The current situation in Kosovo does not affect the Strategic Defence Review conclusions made in respect of the Parachute Regiment.

Troop Deployment (Bosnia)

25. **Mr. Jim Cunningham:** To ask the Secretary of State for Defence how many British troops are currently deployed in Bosnia. [82603]

Mr. George Robertson: I refer my hon. Friend to the oral answer given today, *Official Report*, column 3, to my hon. Friends the Members for Warrington, North (Helen Jones) and Plymouth, Sutton (Mrs. Gilroy).

Army Ranges (Shoeburyness)

26. **Sir Teddy Taylor:** To ask the Secretary of State for Defence what progress has been made in determining the future use of the old and the new ranges in Shoeburyness. [82604]

Mr. Spellar: Progress is being made with respect to the disposal of defence establishments at Shoeburyness, Horseshoe Barracks and the Old Ranges (including Gunners Park). Having been declared surplus to my Department's requirements, they are now being prepared for disposal. A draft Planning Brief has been the subject of a public consultation exercise and was approved by the full Borough Council on 25 February. Marketing of the site will begin shortly. With regard to the New Ranges, DERA is seeking to appoint a new contractor to support the operation of the range. It is intended that this contractor will also work with the Agency to improve exploitation of the range through the introduction of alternative activities to supplement income. Several possible diversification opportunities have been identified. However, as negotiations are currently in hand with preferred bidders, it would be premature to provide details until the remaining contractual issues have been resolved.

RAF Strike Command

27. **Mr. Blunt:** To ask the Secretary of State for Defence what proportion of RAF Strike Command is currently committed to operations. [82606]

Mr. Doug Henderson: As at 7 May 1999, approximately 8 per cent. of Strike Command's trained strength is currently deployed on operations.

The figures represent personnel deployed away from their parent station and, as such, do not account for personnel supporting operations from their normal station, such as those at RAF Bruggen. Similarly, the figures do not include personnel working at Strike Command or Group Headquarters who are involved as part of their normal tasks in planning activity in support of operations. It would not be straightforward to give an accurate figure which included these personnel.

Strategic Defence Review

28. **Mr. Beard:** To ask the Secretary of State for Defence what steps are being taken to adapt the Army's tactical doctrine to the more flexible role defined for it by the Strategic Defence Review. [82607]

Mr. George Robertson: The Army's tactical doctrine is under continuous review and improvement, taking into account the lessons of current and recent operations. This process now includes planning for the employment of the new structures created by the Strategic Defence Review, such as the Air Assault Brigade with its Attack Helicopters. In addition, a Joint Doctrine and Concepts Centre is being established at Shrivenham. It will be a centre of excellence on joint doctrine for all three Services.

30. **Mr. Brady:** To ask the Secretary of State for Defence what plans he has to change the resource assumptions made in the strategic defence review. [82609]

Mr. George Robertson: None.

Eurofighter

29. **Dr. Iddon:** To ask the Secretary of State for Defence if he will make a statement on the progress of the Eurofighter programme. [82608]

Mr. George Robertson: The Eurofighter programme is progressing satisfactorily. Production contracts for the first 148 Eurofighter aircraft, 55 of which are for the Royal Air Force, were signed in Munich on 18 September 1998. The project remains on schedule to deliver the RAF's first Eurofighter in June 2002.

The seven development aircraft have now flown a total of some 950 sorties, (some 770 flying hours), achieving speeds up to Mach 2.0.

Achievements this year include the signing of the initial aircraft supports contracts in January, and a high altitude demonstration of the aircraft powered by the new Eurojet 200 engine. Most recently, the rear seat controls in one of the 2 twin-seater development aircraft have been demonstrated.

Trident

32. **Mr. Corbyn:** To ask the Secretary of State for Defence what is the current deployment of the Trident submarine fleet. [82611]

Mr. George Robertson: There are currently three Trident submarines in the operational cycle in order to maintain one submarine on deterrent patrol at all times. The UK's minimum deterrent force is maintained at several days' notice to fire as was announced in the Strategic Defence Review.

Falklands Garrison

33. **Mr. Gordon Prentice:** To ask the Secretary of State for Defence what is the current cost of garrisoning the Falklands. [82612]

Mr. Doug Henderson: The cost to the Ministry of Defence of the Falklands garrison in the financial year 1998–99 is expected to be approximately £70 million.

This figure relates to the costs incurred by the Commander British Forces Falkland Islands only. It does not include the costs of the RAF airbridge to the Falkland Islands, nor the cost of naval deployments to the South Atlantic. These costs fall to other budgets and are not separately identified.

Defence Agencies Merger

Mr. Jim Cunningham: To ask the Secretary of State for Defence what plans he has for the merger of the Military Survey and Joint Air Reconnaissance Intelligence Centre (JARIC) Defence Agencies. [83904]

Mr. Spellar: The case for merging the Military Survey and JARIC Defence Agencies into a single, converged Agency was considered under the Strategic Defence Review, and built on earlier work.

The final study, which was completed in September 1998, concluded that there were a number of drivers, mainly in the medium to long-term, recommending the merger of Military Survey and JARIC. These would secure improved operational effectiveness and better service to Defence. Early implementation of merger was recommended.

Following full consultation, I have asked the Director General of Intelligence and Geographic Resources to proceed with the implementation of a single Agency to be launched in April 2000. The post of Chief Executive Designate of the new Agency, Colonel Peter Walker OBE, has been filled by internal competition. On promotion to Brigadier he will lead an Implementation Team which will be established shortly before he assumes his Chief Executive role in April 2000.

Resource Accounting

Mr. Hancock: To ask the Secretary of State for Defence if he will publish the illustrative resource accounting and budgeting accounts for his Department for 1998–99. [82517]

Mr. George Robertson: The first Departmental Resource Account for publication is that for 1999–2000, which will appear in autumn 2000, in line with the timetable set out in the White Paper "Better Accounting for the Taxpayer's Money" (Cmd. 2929, July 1995). The 1998–99 Departmental Resource Account is not due to be published.

RAF Deployment

Mr. Blunt: To ask the Secretary of State for Defence what assessment he has made of the required increase in *(a)* RAF squadrons and *(b)* RAF strength to achieve an average deployment on operations for RAF personnel of six months every 30 months based on the RAF's deployed position as at 23 March. [83231]

Mr. George Robertson *[holding answer 4 May 1999]:* The target figure for nights away from home on deployment or detachment is 140 nights in one year, or 280 aggregated over two years in peace-time. This needs to be seen in the context of the likely demands placed on the Royal Air Force over a period of time rather than on the basis of a snapshot on one particular day.

Ex-service Pensions

Mr. Mackinlay: To ask the Secretary of State for Defence how many ex-servicemen receive levels of pensions that were adversely affected by short-term pay restraint measures which were in force at their date of retirement. [82575]

Mr. Doug Henderson *[holding answer 4 May 1999]:* During periods of pay restraint, principally during the mid 1970s, the pay of members of the armed forces rose by less than the rate of increase of the retail prices index (RPI). As a consequence the pensions of those who retired during these periods can be lower than the pensions of those who retired either before or after that period. The numbers affected are not known. However, the numbers leaving the armed forces during the years 1976–78 ranged between 46,500 and 48,500, but not all of those who retired during those years would have been entitled to a pension.

Graphite Bombs

Mr. Gordon Prentice: To ask the Secretary of State for Defence what is the cost of a graphite bomb. [83465]

Mr. George Robertson: The UK armed forces do not hold such weapons and we have no details about their cost.

Open Government

Dr. David Clark: To ask the Secretary of State for Defence how many applications for information he received under the Open Government Code of Practice on Access to Government Information in the last parliamentary session; and how many of these applications were granted. [83113]

Mr. Spellar: For monitoring purposes, this information is collected on a calendar year basis. Information for 1997 was published last year in the Open Government Code of Practice on Access to Government Information 1997 Report. In 1998 my Department received 271 applications for information under the Code, and granted 248 of them.

RAF Museum, Hendon and Cosford

Mr. Dismore: To ask the Secretary of State for Defence if he will make a statement on the future development of the RAF museum at Hendon and Cosford. [82594]

Mr. Spellar: Development of the RAF Museum is a matter for its Trustees. A new Visitor Centre at the RAF Museum's Cosford site was completed last year. The Trustees' plans for a major development at Hendon, which are dependent upon Heritage Lottery Fund grants, are progressing well. My Department supports these plans. Indeed, we funded the initial work and have promised further funds towards the Museum's contribution to the development costs.

Defence Estimates

Mr. Keith Simpson: To ask the Secretary of State for Defence when he intends to publish the statement on the Defence Estimates; and if he will make a statement. [83581]

Mr. George Robertson: I have made no decision on the publication date of the 1999 Defence White Paper. I am keeping the timing of publication under review in the light of developments in the Balkans. As I informed the House of Commons Defence Committee in February, the Defence White Paper will be a forward-looking policy document complementing the Annual Performance Report and replacing the Statement on the Defence Estimates.

Skill Shortages

Mr. Sheerman: To ask the Secretary of State for Defence what skill shortages he has identified within Her Majesty's forces. [82602]

Mr. Doug Henderson: In the Naval Service there is a shortfall of Engineer Officers, particularly Direct Graduate Entry Engineers, and Engineer (Training Managers). For Ratings/Other Ranks the shortfall categories are: Operator Mechanics; trained Naval Nurses; Short Engagement Seamen; Artificer Apprentices; Commando Medical Assistants; and General Duties Marines. For the Army, there are skills shortages in the medical, dental, and veterinary services. Shortfalls also exist in the Royal Artillery, Royal Signals, Infantry, Army Air Corps, Royal Logistics Corps, Royal Electrical and Mechanical Engineers, Intelligence Corps and Corps of Army Musicians. The RAF has a shortfall in the number of junior officer fast jet pilots, and officers in engineering and medical branches. A shortage in RAF Fighter Controllers is also giving cause for concern.

Each Service has introduced a range of initiatives to reduce these shortfalls.

TRADE AND INDUSTRY

Renewable Energy

Mr. Hesford: To ask the Secretary of State for Trade and Industry what plans he has for encouraging the power generating companies to increase their use of renewable energy sources. [82244]

Mr. Battle: Renewable sources of energy make an important contribution to secure, sustainable and diverse energy supplies and are an essential element of a cost-effective climate change programme. The Government are working towards a target of renewable energy providing 10 per cent. of UK electricity supplies as soon as possible. They hope to achieve this by 2010. I have recently published "New and Renewable Energy: Prospects for the 21st Century", which seeks views on the balance of measures and the precise form of support for renewables in the next stage of their development. It identifies the key issues which the Government, industry and other players will need to address. It affirms the Government's commitment to their new drive to develop renewables; identifies the practical steps which might be needed to achieve this objective; and seeks to engage a wider public in the development and realisation of its strategy.

Redundancies

Mr. Fearn: To ask the Secretary of State for Trade and Industry how many redundancies were reported to his Department *(a)* in 1997, *(b)* in 1998 and *(c)* to 31 March 1999, in (i) Southport and (ii) the North West of England. [82911]

Mr. Ian McCartney: The number of redundancies reported to my right hon. Friend the Secretary of State were:

	Southport	*North West Region*
1997	314	33,316
1998	516	36,948
to 31 March 1999	359	18,697

Home Businesses

Mr. Cotter: To ask the Secretary of State for Trade and Industry what estimate he has made of the number of businesses in the United Kingdom run from home; and what initiatives his Department has taken to address the specific needs of those businesses. [83040]

Mr. Wills *[holding answer 5 May 1999]:* No official estimate has been made of the number of businesses run from home. The Labour Force Survey, Spring 1998, estimated that 600,000 self employed people work mainly from their own home, and a further 1.1 million use their home as a base while working in different places.

There are no schemes specifically addressed towards home-based businesses. Home based businesses and the self employed are eligible for business support in the same way as any other small business. Business Link partnerships provide support to all businesses regardless of size or their location. In addition, the DTI makes available a considerable amount of free information on a wide variety of topics.

I met with officials from the Home Business Alliance on 27 April to discuss their concerns for home-based workers.

Parental Leave

Ms Harman: To ask the Secretary of State for Trade and Industry if he will list those European countries which *(a)* pay and *(b)* do not pay people on parental leave, indicating the methods used for making such payments. [83558]

Mr. Byers: From the information that we hold, it appears that some form of state payment is provided in Italy, Sweden, Austria, Belgium, Denmark, Finland, France, Germany and Luxembourg during parental leave, subject to each Member State's qualifying conditions.

There does not appear to be any universal provision for payment in Spain, Portugal, Greece, Ireland or the Netherlands.

SCOTLAND

Scottish Parliament (Facilities)

Mr. Gordon Prentice: To ask the Secretary of State for Scotland what *(a)* reciprocal and *(b)* other arrangements have been made for hon. Members to use facilities at the Scottish Parliament. [83240]

Mr. McLeish: MSPs themselves will wish to consider the nature of their relationship with Westminster MPs. It will be a matter for the Scottish Parliament itself to decide on what arrangements it would be appropriate to make for hon. Members to use facilities at the Scottish Parliament.

Open Government

Dr. David Clark: To ask the Secretary of State for Scotland how many applications for information he received under the Open Government Code of Practice on Access to Government Information in the last parliamentary session; and how many of these applications were granted. [83112]

Mr. Dewar: This information is collected for monitoring purposes on a calendar year basis. Information for 1997 was published in the Open Government Code of Practice on Access to Government Information 1997 Report. In 1998 my Department (including non-departmental public bodies covered by the Code) received 263 applications for information made under the Code and granted 255 of them.

From 1 July, this will be a matter for the Scottish Parliament.

Public Record Office

Sir Brian Mawhinney: To ask the Secretary of State for Scotland how many linear metres of storage space at the Public Record Office for Scotland are *(a)* occupied by records and *(b)* vacant. [83753]

Mr. McLeish: The National Archives of Scotland has 69,492.94 metres of available shelf space, of which 57,618.48 are currently occupied.

FOREIGN AND COMMONWEALTH AFFAIRS

Environmental Appraisal

Mr. Truswell: To ask the Secretary of State for Foreign and Commonwealth Affairs what environmental appraisals of policy his Department has *(a)* completed, *(b)* started and *(c)* planned. [79632]

Mr. Robin Cook: I refer the hon. Member to the answer given by my right hon. Friend the Minister for the Environment, Transport and the Regions on 13 April 1999, *Official Report*, column *66*.

EU-ACP Ministerial Meeting

Mr. Maclean: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will publish the agenda for the forthcoming EU-ACP Ministerial Meeting of 6 May. [83279]

Ms Quin: The last EU-ACP Ministerial Meeting took place in Dakar in February and the next will take place on 29–30 July in Brussels. A separate ACP-EU Council between these negotiating sessions was provisionally envisaged for May, but in the event no need for it arose. No agenda has yet been fixed for the next meeting.

China and Tibet

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his answer to the hon. Member for Ruislip-Northwood (Mr. Wilkinson) of 26 April 1999, *Official Report*, column *36*, on China and Tibet, if he will list those areas on which a dialogue-based approach has made limited progress; and if he will make a statement on how he intends to press China to take further action. [83557]

Mr. Robin Cook: Since the UK/China human rights dialogue was established in September 1997, and the EU/China human rights dialogue resumed in October 1997, China has taken several positive steps which will bring about its closer co-operation with UN human rights mechanisms. These include signature of the international covenants on Economic, Social and Cultural Rights and Civil and Political Rights, and agreement to report to the Un under those covenants in respect of Hong Kong. It has received visits by the UN High Commissioner for Human Rights and the UN Working Group on Arbitrary

Detention, as well as allowing a visit to Tibet by EU Troika Ambassadors. It has also extended an invitation to visit to the UN Special Rapporteur on Torture. We have been able to discuss issues of serious concern including the death penalty, religion, Tibet and individual cases in the dialogues; China has also begun to collaborate with the UK and EU on human rights co-operation programmes. We shall press for further concrete steps through these continuing dialogues, as well as forthcoming bilateral and EU high level meetings with China.

Subsidiarity

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs on how many occasions he has blocked a Commission proposal at the Council of Ministers on the ground of subsidiarity. [83474]

Ms Quin: Subsidiarity is one of numerous factors taken into account when legislation is discussed in the Council of Ministers. It is not possible to say how often it has been the principal factor in UK opposition to a Commission proposal.

Cambodia

Mr. Mullin: To ask the Secretary of State for Foreign and Commonwealth Affairs what position Her Majesty's Government took on Cambodia at the recent United Nations Commission on Human Rights meeting in Geneva; and if he will make a statement. [83374]

Mr. Robin Cook: We see the UNCHR as an important opportunity to press the Cambodian Government to improve its human rights record. This year we co-sponsored a successful resolution on Cambodia which called for proper investigation into extra-judicial killings, an end to impunity, and for Khmer Rouge leaders to be brought to justice. We will continue to press for full respect for human rights in Cambodia, both through diplomatic pressure and practical assistance.

Sudan

Mr. Gordon Prentice: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent information he has received from the United States Government concerning the missile attack last year on the pharmaceutical plant in Khartoum. [83468]

Mr. Robin Cook: It is established practice under Section 1(c) of the Code of Practice on Access to Government Information not to disclose or discuss information received in confidence from foreign governments.

Dr. Tonge: To ask the Secretary of State for Foreign and Commonwealth Affairs what reports he has received from Sudan concerning the attack on Akoc in Troc County, Bhar-el-Ghazal, Southern Sudan on 26 February. [83084]

Mr. Robin Cook *[holding answer 6 May 1999]:* We have had a number of reports of an attack on Akoc by murahileen. Reporting by NGOs on the ground talked of over 40 killed and nearly 900 abducted.

Dr. Tonge: To ask the Secretary of State for Foreign and Commonwealth Affairs what progress has been made in re-establishing an embassy in Khartoum. [83085]

Mr. Robin Cook *[holding answer 6 May 1999]:* As I made clear at the time of the withdrawal of staff, we hope the necessary conditions will be re-established for a return to normal relations with Sudan. We have been in regular contact with the Sudanese authorities and discussions continue.

Mr. Dalyell: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to the letter from Lady Bingham of Cornhill to the Minister of State, the right hon. Member for Leeds, Central (Mr. Fatchett), what assistance he has given to the Sudanese Red Crescent *(a)* emergency vaccine campaign against meningitis and *(b)* malaria eradication programme. [83354]

Mr. Robin Cook: Support for Red Cross activities, as for all humanitarian responses in Sudan, is a matter for my right hon. Friend the Secretary of State for International Development.

Entry Clearance Visas

Mr. Vaz: To ask the Secretary of State for Foreign and Commonwealth Affairs what was the average length of time of an interview for an entry clearance visa in *(a)* Bombay, *(b)* New Delhi, *(c)* Calcutta, *(d)* Islamabad, *(e)* Dhaka and *(f)* Karachi in the last year for which figures are available. [83560]

Mr. Robin Cook: Applications are dealt with on the basis of a triage system which separates them into 4 tiers. The tiers are:

(A) Non-settlement

Tier 1: Straightforward applications received over the counter, by post, or from an agent, resulting in immediate issue or mandatory refusal. ECOs may ask one or two questions if necessary to clear up minor points.

Tier 2: Secondary examination of less straightforward applications that are likely to result in an issue.

Tier 3: For cases likely to result in refusal. A full interview is required.

(B) Settlement

Tier 4: This is the category under which all settlement cases are dealt with. Interviews can result in issue, refusal, referral (to the Home Office for a decision) or deferral (for additional information to be obtained).

The average length of interviews at the posts listed is as follows (figures, in minutes, are for 1998):

Post	*Tier 1*	*Tier 2*	*Tier 3*	*Tier 4*
Bombay	2.00	9.00	30.00	50.00
New Delhi	2.02	5.33	28.46	57.54
Calcutta	3.00	10.00	29.75	39.17
Islamabad	3.85	10.50	35.65	39.71
Dhaka	2.80	8.07	32.87	58.11
Karachi	1.59	4.28	26.50	43.00

Turkey

Mr. Wareing: To ask the Secretary of State for Foreign and Commonwealth Affairs what representations he has received in respect of Turkey's conflict with its Kurdish population; and if he will make a statement. [83561]

Ms Quin: We receive regular representations from Members of Parliament, Members of the House of Lords, members of the public and interested groups about the conflict in south-east Turkey.

We have made it clear to the Turkish authorities that we believe the conflict in the region cannot be resolved by military means alone. We believe that the social and economic problems of south-east Turkey and the aspirations of the Kurdish population there must be addressed if the region is to achieve a long-lasting peace.

We have long made clear our condemnation of terrorism in all its forms, including terrorist acts by the PKK (Kurdistan Workers' Party).

Mr. Wareing: To ask the Secretary of State for Foreign and Commonwealth Affairs what is the current position in respect of Turkey's application to become a member of the European Union. [83488]

Ms Quin *[holding answer 7 May 1999]:* The Cardiff European Council in June 1998 endorsed the European Strategy for Turkey, which aims to prepare Turkey for membership by bringing it closer to the EU in all areas. The Turks and the Commission have met three times so far to discuss implementation of the Strategy. We welcome the Commission's proposals for funding the Strategy, worth 150 million euro over 3 years. These proposals are currently being considered by the European Parliament; we hope they can be agreed soon.

In November 1998, the Commission produced its first annual report on Turkey's progress towards European Union membership. The report noted that Turkey had most of the hallmarks of a market economy, but still needed to address shortcomings in the areas of human rights, treatment of minorities and the lack of civilian control over the army. Turkey must improve its record in these areas in order to meet the criteria for membership of the European Union laid down by the 1993 Copenhagen European Council.

Zimbabwe High Commission

Mr. Dismore: To ask the Secretary of State for Foreign and Commonwealth Affairs how many children over the age of majority living in the United Kingdom as part of the household of employees or diplomats of the Zimbabwe High Commission are entitled to diplomatic immunity. [83551]

Mr. Tony Lloyd *[holding answer 7 May 1999]:* There are five children over the age of majority living in the United Kingdom as part of the households of diplomats of the Zimbabwe High Commission. All five are entitled to diplomatic immunity.

Chagos Islands

Dr. Marek: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his answer on 26 April 1999, *Official Report*, column *35*, what approach he will adopt in considering applications for full British citizenship from Ilois who do not hold full citizenship of another country. [83379]

Mr. Tony Lloyd *[holding answer 7 May 1999]:* The British Government does not propose to extend the offer of British citizenship to British Dependent Territories citizens who owe their status to their association with the British Indian Ocean Territory.

Kosovo

Mr. Wareing: To ask the Secretary of State for Foreign and Commonwealth Affairs (1) what reports he has received concerning the whereabouts of Dr. Ibrahim Rugova; what attempts have been made to contact him; and with what results; [83485]

(2) what contact Her Majesty's Government have had with the Democratic League of Kosovo; and if he will make a statement. [83484]

Mr. Tony Lloyd *[holding answer 7 May 1999]:* My right hon. Friend the Foreign Secretary spoke by telephone to Dr. Rugova on 6 May in Rome, where he was staying as a guest of the Italian government. Prior to that, I met with Mr. Hafiz Gagica, a senior representative of the LDK on 23 April. Officials remain in close contact with the LDK.

Montenegro

Mr. Wareing: To ask the Secretary of State for Foreign and Commonwealth Affairs what representations he has received from Montenegro in respect of the military action in Yugoslavia. [83486]

Mr. Tony Lloyd *[holding answer 7 May 1999]:* My right hon. Friend the Foreign Secretary is in regular contact with the Montenegrin President, Mr. Djukanovic. President Djukanovic naturally regrets the need for military action against the FRY. We understand his position and have pledged Montenegro maximum support.

Mr. Dalyell: To ask the Secretary of State for Foreign and Commonwealth Affairs what assessment he has made on the effects of an oil embargo on Montenegro. [83582]

Mr. Tony Lloyd: We recognise the political and economic impacts on Montenegro of the conflict in Kosovo. Both the EU and NATO have made every effort to minimise the adverse effects for Montenegro of punitive measures against the regime in Belgrade, including the EU oil embargo which entered into force on 30 April. The European Union has recently allocated 13 Meuro for budgetary assistance for Montenegro. We are pressing the Commission to ensure that these funds are disbursed as soon as possible, and are exploring other ways of assisting.

Croatia

Mr. Wareing: To ask the Secretary of State for Foreign and Commonwealth Affairs what is Her Majesty's Government's policy in respect of the return of refugees to Krajina; and what representations have been made to Croatia in respect of their return. [83492]

Mr. Tony Lloyd *[holding answer 7 May 1999]:* The Government believes that all those displaced from their homes during the conflicts following the break-up of the Socialist Federal Republic of Yugoslavia should be allowed to return to their homes.

We take every opportunity to impress on the states of the former Yugoslavia, including Croatia, the importance we place on refugee return. I most recently raised this issue with Mrs. Skare-Ozbalt, President Thajman's principal adviser on refugee policy, when she called on me in London on 26 April.

KLA

Mr. Wareing: To ask the Secretary of State for Foreign and Commonwealth Affairs when Her Majesty's Government first made direct contact with the Kosova Liberation Army; and how many meetings there have been between Her Majesty's Government and that organisation since. [83494]

Mr. Tony Lloyd *[holding answer 7 May 1999]:* An initial meeting between an official of the British Embassy in Belgrade and leaders of the Kosovo Liberation Army (KLA) was held on 30 July 1998. As co-Chairman of the Rambouillet peace talks, my right hon. Friend the Foreign Secretary held frequent meetings with the Kosovo Albanian delegation, which included representatives of the KLA. My right hon. Friend the Foreign Secretary and officials have subsequently had a number of contacts with senior leaders of the KLA.

Open Government

Dr. David Clark: To ask the Secretary of State for Foreign and Commonwealth Affairs how many applications for information he received under the Open Government Code of Practice on Access to Government Information in the last parliamentary session; and how many of these applications were granted. [83107]

Mr. Tony Lloyd: For monitoring purposes, this information is collected on a calendar year basis. Information for 1997 was published last year in the "Open Government Code of Practice on Access to Government Information 1997 Report. In 1998, my Department received 46 applications for information under the Code—35 were met in full, 8 in part and 3 were refused.

CULTURE, MEDIA AND SPORT

Open Government

Dr. David Clark: To ask the Secretary of State for Culture, Media and Sport how many applications for information he received under the Open Government Code of Practice on Access to Government Information in the last parliamentary session; and how many of these applications were granted. [83115]

Janet Anderson: My Department monitors applications for information received under the Code of Practice on Access to Government Information on a calendar year basis. In 1998–99 the Department and those of its sponsored bodies[1] then subject to the Code received 34 requests for information. 30 of these were granted.

[1] In 1998–99 the following DCMS sponsored executive NDPBs were subject to the Code of Practice on Access to Government Information:

Royal Parks Agency
Arts Council of England
British Film Institute
British Library Board
Crafts Council
English Sports Council
English Tourist Board
English Heritage
Museums and Galleries Commission
National Heritage Memorial Fund/Heritage Lottery Fund
Registrar of Public Lending Right
UK Sports Council.

An Order taken before the Privy Council in February 1999 brought all the executive and two of the advisory NDPBs sponsored by my Department within the scope of the Code.

Folk Music

Mr. Whittingdale: To ask the Secretary of State for Culture, Media and Sport what measures his Department is taking to promote traditional folk and acoustic music. [83294]

Mr. Alan Howarth: The Government recognise the importance of folk and acoustic music to our wider arts policy. The strategic arms length relationship between DCMS and the Arts Council in funding issues means that it is for the Arts Council and Regional Arts Boards to take decisions on the funding of specific art forms, but DCMS is aware of the need to ensure that performers, producers and promoters of folk music continue to receive appropriate support. The Arts Council—having already provided significant Lottery support to folk music, and having also increased substantially the grant-in-aid budget to be committed to it—will shortly be launching a new Folk Music Policy which, following consultation, will provide a framework for future development, partnerships with other sectors, and future funding.

Hotels

Mr. Peter Ainsworth: To ask the Secretary of State for Culture, Media and Sport what plans he has to publicise the launch of the new rating scheme for hotel accommodation; and when it will take place. [83036]

Janet Anderson *[holding answer 4 May 1999]:* The Government have asked the English Tourist Board, which will shortly become the English Tourism Council, to arrange the consumer launch of the new harmonised schemes for hotel and guest accommodation, working closely with the AA and the RAC. Preparatory inspections will shortly be complete and the launch is planned for September. We support these arrangements to ensure wide awareness of the benefits of the new schemes.

UK Sports Institute

Mr. Reed: To ask the Secretary of State for Culture, Media and Sport what progress he has made in the allocation of the facilities at the regional centres of excellence for the UK Sports Institute. [83168]

Mr. Banks: Since the launch of the UK Sports Institute's network in England on 1 March 1999, Sport England have briefed key individuals and institutions in consortiums on the way forward. They are also updating the 1997 audit of sport to clarify individual World Class Programme sports service and facility requirements.

The information will be used to draw up a template for each UK Sports Institute consortium which will set out the service and facility requirements for each individual area. These will be ready to present to the network consortiums in the summer.

BBC Director-General

Mr. Peter Ainsworth: To ask the Secretary of State for Culture, Media and Sport what discussions he has had with Mr. Greg Dyke with regard to the appointment of the next Director-General of the BBC. [83037]

Mr. Chris Smith *[holding answer 4 May 1999]:* I have had no detailed discussions with Mr. Greg Dyke about the appointment of the next Director-General of the BBC. He did, however, inform me on 4 February that he was considering applying for the post.

Millennium Commission Projects

Mr. Reed: To ask the Secretary of State for Culture, Media and Sport what proportion of projects which have received Millennium Commission awards have been in *(a)* the east midlands and *(b)* Leicestershire. [83164]

Janet Anderson: This is a matter for the Millennium Commission. My right hon. Friend will reply to my hon. Friend in his capacity as Chairman of the Commission, and place copies of his reply in the Libraries of the House.

Mr. Peter Ainsworth: To ask the Secretary of State for Culture, Media and Sport (1) if he will list the expected sources of partnership funding for each of the Millennium capital projects; and how much has now been secured in each case; [83758]

(2) how much of the matched funding being sought by the Millennium Commission capital projects is expected to come from *(a)* local authorities, *(b)* development corporations, *(c)* ERDF, *(d)* other Government sources and *(e)* private donations. [83759]

Mr. Chris Smith: These are matters for the Millennium Commission. I shall write to the hon. Member in my capacity as Chairman of the Commission, and place copies of my reply in the Libraries of the House.

School Playing Fields

Mr. Spring: To ask the Secretary of State for Culture, Media and Sport how many planning applications for the sale of school playing fields have *(a)* been considered and *(b)* been objected to by Sport England since 25 February; and if he will list them. [81801]

Mr. Banks *[holding answer 28 April 1999]:* Since 25 February Sport England has considered 45 planning applications in respect of school playing fields and objected in 4 cases. Of the remaining 41 planning applications, 16 are still undergoing assessment by Sport England. The list of planning applications is as follows:

Region	*Site name*
London	Horsenden School, Ealing
	Ashmole School, Barnet
East Midlands	Pingle School, Swadlincote
	St. Peter's and St. Paul's, Lincoln
	Daventry Tertiary College
	Trinity Higher Comp., Nottingham
South	Lord Grey School, Milton Keynes
	St. Bernard's School, Basingstoke
	Sandmills School, Oxford
	Hailey Borough School, Windsor
	Grange School, Aylesbury
	Furze Down School, Aylesbury
	Wycombe Abbey School
	Queen Anne's Reading
	Southwold Primary
	Bishop Lovett Middle School
	Queen Dyke School, West Oxon
	St. Leonard's Primary, Cherwell
	West Berkshire Education Centre
	Ryde High School, Isle of Wight
	Shaw House School
	Westgate School, Winchester
	Oriel College, Oxford
North	Queen Katherine School, Kendal
	Walkerden Special School, Newcastle
	Ehenside School, Cleator Moor
	Haughton Comprehensive, Darlington
	Cumwhinton Primary School, Cumbria
East	Elmstead Primary School
	Moulsham School, Chelmsford
	Market Field School, Elmstead
	Sir Fredrick Osbourne, Welwyn
	Surlingham CP School
	Litcham HS
	Station Road, Harpenden (off site)
North West	Our Lady Reconciliation HS, Liverpool
	Ribbleton High School, Preston
	Hyde High School
	Former Stanney Grant Infant School
	Shepherd Cross Primary School, Bolton
West Midlands	Aldersley High School, Wolverhampton
	Broad Heath School, Coventry
	Cockshut Hill School, Birmingham
South West	Sedgemoore Manor Junior School, Bridgwater
South East	Deburgh School, Tadworth

Millennium Dome (Opening Ceremonies)

Mr. Vaz: To ask the Secretary of State for Culture, Media and Sport what steps he is taking to ensure that those invited to the opening ceremonies of the Dome are representative of the whole of society. [82327]

Janet Anderson: The New Millennium Experience Company are determined that the opening celebration at the Millennium Dome on 31 December 1999 will be an inclusive event and will represent the whole of society. The majority of those invited will be members of the general public from across the UK. NMEC are currently developing their strategy for delivering this and will announce the arrangements in due course.

Departmental Legal Business

Mr. Dismore: To ask the Secretary of State for Culture, Media and Sport if he will make a statement on his Department's policy when *(a)* conducting legal proceedings and *(b)* seeking legal advice as to the circumstances in which Queen's Counsel should be instructed; and for each of the last three years (i) on how many occasions his Department instructed Queen's Counsel and (ii) what was the total cost of instructing Queen's Counsel. [81764]

Mr. Chris Smith: In relation to sub-paragraphs *(a)* and *(b)* of my hon. Friend's question concerning my Department's policy when conducting legal proceedings, and when seeking legal advice as to the circumstances in which Queen's Counsel should be instructed, this Department would normally expect the Treasury Solicitor's Department to instruct Counsel on its behalf. I refer my hon. Friend to the reply given by the Solicitor-General on 26 April 1999, *Official Report*, columns *1–2*.

With regard to each of the last three years, as far as my officials have been able to ascertain without incurring disproportionate cost, from April 1996 to March 1997 Queen's Counsel were instructed in one case; from April 1997 to March 1998 Queen's Counsel were instructed in three cases; and from April 1998 to date Queen's Counsel were instructed in five cases.

As far as my officials have been able to ascertain without incurring disproportionate cost, the total cost of instructing Counsel during the periods referred to above was:

for 1996–97: £146,689.75; and

for 1997–98 £11,350.50; and

for 1998 to date £25,168.51.

It should be noted that the total figure given for the period 1996–97 covers work for two cases—it includes a sum attributable to Counsel's fees for work undertaken before April 1996 but paid after that date. It should also be noted that the figure given for 1998 to date excludes Counsel's fees for work undertaken in that period which are yet to be agreed.

Professional Statisticians

Mr. Menzies Campbell: To ask the Secretary of State for Culture, Media and Sport how many staff who have worked as professional statisticians in his Department and its predecessor have left on early retirement in each of the past 10 years. [81174]

Janet Anderson: The number of "professional statisticians" who have left on early retirement in the last 10 years is none.

Mr. Menzies Campbell: To ask the Secretary of State for Culture, Media and Sport how many staff by grade are employed as professional statisticians in his Department; how many of these staff have been accepted as fast stream by the Civil Service Selection Board; and how many have been granted chartered statistician status by the Royal Statistical Society. [81196]

Janet Anderson: Statistical work is undertaken by a range of specialisms such as Research Officers, Social Survey Officers and Economists. Within this Department there are 1 Grade A (U)—Grade 6 equivalent, 1 Grade A (L)—Grade 7 equivalent, 1 Assistant Statisticians employed as "professional" statisticians, all of whom have been recruited via CSSB.

Special Advisers

Mr. Tyrie: To ask the Secretary of State for Culture, Media and Sport, pursuant to his answer of 21 April 1999, *Official Report*, column *577*, if he will give the total travel cost of each occasion when *(a)* departmental special advisers travelled abroad in an official capacity since 2 May 1997 and *(b)* the place visited. [82412]

Mr. Chris Smith: For the period 2 May 1997 to 31 March 1999, special advisers in my Department have travelled overseas in an official capacity on two occasions to the USA and France.

The total cost of travel and any hotel accommodation is £7,739. All travel complied with the requirements of the Ministerial Code and the Civil Service Management Code.

Broadcasting Licences

Mr. Swayne: To ask the Secretary of State for Culture, Media and Sport what recent representations he has received regarding lifting the restrictions on religious organisations which prevent them holding national terrestrial radio broadcasting licences; and if he will make a statement; [83129]

Mr. Pickthall: To ask the Secretary of State for Culture, Media and Sport if he will make a statement on United Christian Broadcasting's application for a broadcasting licence. [83044]

Janet Anderson: The Broadcasting Act 1990 disqualifies groups whose objectives are wholly or mainly of a religious nature from holding a terrestrial national radio licence issued by the Radio Authority. However, this disqualification does not extend to local, satellite and cable radio licences where the Authority is permitted to licence religious bodies subject to compliance with its religious guidelines. It is under these provisions that, for example, United Christian Broadcasters already holds two satellite broadcast licences from the Radio Authority. A religious organisation can hold a digital satellite radio licence but not a terrestrial digital radio multiplex or sound programme service licence under the 1996 Broadcasting Act.

My Department has received representations from United Christian Broadcasters, from around two hundred Members of Parliament and more than ten thousand representations from members of the public. We are considering these representations and I will be meeting representatives of United Christian Broadcasters on 10 June to explore their concerns more fully.

HOME DEPARTMENT

Asylum (Kosovan Albanians)

Mr. Allan: To ask the Secretary of State for the Home Department what plans he has to revise the rules governing refusal of asylum on safe third country grounds in respect of Kosovan Albanians. [83614]

Mr. Mike O'Brien: We are not persuaded that it is necessary to change the Immigration Rules. The Dublin Convention provides an agreed legal framework for deciding which member state should decide asylum applications made in the European Union. It provides for a range of criteria to be taken into account including the applicant's family links. Member states have not decided to suspend the operation of the Convention in respect of Kosovan Albanians. In recent weeks, we have transferred

a small number of Kosovans to other member states. In each case the receiving state had, in accordance with the provisions of the Dublin Convention, accepted responsibility for considering the asylum applications. All of these persons had arrived in the European Union before the recent North Atlantic Treaty Organisation action. None of those Kosovans who are being airlifted directly from the region to the United Kingdom will be transferred to other states on safe third country grounds.

Mr. Allan: To ask the Secretary of State for the Home Department how many Kosovan Albanians have been *(a)* refused asylum and *(b)* removed to other countries on safe third country grounds since 24 March. [83615]

Mr. Mike O'Brien: The available information is that no nationals of the Federal Republic of Yugoslavia, whose cases have been considered substantively, have been refused asylum in the period January to March 1999. It is not possible separately to identify Kosovans within the statistics held on nationals of the Federal Republic of Yugoslavia.

All applications for asylum are considered within the terms of the 1951 United Nations Convention on the Status of Refugees and its 1967 New York Protocol. At the present time, and in general, ethnic Albanians from Kosovo who apply for asylum are likely to be able to demonstrate that they have a well-founded fear of persecution and will be granted asylum.

Where, under the provisions of the Dublin Convention, another European Union member state accepts that it is responsible for determining the claim we would normally seek to transfer the applicant there. Six nationals of the Federal Republic of Yugoslavia, excluding dependants, have been transferred to European Union Member states since 24 March 1999 under the Dublin Convention. All of these persons had arrived in the European Union before the recent North Atlantic Treaty Organisation action. None who arrived since that date have been transferred. No Ethnic Albanians from Kosovo will be returned to the region while the conflict lasts.

Mr. Gordon Prentice: To ask the Secretary of State for the Home Department what plans he has to accommodate Kosovan refugees in East Lancashire. [83605]

Mr. Straw: The Refugee Council and its partner agencies are working closely with the Home Office and local government associations to identify sites for further reception centres across the United Kingdom. We are looking at all parts of the United Kingdom. There will be a variety of different forms of accommodation used as temporary reception centres where the refugees can be housed prior to moving into more settled accommodation.

Immigration and Nationality Directorate

Mr. Allan: To ask the Secretary of State for the Home Department what payments have been made to Siemens Business Systems in respect of work for the Immigration and Nationality Directorate to date. [83617]

Mr. Mike O'Brien: Details of the payment arrangements between the Immigration and Nationality Directorate (IND) and Siemens Business Services are commercially confidential. A high proportion of the payments to the supplier are linked to the successful delivery of key elements of the IND Casework Programme, including the computer system and improvements in IND's productivity. In effect it is payment on delivery of specific parts of the contract.

Mr. Allan: To ask the Secretary of State for the Home Department what estimate he has made of the additional costs to the Government which have resulted from the late delivery of the Siemens Business Systems contract with the Immigration and Nationality Directorate. [83618]

Mr. Mike O'Brien: Under the terms of the contract between the Immigration and Nationality Directorate and Siemens Business Services (SBS), the financial risk for the late delivery of elements of the Casework Programme is borne by Siemens Business Services. Although development of the full information technology application has been delayed, many elements of the Programme, in particular improvements to the business process and some new information technology, have been delivered. A package of changes to the contractual payment terms has been negotiated with SBS.

Mr. Allan: To ask the Secretary of State for the Home Department what penalties have been imposed on Siemens Business Systems for late delivery of work at the Immigration and Nationality Directorate. [83613]

Mr. Mike O'Brien: The Immigration and Nationality Directorate's Casework Programme is a Private Finance Initiative. A high proportion of the payments to the supplier, Siemens Business Services, are linked to the successful delivery of key elements of the Programme, including the computer system, and to improvements in the Immigration and Nationality Directorate's productivity. If the expected benefits are not achieved, the payments to the supplier fall below the target in the contract. The delay in delivering the Programme and the Computer system means that Siemens Business Services have received substantially less income.

Mr. Allan: To ask the Secretary of State for the Home Department what estimate he has made of the total cost of the contract with Siemens Business Systems for work at the Immigration and Nationality Directorate. [83612]

Mr. Mike O'Brien: The contract contains a novel charging mechanism in which the Immigration and Nationality Directorate pays for services provided as specified in the contract. Milestone charges relating to the delivery of key elements of the business process improvements and the information technology system and a productivity-related charge is based on the level of savings achieved. Because payments are linked to productivity-related savings, it is difficult to predict the value of payments to be made to Siemens Business Services.

Open Government

Dr. David Clark: To ask the Secretary of State for the Home Department how many applications for information he received under the Open Government Code of Practice on Access to Government Information in the last parliamentary session; and how many of these applications were granted. [83108]

Mr. Straw: For monitoring purposes, this information is collected on a calendar year basis. Information for 1997 was published last year in the Open Government Code

of Practice on Access to Government Information 1997 Report. In 1998, my Department received 43 applications for information under the Code, and granted 36 of them.

Correspondence

Sir Brian Mawhinney: To ask the Secretary of State for the Home Department (1) pursuant to his answer of 29 March 1999, *Official Report*, column *554*, concerning when the Under-Secretary of State, the hon. Member for North Warwickshire (Mr. O'Brien), would reply to the letter of 3 February from the right hon. Member for North-West Cambridgeshire, for what reason the Under-Secretary did not respond in the week beginning 29 March; [83771]

(2) when the right hon. Member for North-West Cambridgeshire can expect a reply to his letter of 3 February to the Under-Secretary, the hon. Member for North Warwickshire (Mr. O'Brien), on behalf of his constituent, Mr. Perry. [83755]

Mr. Mike O'Brien: I apologise to the right hon. Member for not having replied to his letter of 3 February. It has only been brought to my attention due to an administrative error in my Department. I have now replied to the right hon. Member.

Subordinate Legislation (Publication on Internet)

Mr. White: To ask the Secretary of State for the Home Department when he expects to be able to publish on the Internet, drafts of the subordinate legislation to be made under the Data Protection Act 1998. [83748]

Mr. George Howarth: Drafts of six of the statutory instruments being prepared under the Data Protection Act 1998 will be published on the Internet at www.homeoffice.gov.uk on Tuesday 11 May 1999. I am also placing copies in the Library. Other drafts will be made available in due course.

Special Branch (Records)

Mr. McNamara: To ask the Secretary of State for the Home Department how many individuals have their personal details recorded on the *(a)* data base and *(b)* files maintained by the National Joint Unit of the Metropolitan Police Special Branch; and how many of these individuals are (i) Irish, (ii) US and (iii) non-EU and non-US citizens. [81678]

Mr. Straw *[holding answer 29 April 1999]:* None. The National Joint Unit (NJU) does not maintain its own records, but instead draws as necessary upon information held by individual Special Branches nationwide. The NJU, although situated with the Metropolitan Police Special Branch (MPSB) at New Scotland Yard, is not part of the Metropolitan Police Service. It is a national unit, managed by the MPSB but staffed by police officers drawn from forces around the country.

Prevention of Terrorism Review

Mr. McNamara: To ask the Secretary of State for the Home Department by what means and on what date Mr. J. J. Rowe QC was informed that his terms of reference for review of the operation of the Prevention of Terrorism (Temporary Provisions) Act 1989 in 1998 did not include sections 5, 6 and 7 of the Criminal Justice (Terrorism and Conspiracy) Act 1998 relating to conspiracy; and what arrangements will be made to review the operation of these sections of the Act. [81679]

Mr. Straw *[holding answer 29 April 1999]:* Mr. Rowe was advised by letter dated 17 November 1998 that the terms of reference for his annual review of the Prevention of Terrorism (Temporary Provisions) Act 1989 (PTA) did not include review of the conspiracy provisions in sections 5, 6 and 7 of the Criminal Justice (Terrorism and Conspiracy) Act 1998. Arrangements are now in hand for the appointment of a reviewer of the working of those sections and an announcement will be made in due course.

Fair Trade Products

Ms Ward: To ask the Secretary of State for the Home Department what plans he has to introduce fair trade products at *(a)* meetings, *(b)* events and *(c)* catering facilities within his Department. [82866]

Mr. Straw: In purchasing goods and services for these and other purposes, my Department takes full account of the Government's policy of seeking value for money, having due regard to propriety and regularity. However, my Department has undertaken a review of the implications of offering Fair Trade products and will be issuing guidance on their use in the near future.

Prison Service

Mr. Beith: To ask the Secretary of State for the Home Department if he will publish the results achieved by the Prison Service on each of its key performance indicators *(a)* in each prison and *(b)* on average, in the last year; and if he will make a statement. [83708]

Mr. George Howarth: The Prison Service met five of its eleven targets for the 1998–99 year. This is based on provisional information which is subject to validation by prisons. The tables show key performance indicator (KPI) average performance for the Service as a whole and for each establishment. The overcrowding KPI is formulated in terms of overall Prison Service capacity and population levels and is not applicable to individual prisons.

1998–99 Prison Service KPI results

KPI	*1998–99 Target*	*1998–99 Outturn*
Category A escapes	0	0
Escapes	less than 0.17%	0.14%
Assault rate	less than 9%	9.3%
Positive random drug resting rate	less than 20%	18.4%
Purposeful hours per prisoner	24	22.8
% of population above uncrowded capacity	less than 12%	10%
Are standard/enhanced regime prisoners unlocked >= 10 hours on weekdays	60%	57.2%
Offending behaviour programmes completions	3,000	3,125

1998–99 Prison Service KPI results

KPI	*1998–99 Target*	*1998–99 Outturn*
Sex offender treatment programmes completions	680	605
Cost per place (cash terms)	£24,615	£25,096
Training days per staff member	6.5	7.8

Performance against Key Performance Indicators by prison, 1998–99

Prison name	*Category A escapes*	*Escapes*	*Assault rape (%)*	*Positive random drug testing rate (%)*	*Purposeful house per prisoner*	*Are standard/ enhanced regime prisoners unlocked >= 10 hours on weekdays*	*Offending behaviour programmes completions*	*Sex offender treatment programmes completions*	*Cost per place [3] (£)*	*Training*
Acklington	0	0	2.9	28.0	23.8	Yes	54	14	14,650	12.6
Albany	0	0	1.9	1.5	23.8	Yes	105	47	19,801	7.6
Aldington	0	1	0.7	22.2	28.1	Yes	0	0	16,090	7.3
Altcourse	0	1	18.4	19.0	20.5	Yes	0	0	[4]—	[4]—
Ashwell	0	0	1.6	38.3	33.3	Yes	0	0	15,040	10.3
Askham Grange	0	0	0.0	10.9	42.0	Yes	0	0	18,069	6.1
Aylesbury	0	0	41.4	14.2	20.9	No	63	0	23,021	10.2
Bedford	0	0	7.0	24.1	22.7	No	39	0	20,390	9.3
Belmarsh	0	0	11.2	11.8	13.2	No	0	0	31,196	9.3
Birmingham	0	1	6.2	30.3	13.3	No	0	0	20,334	6.2
Blakenhurst	0	0	18.7	38.5	21.8	Yes	20	0	22,001	[4]—
Blantyre House	0	0	0.0	0.7	39.6	Yes	30	0	17,806	6.1
Blundeston	0	0	6.4	14.1	25.8	Yes	0	0	20,232	7.3
Brinsford	0	0	35.4	21.4	16.3	No	0	0	18.847	7.5
Bristol	0	0	9.2	23.6	21.3	Yes	31	0	31,844	7.2
Brixton	0	0	11.8	12.0	15.7	Yes	62	17	22,757	7.8
Brockhill	0	0	21.4	15.8	21.1	Yes	0	0	29,867	5.1
Buckley Hall	0	0	2.9	37.6	26.8	Yes	0	0	19,972	[4]—
Bullingdon	0	0	6.9	26.0	21.2	Yes	51	0	16,485	12.7
Bullwood Hall	0	0	19.2	13.6	19.1	Yes	0	0	29.281	8.1
Camp Hill	0	0	5.3	30.2	19.3	No	0	0	18,576	3.7
Canterbury	0	0	2.1	13.3	18.5	Yes	0	0	33,983	6.7
Cardiff	0	0	5.9	25.5	21.3	Yes	25	0	21,783	6.8
Castington	0	2	28.5	17.5	20.7	No	14	14	19,288	13.5
Channings Wood	0	0	1.9	15.6	30.5	Yes	73	38	16,543	7.8
Chelmsford	0	0	12.4	23.6	15.8	No	0	0	19,726	6.6
Coldingley	0	0	0.3	12.4	40.7	Yes	0	0	22,015	10.3
Cookham Wood	0	1	6.4	7.0	22.3	Yes	8	0	26,511	7.6
Dartmoor	0	0	6.0	5.5	18.9	No	102	19	19,423	7.2
Deerbolt	0	2	19.1	8.9	19.9	Yes	0	0	17,934	8.2
Doncaster	0	0	19.7	12.6	17.0	Yes	0	0	25,454	[4]—
Dorchester	0	0	5.9	33.9	14.4	No	0	0	30,114	7.4
Dover	0	1	21.8	13.0	21.2	No	0	0	38,360	8.0
Downview	0	0	0.0	3.3	30.8	Yes	0	0	19,152	7.6
Drake Hall	0	0	0.4	17.9	34.9	Yes	0	0	14,289	6.3
Durham	0	0	8.0	16.0	20.2	Yes	0	0	29,450	6.9
East Sutton Park	0	0	0.0	4.2	40.1	Yes	0	0	18,545	7.1
Eastwood Park	0	1	15.5	15.8	21.6	Yes	0	0	22,633	11.8
Elmley	0	0	5.8	11.5	20.2	No	91	0	18,459	10.1
Erlestoke	0	0	0.7	25.3	27.2	Yes	0	0	17,711	8.6
Everthorpe	0	1	3.5	30.6	27.0	Yes	0	0	17,882	5.7
Exeter	0	0	12.5	27.9	13.6	No	0	0	29,405	6.4
Featherstone	0	4	2.0	42.5	24.2	Yes	19	0	18,448	4.2
Feltham	0	1	25.6	20.7	15.5	No	21	13	18,820	8.4
Ford	0	0	0.0	11.3	35.6	Yes	0	0	11,253	6.3
Foston Hall	0	0	11.9	9.0	23.4	Yes	15	0	27,055	12.0
Frankland	0	0	5.1	17.3	18.4	Yes	43	7	36,437	11.5
Full Sutton	0	0	4.1	6.9	17.6	No	85	21	35,593	8.9
Garth	0	0	1.9	12.1	21.3	Yes	0	0	18,611	8.1
Gartree	0	0	3.0	25.3	27.0	Yes	41	0	22,735	7.3
Glen Parva	0	2	35.8	15.1	16.7	No	40	0	16,642	7.8
Gloucester	0	0	26.7	30.2	26.4	No	0	0	26,197	5.6
Grendon	0	0	1.3	11.2	34.2	No	45	0	19,320	7.3
Guys Marsh	0	2	5.9	35.4	22.8	Yes	20	0	15,283	5.9
Haslar	0	0	2.0	2.5	18.8	Yes	0	0	15,721	7.3
Hatfield	0	0	7.9	16.2	32.5	Yes	0	0	17,473	5.8
Haverigg	0	1	1.8	17.4	33.9	Yes	0	0	18.207	7.1
Hewell Grange	0	0	0.5	11.0	42.7	Yes	0	0	12,588	3.3

Performance against Key Performance Indicators by prison, 1998–99

Prison name	Category A escapes	Escapes	Assault rape (%)	Positive random drug testing rate (%)	Purposeful house per prisoner	Are standard/ enhanced regime prisoners unlocked >= 10 hours on weekdays	Offending behaviour programmes completions	Sex offender treatment programmes completions	Cost per place [2] (£)	Training
Highdown	0	0	13.6	21.0	13.9	No	67	14	24,928	9.5
Highpoint	0	0	4.2	20.6	23.2	Yes	0	0	18,479	9.2
Hindley	0	0	30.8	25.0	23.8	No	0	0	20,376	7.4
Hollesley Bay	0	0	14.2	24.8	28.1	No	0	0	20,618	4.8
Holloway	0	2	26.9	10.1	17.6	Yes	22	0	34,689	6.5
Holme House	0	0	4.6	11.8	15.8	No	0	0	15,179	6.4
Hull	0	0	11.5	15.1	20.0	No	0	0	21,063	8.5
Huntercombe	0	0	15.8	16.5	23.8	Yes	0	0	19,712	9.2
Kingston	0	0	0.6	20.6	23.9	Yes	0	0	21,302	6.8
Kirkham	0	0	0.5	23.2	43.5	Yes	0	0	13,870	5.7
Kirklevington	0	0	0.0	7.9	50.1	Yes	0	0	13,921	6.7
Lancaster	0	0	1.4	37.0	20.9	Yes	12	0	21,794	8.7
Lancaster Farms	0	0	14.8	5.9	20.5	No	37	0	19,749	5.1
Latchmere House	0	0	0.0	14.8	70.2	Yes	0	0	11,983	9.8
Leeds	0	0	8.6	18.9	14.8	No	27	0	18,948	7.5
Leicester	0	0	6.3	27.1	20.5	Yes	0	0	35,718	6.0
Lewes	0	0	8.5	33.2	18.5	No	0	0	18,929	5.4
Leyhill	0	0	0.0	13.9	39.0	Yes	26	26	18,333	7.6
Lincoln	0	1	3.0	26.8	22.9	Yes	27	0	24,720	4.9
Lindholm	0	1	1.0	30.8	24.2	Yes	22	0	19,897	6.6
Littlehey	0	1	3.3	13.9	26.0	Yes	0	0	14,202	10.1
Liverpool	0	0	4.8	18.0	19.0	No	0	0	19,616	5.7
Long Lartin	0	0	6.0	13.4	17.4	Yes	42	0	36,851	15.4
Low Newton	0	0	40.5	37.1	20.2	No	0	0	28,283	15.2
Lowdham Grange	0	0	4.6	31.2	—[3]	Yes	0	0	[1]—	[4]—
Maidstone	0	0	2.5	13.0	21.3	Yes	36	0	18,932	9.2
Manchester	0	0	7.1	15.7	26.7	Yes	0	0	27,044	6.6
Moorland	0	0	13.1	5.5	24.1	Yes	85	0	17,743	6.5
Morton Hall	0	0	0.5	8.3	37.9	Yes	0	0	12,288	5.7
Mount	0	0	3.7	20.6	18.0	No	0	0	14,637	10.5
New Hall	0	0	13.7	5.0	23.7	Yes	10	0	22,501	5.5
North Sea Camp	0	0	0.0	24.1	45.0	Yes	0	0	14.588	4.7
Northallerton	0	0	15.9	15.1	14.5	Yes	0	0	30,967	7.1
Norwich	0	0	9.1	21.4	18.3	No	0	0	22,878	6.0
Nottingham	0	0	6.9	26.1	15.3	No	19	0	19,634	7.6
Onley	0	0	35.6	4.2	18.4	Yes	71	0	16,105	9.3
Parc	0	0	7.4	44.7	30.0	Yes	0	0	[1]—	[4]—
Parkhurst	0	0	6.1	2.7	19.5	No	74	0	22,466	8.1
Pentonville	0	1	11.0	31.8	20.3	No	77	0	21,330	7.8
Portland	0	0	13.9	9.4	23.1	No	16	0	17,735	6.7
Preston	0	0	9.6	23.4	17.1	No	0	0	28,086	5.4
Ranby	0	0	3.2	9.0	26.4	Yes	33	0	16,155	7.8
Reading	0	0	18.6	29.3	23.8	No	0	0	26,791	6.7
Risley	0	0	10.4	21.4	21.9	No	28	28	18,360	4.6
Rochester	0	0	14.7	3.6	19.1	Yes	34	15	18,555	6.1
Send	0	0	1.2	19.6	40.7	Yes	0	0	32,894	23.2
Shepton Mallet	0	0	4.3	32.4	22.7	Yes	16	0	25,249	7.2
Shrewsbury	0	0	5.1	17.2	22.7	Yes	0	0	32,140	6.2
Stafford	0	0	6.6	16.9	23.5	No	0	0	16,493	4.5
Standford Hill	0	0	0.0	11.4	44.1	Yes	13	0	16,068	6.6
Stocken	0	0	2.8	30.4	23.2	Yes	6	0	16,171	9.4
Stoke Heath	0	0	37.3	10.0	21.6	Yes	7	0	15,407	7.5
Styal	0	1	5.7	13.3	28.7	Yes	0	0	24,097	13.5
Sudbury	0	0	0.4	10.8	44.5	Yes	27	0	13,410	7.9
Swaleside	0	0	7.1	18.1	22.3	No	63	0	17,341	9.1
Swansea	0	0	11.1	37.0	20.0	No	0	0	26,302	4.9
Swifen Hall	0	0	14.7	6.0	28.9	Yes	116	15	20,870	8.7
Thorn Cross	0	0	11.6	21.4	50.3	Yes	85	0	19,827	7.4
Usk	0	0	0.0	5.3	34.9	Yes	104	44	21,507	8.2
Verne	0	0	1.2	19.4	27.2	Yes	0	0	15,079	6.0
Wakefield	0	0	4.3	1.3	18.2	No	144	57	24,520	11.7
Wandsworth	0	1	7.2	7.3	18.9	No	107	21	17,817	11.7
Wayland	0	0	2.2	35.8	23.8	Yes	96	50	14,417	9.8
Wealstun	0	0	1.8	25.2	30.6	Yes	16	0	15,127	6.6
Weare	0	0	0.9	28.8	20.8	Yes	0	0	17,463	5.1
Wellingborough	0	0	2.1	22.9	25.4	Yes	0	0	19,115	8.7
Werrington	0	5	45.1	4.9	24.0	Yes	8	0	26,079	8.8

Performance against Key Performance Indicators by prison, 1998–99

Prison name	Category A escapes	Escapes	Assault rape (%)	Positive random drug testing rate (%)	Purposeful house per prisoner	Are standard/ enhanced regime prisoners unlocked >= 10 hours on weekdays	Offending behaviour programmes completions	Sex offender treatment programmes completions	Cost per place [2] (£)	Training
Wetherby	0	0	29.9	4.8	28.3	Yes	8	0	18,723	4.4
Whatton	0	0	1.2	4.4	28.8	Yes	129	85	15,849	6.8
Whitemoor	0	0	12.3	7.7	19.0	Yes	44	17	34,998	7.2
Winchester	0	0	6.5	33.2	15.7	No	0	0	23,518	6.4
Wolds	0	0	11.0	17.8	29.1	Yes	26	0	25,008	[4]—
Woodhill	0	0	14.1	17.1	20.0	No	72	22	27,806	8.4
Wormwood Scrubs	0	1	5.0	23.0	14.2	No	51	0	17,368	6.8
Wymott	0	0	2.1	16.3	28.7	Yes	128	22	16,382	6.3

[1] Cost per place performance figures for Parc, Altcourse and Lowdham Grange prisons cannot be provided on a comparable basis because available data include an element for capital repayment.
[2] Cost per place, assaults, positive random drug testing, purposeful hours, offending behaviour programmes and training figures are provisional. Final figures are not likely to be significantly different.
[3] Purposeful activity performance figures for Lowdham Grange are not available for the financial year 1998–99.
[4] Private prison contractors are not required to supply training figures.

Referendums

Mr. Robathan: To ask the Secretary of State for the Home Department if it is his policy to introduce legislation to implement the recommendations of the Neill Committee on the conduct of referendums before any further national referendums. [83595]

Mr. Straw: We intend to publish a draft Bill to implement the main findings of the Neill Committee report before the Summer Recess, and we hope to have the new arrangements in place by the time of the next general election. The Government's position on the timing of possible referendums on changes to the voting system for elections to the House of Commons and on Britain's membership of the single currency were set out by my right hon. Friend the Prime Minister in the reply he gave to the right hon. Member for Richmond, Yorks (Mr. Hague) on 4 November 1998, *Official Report*, column 868 and in his statement of 23 February 1999, *Official Report*, columns 179–96 respectively.

Criminal Law Alignment

Mr. Mitchell: To ask the Secretary of State for the Home Department when his Department received a copy of *(a)* the European Commission communication of 14 July 1998 relating to the progressive alignment of criminal laws and procedures within the Union COM (1998) 459 and *(b)* the Draft Convention of Mutual Assistance in Criminal Matters. [83242]

Mr. Straw: The European Commission Communication towards an area of Freedom, Security and Justice of 14 July 1998 (COM (1998) 459) was received in the Home Office on 2 September 1998 and deposited for scrutiny on 15 September 1998.

The most recent consolidated text of the draft Convention on mutual assistance in criminal matters between the member states of the European Union is in Council Document 13144/98 JUSTPEN 108, which was received on 20 November 1998. That document has since been supplemented by proposals for additional articles to be included in the draft Convention. Those proposals, like the consolidated text, have been submitted to the relevant parliamentary Select Committees and have been, or will be, placed in the Library.

Violence against Women

Mr. Cohen: To ask the Secretary of State for the Home Department what initiatives Her Majesty's Government are taking on public education to prevent violence against women. [83563]

Kate Hoey: The largest single type of violence against women is domestic violence. We have, therefore, initiated a domestic violence publicity and awareness campaign to make clear the impact of violence against women, including how it so often leads to murder; to challenge misconceptions, such as believing that violence within relationships is somehow not a crime, or that the victim is to blame in some way; and to show what we can all do to reduce domestic violence and its impact, including on children who witness the violence.

The Government launched "Break the Chain" in January, with a leaflet for survivors and those who might be in a position to help them, and an associated poster. This will be followed soon by guidance for agencies which deal with the victims of domestic violence.

Justice and Home Affairs Council

Mr. Bercow: To ask the Secretary of State for the Home Department, pursuant to his answer to the right hon. Member for Penrith and The Border (Mr. Maclean) of 21 April 1999, *Official Report*, column *583*, on the Justice and Home Affairs Council, for what reasons it was not practicable to make an earlier report to the House on the outcome of the meeting on 12 March. [83482]

Mr. Straw: We always aim to report promptly to the House on the outcome of Justice and Home Affairs Council meetings. But we can only prepare a report when we have a reliable record of the proceedings. In the

present case, this was received in the Home Office on 16 March, and I reported to the House in the reply I gave to my hon. Friend the Member for Clydesdale (Mr. Hood) on 22 March 1999, *Official Report*, columns *23–26*. I assure the hon. Member that there was no avoidable delay.

Sudbury Prison

Mr. McLoughlin: To ask the Secretary of State for the Home Department how many prisoners are currently held in HMP Sudbury; and how many of these are serving a life sentence. [83477]

Mr. George Howarth: The total number of prisoners held at Sudbury prison as at 6 May 1999 was 489. Of these, 72 are serving a life sentence.

Mr. McLoughlin: To ask the Secretary of State for the Home Department how many life prisoners at HMP Sudbury have absconded during *(a)* the last two months and *(b)* the last six months; how many of these have committed further offences for which they have been charged during the period of time they were away from the prison; and what they were charged with. [83478]

Mr. George Howarth: In the last two months, two life-sentenced prisoners failed to return to Sudbury from temporary release: one is still unlawfully at large; the other surrendered to the police in North Wales and has been charged with murder.

During the last six months, one life-sentenced prisoner absconded from Sudbury prison. He absconded on 5 March 1999 and surrendered to the police in Shrewsbury on 9 March 1999 with no further charges.

Also, during the last six months one other lifer failed to return from temporary release. The prisoner was arrested in Coventry and charged with shoplifting. This charge is not being proceeded with.

Public Speaking (Public Places)

Mr. Vaz: To ask the Secretary of State for the Home Department if he will list the members of the Public Speaking in Public Places working party; and what remuneration is received by each. [83471]

Mr. Boateng: The Association of Town Centre Management (ATCM) has established a small working group to look at the various issues surrounding the development of public speaking in public places or "Speakers' Corners". The group met for the first time on 17 March this year and was attended by the following:

Group members	
Mr. A. Tallentire	ATCM (Chair)
Mr. M. Sola	ATCM
Mr. S. Baxter	Police Policy Directorate, Home Office
Ms G. Fraser	Department of the Environment, Transport and the Regions
Assistant Chief Constable A. McWhirter	Association of Chief Police Officers
Mr. G. Lander	British Council for Offices
Mr. W. McKee	British Property Federation
Mr. J. Orchard	KOP Pavement Shopping Ltd.

The following were also invited to attend but were unable to do so:

David Lepper MP

A representative of the Local Government Association.

Membership of the working party is not expected to remain static and additional members are likely to be invited to the next meeting. No remuneration is provided for members of the working group.

Crime Statistics

Mr. Coleman: To ask the Secretary of State for the Home Department how many cases of incitement to racial hatred were *(a)* reported, *(b)* investigated and *(c)* the subject of arrest in (i) Hammersmith and (ii) Fulham police stations in (1) 1997 and (2) 1998. [79874]

Kate Hoey *[pursuant to her reply, 13 April 1999, c. 21–22]:* I should like to point out that the figures in that answer, which were provided by the Metropolitan Police, were in fact figures for all racial incidents, and not for cases of incitement to racial hatred. The Metropolitan Police tell me that there was no offence of incitement to racial hatred recorded in either Hammersmith or Fulham Division during 1997 and 1998.

LORD CHANCELLOR'S DEPARTMENT

Census Returns

Sir Brian Mawhinney: To ask the Minister of State, Lord Chancellor's Department if he will list the Acts and the sections of those Acts which define public access to census returns. [83773]

Mr. Hoon: No Acts specifically define public access to census returns.

The following Acts and sections relate to the confidentiality of information in census returns:

The Census Act 1920, section 8(2), as amended by the Census (Confidentiality) Act 1991, section 1.

The following Acts and sections govern public access to census returns within the public records system:

The Public Records Act 1958, section 3(4); and section 5(1), as amended by the Public Records Act 1967, section 1.

Sir Brian Mawhinney: To ask the Minister of State, Lord Chancellor's Department if he will list the right hon. and hon. Members who, since 1 September 1998, have been informed by the Public Record Office that access to the 1921, 1951 and 1961 census returns is covered by the Census Act 1920 as amended by the Census (Confidentiality) Act 1991. [83754]

Mr. Hoon: I refer the right hon. Member to my reply to the hon. Member for South Suffolk (Mr. Yeo) on 5 May 1999, *Official Report*, column *427*.

EDUCATION AND EMPLOYMENT

Kosovo Refugees (School Provision)

Mr. Hayes: To ask the Secretary of State for Education and Employment what estimate he has made of the additional cost to local education authorities of providing an appropriate education for child refugees entering Britain from Kosovo. [83711]

Mr. Charles Clarke: Funding for Local Education Authorities for the education of children of Refugees from Kosovo will be provided by the Department in the same way as that for all children on school roll. When we have more information on the number of refugee children from Kosovo likely to come to the UK; their educational needs; and the geographical areas where they will be located, then we will consider what additional funds, if any, local education authorities may need to provide appropriate support.

Mr. Hayes: To ask the Secretary of State for Education and Employment what discussions he has held with *(a)* the Local government Association and *(b)* particular local authorities with regard to school provision for child refugees entering Britain from Kosovo. [83712]

Mr. Charles Clarke: At a joint Department for Education and Employment and Refugee Council Seminar on 28 April, I made clear the Government's commitment that the children of refugees entering Britain from Kosovo will have access to education in mainstream schools. The Department is in regular contact with the Local Government Association and the local authorities who have received refugees to date, to arrange suitable school provision. Those contacts will be developed when we have more detailed information on the numbers of refugees from Kosovo likely to enter the country, and the geographical areas in which they will be located.

Open Government

Dr. David Clark: To ask the Secretary of State for Education and Employment how many applications for information he received under the Open Government Code of Practice on Access to Government Information in the last parliamentary Session; and how many of these applications were granted. [83109]

Mr. Mudie: Statistics are not available for the period required. However, for the calendar year January to December 1998, a total of 35 requests for information were received which cited the Code of Practice. This includes 24 requests received by the Employment Service. No Code requests were refused.

Sex Discrimination

Dr. Lynne Jones: To ask the Secretary of State for Education and Employment what plans he has to issue guidance to employers and employees on the Sex Discrimination (Gender Reassignment) Regulations 1999. [83901]

Ms Hodge: The Sex Discrimination (Gender Reassignment) Regulations 1999 (No. 1102), which were laid before Parliament on 9 April, came into force on 1 May. The Regulations extend the Sex Discrimination Act 1975 to cover protection from discrimination on grounds of gender reassignment in the fields of employment and vocational training.

In order to help individuals and employers understand their rights and responsibilities arising from the new Regulations, I have published the "Guide to the Sex Discrimination (Gender Reassignment) Regulations 1999". In addition to providing helpful guidance on the effect of the legislation, it also suggests some "good practice" examples for successfully accommodating a transsexual employee in the workforce.

I have placed a copy of the Guide in the Library.

Leicestershire Training and Enterprise Council

Mr. Reed: To ask the Secretary of State for Education and Employment what levels of funding Leicestershire Training and Enterprise Council received in *(a)* 1996–97, *(b)* 1997–98 and *(c)* 1998–99; and what level of balances they carried forward in (i) 1996–97 and (ii) 1997–98. [83179]

Mr. Mudie: The level of DfEE funding to Leicestershire TEC from 1996–97 to 1998–99 was as follows:

Year	*£*
1996–97	21,637,512
1997–98	20,105,386
1998–99	18,846,814

In addition, DTI funding for Business Link activity amounted to:

Year	*£*
1996–97	1,370,103
1997–98	1,749,944
1998–99	1,652,087

Balances carried forward were:

£

As at	*Committed Reserves*	*Uncommitted Reserves*	*Total Reserves attributable to Secretary of State*
1 April 1996	5,090,720	1,103,186	6,193,906
31 March 1997	3,035,955	1,425,890	4,461,845
31 March 1998	2,321,875	—	2,321,875

After-school Clubs

Ms Harman: To ask the Secretary of State for Education and Employment (1) if he will make a statement about the music, art and drama content in after-school clubs; [83591]

(2) what plans he has to increase the opportunities for children to engage in music, arts and drama by an expansion of after-school clubs. [83592]

Mr. Charles Clarke: The Government want all young people to have access to a range of out-of-school hours activities, including music, arts and drama. The Government's vision is set out in "Extending opportunity: a national framework for study support" published last year. £80 million of Standards Fund money will be made available from April 2000 for the development of study support activities throughout England. In addition, £425 million of lottery money is being made available through the New Opportunities Fund (NOF) over the next four years to support the expansion of out-of-school hours activities—both education and child care. The policy directions issued by my right hon. Friend the Culture Secretary make clear that music, art and drama activities are included within the framework of activities that NOF can fund.

Reception

Mr. Kidney: To ask the Secretary of State for Education and Employment what assessment he has made following the early years development and child care partnership plans for 1999–2000 of the proportion of four-year-old children attending full-time reception classes in schools. [81988]

Ms Hodge: The number of four-year-olds in infant classes[1] as at January 1998 was 320,897, equivalent to 51 per cent. of the four-year-old population.

[1] Includes reception and other classes (ie non nursery classes).

Training Organisations

Mr. Paice: To ask the Secretary of State for Education and Employment what are the criteria for approval of a national training organisation with regard to the assessment of qualifications. [83056]

Mr. Mudie: Any National Training Organisation which has an awarding body function, or which operates as a training provider, must demonstrate it has transparent arrangements to avoid any conflicts of interest.

Mr. Paice: To ask the Secretary of State for Education and Employment what representations he has received regarding the decision by Lantra to combine the role of instructor and assessor for their training courses. [83058]

Mr. Mudie: The Department has received a number of representations on this matter from industry practitioners.

Mr. Paice: To ask the Secretary of State for Education and Employment what assessment he has made of the Qualifications and Curriculum Authority requirement for qualifications to include external quality assurance and its application in the case of National Training Organisations using instructors to assess trainees on their own courses. [83055]

Mr. Mudie: We welcome the QCA's requirement that external quality assurance should be a feature of vocational qualifications accredited by them. Any organisation conducting training to qualifications accredited by the QCA should be subject to quality assurance by an external body sufficiently independent of those providing the training.

Mr. Paice: To ask the Secretary of State for Education and Employment if he will make a statement on the appropriateness of national training organisations using instructors to assess trainees on their own courses. [83057]

Mr. Mudie: The development of vocational skills often sensibly involves assessment, by qualified trainers, of trainees' performance in realistic working conditions, but such assessments should be subject to external verification.

Mr. Paice: To ask the Secretary of State for Education and Employment if he will ensure that qualifications which are required by law and are his Department's responsibility should be awarded by external assessment. [83059]

Mr. Mudie: In the Department's designation of qualifications under Schedule 2(a) of the Further and Higher Education Act 1992, and in the Qualification and Curriculum Authority's accreditation of qualifications, awards are required to be verified by a body separate from that conducting the training.

HOUSE OF COMMONS

Open Government

Dr. David Clark: To ask the President of the Council how many applications for information she received under the Open Government Code of Practice on Access to Government Information in the last parliamentary session; and how many of these applications were granted. [83110]

Mrs. Beckett: I have received no applications under the Code.

AGRICULTURE, FISHERIES AND FOOD

Common Fisheries Policy

Mr. Darvill: To ask the Minister of Agriculture, Fisheries and Food if he will make a statement on the carry-over of unused fishing effort allocations within the EU Multi Annual Guidance Programme (MAGP IV). [83902]

Mr. Morley: Under the arrangements which I announced on 24 February last year, in answer to a question from my hon. Friend the Member for Ayr (Ms Osborne), *Official Report*, columns *187–88*, fishing effort available to the UK pelagic and beam trawl segments in 1998 was allocated between the various Producer Organisations (POs) or groups of fishermen concerned. Monitoring of uptake during 1998 showed that both segments succeeded in remaining within their main targets. Following representations from the industry, we approached the Commission to see if unused effort could be carried over into subsequent years. They have now confirmed to us that this is possible. We will accordingly be holding urgent consultation meetings with those concerned to explore how to reflect this in effort allocations for this year.

SOCIAL SECURITY

National Insurance Numbers

Mr. Field: To ask the Secretary of State for Social Security if he will introduce measures to enable a reliable estimate to be made of the proportion of national insurance numbers that have been fraudulently created. [82572]

Mr. Timms *[holding answer 4 May 1999]:* A considerable amount of work has been done to estimate the number of duplicate and fraudulent National Insurance Numbers in the Departmental Central Index.

Since 1995, the Departmental Central Index Data Cleaning Project has checked the database by selecting cases which fit certain risk criteria. The project has so far resolved over 750,000 duplicate records held in the database which were mainly created when details of customers were accidentally recorded incorrectly. Since the project started, it has detected only about 10 cases of the fraudulent use of National Insurance Numbers.

National Insurance Contributions Office has worked with employers to check their records and looked at over half a million cases: less than 0.1 per cent. of the items were referred for investigation of potential National Insurance Number irregularities.

The best available measure of the scale of fraud is provided by DSS benefit reviews. Since 1995, two Housing Benefit reviews have been carried out and in no instance was a case of identity fraud confirmed. Two Income Support benefit reviews have been carried out since 1995. The second review reported in 1997, and in 99.1 per cent. of cases randomly selected, identity was established to our satisfaction. The remainder included cases in which the customer could not be found.

The studies carried out indicate strongly that identity fraud is one of the least common types of fraud, and the fraudulent use of National Insurance Numbers will form only a proportion of identity fraud. Nevertheless, we are determined that the Welfare System should be secure against fraud of this kind. Our best defence against such fraud is through our current policy of rigorously checking all applications for new National Insurance Numbers, and continuing our programme of data-cleaning departmental databases, and ensuring records are reliable.

Housing Benefit

Mr. Rendel: To ask the Secretary of State for Social Security what the planned savings were as a result of the introduction of the single room rent restriction for each quarter since its introduction; and what the actual savings for each quarter have been. [83713]

Angela Eagle: The estimated yearly savings, which took little account of behavioural changes, for 1996–97, 1997–98 and 1998–99 were £13/£57/£62 million respectively. However, we are unable to provide actual savings because there is insufficient quantitative information to assess how this group as a whole responded to the change.

Open Government

Dr. David Clark: To ask the Secretary of State for Social Security how many applications for information he received under the Open Government Code of Practice on Access to Government Information in the last parliamentary session; and how many of these applications were granted. [83118]

Angela Eagle: For monitoring purposes this information is collected on a calendar year basis. Information for 1997 was published last year in the Open Government Code of Practice on Access to Government Information 1997 Report. In 1998 this Department received 238 applications for information under the Code and granted 232 of them.

Benefits Agency Medical Service

Mr. Duncan Smith: To ask the Secretary of State for Social Security if he will make a statement on his policy for fees paid to doctors working for the Benefits Agency Medical Service and on the progress of talks between Sema/NDA on the level of fees. [83606]

Angela Eagle: The provision of medical services was contracted out to Sema Group Medical Services on 1 September. There are now no doctors employed by the Benefits Agency.

The question of fees to be paid to the doctors is an issue for negotiation between the doctors, their representatives, and the companies employing them (Sema Group Medical Services and Nestor Disability Analysis).

Discussions regarding fees have taken place between Sema Group Medical Services and the British Medical Association. Although agreement has not yet been reached discussions with individual doctors are ongoing.

Pensions

Mr. Flynn: To ask the Secretary of State for Social Security if he will estimate *(a)* the additional cost in 2009–10 if the basic pension were raised in line with earnings from 2000 and *(b)* the increase in revenue from national insurance contributions if contributors paid the same proportion of their earnings in 2009–10 as in 1999–2000. [83496]

Mr. Timms: The estimated additional net cost in 2009–10 of uprating basic State pension alone, without the linked benefits which include Incapacity Benefit and Widows Benefit, in line with earnings from April 2000 in 1999–2000 price terms is £4.6 billion pounds. The estimated increase in National Insurance contribution revenue if contributors paid the same proportion of their earnings in 2009–10 as in 1999–2000 is £1.7 billion.

Notes:

1. Figures are rounded to the nearest 0.1 billion. Gross costs have been provided by the Government Actuary's Department. The cost of uprating basic State pension in line with earnings is net of Income Related Benefit offsets.

2. Estimates should be treated as broad orders of magnitude.

3. Income Support and Housing Benefit offsets have been calculated using PENSIM which does not include offsets for linked benefits.

4. Both estimates assume real earnings growth of 1.5 per cent. per annum. The estimate for the increase in National Insurance contribution revenue is based on the March 1999 Budget assumptions.

Mr. Duncan Smith: To ask the Secretary of State for Social Security (1) if he will list the governance structures, other than those based on trustees, which his Department has evaluated in relation to the governance of stakeholder pensions; [83602]

(2) what estimate his Department has made of the costs of the stakeholder pension being based on *(a)* trustee and *(b)* other forms of governance. [83607]

Mr. Timms: The Green Paper asked for views on trustees and alternative governance structures which could provide comparable benefits for stakeholder pension scheme members. A number of suggestions have been made on aspects of how different arrangements might work. We shall be considering these carefully and propose to consult further on governance arrangements for stakeholder pension schemes shortly.

The costs of governance will be one of the factors to be taken into account in setting the proposed limit on charges in stakeholder pension schemes.

Mr. Duncan Smith: To ask the Secretary of State for Social Security if his proposals for stakeholder pensions will contain a statutory requirement for people to seek financial advice before they join a stakeholder pension scheme. [83600]

Mr. Timms: Appropriate information and advice for those who need it will be an important part of the decision making process for individuals considering a stakeholder pension scheme. We shall be consulting further on how that information and advice would best be delivered. Further details will be set out in due course.

Mr. Duncan Smith: To ask the Secretary of State for Social Security if he will make it his policy to allow group personal pensions to register as stakeholder pensions. [83603]

Mr. Timms: Group personal pensions will be able to register as stakeholder pension schemes provided they meet the required conditions for such schemes. Those conditions are set out in the Welfare Reform and Pensions Bill currently progressing through Parliament, and will be developed in secondary legislation following further consultation.

We are also considering how far the proposed requirement, that employers should facilitate access to stakeholder schemes for employees where an occupational scheme is not available, should apply in cases where employers offer group personal pension arrangements.

Mr. Duncan Smith: To ask the Secretary of State for Social Security what estimates his Department has made of the average cost of financial advice for an individual seeking to join *(a)* a personal, *(b)* an occupational, *(c)* a group personal and *(d)* a stakeholder pension. [83601]

Mr. Timms: Occupational pension schemes are operated by employers and charges for financial advice do not arise for individual employees seeking to join such a scheme.

For people considering taking up a personal pension or joining a group personal pension scheme, the cost of advice is, in most cases, included in the overall charges attached to the pension. As my right hon. Friend the Chancellor of the Exchequer announced in his March 1999 Budget, the Financial Services Authority is to draw up league tables of investment products, including personal pensions, and charges will be a key feature.

Information and advice for those who need it will be an important part of the decision making process for individuals considering a stakeholder pension scheme. We propose, therefore, to consult further on information and advice arrangements for those schemes. We shall then consider carefully what allowance should be made for the costs of information and advice in the proposed limit on charges.

Mr. Flynn: To ask the Secretary of State for Social Security at what level the upper limit of the middle band of earnings would have to be set in order to give higher earners the same pension entitlement from phase 1 of the state second pension as from SERPS, assuming that the lower limit is as proposed in the pensions Green Paper. [83495]

Mr. Timms: We have recently reached the end of the consultation period on our proposals for the State Second Pension. Final decisions, including those on earnings thresholds at which different pension accrual rates apply, will take account of the responses received. However, to achieve the policy intention that higher earners would have broadly the same pension entitlement from State Second Pension as under SERPS, the upper limit for the middle band of earnings would need to be set at approximately £20,000 in 1998–99 terms.

Paternity Pay

Ms Kelly: To ask the Secretary of State for Social Security what his estimate is of the cost to the Exchequer of the introduction of two weeks' statutory paternity pay at 90 per cent. of earnings replacement value, assuming full take-up. [83804]

Mr. Bayley: Around 390,000 men would receive an average payment of £930 with a cost to the Exchequer of £360 million. This assumes entitlement conditions for statutory paternity pay would reflect those for statutory maternity pay. This would require a man to have been with his current employer for at least 26 weeks and have earnings at or above the lower earnings limit for national insurance purposes.

Source:

Family Resources Survey 1997–98, uprated to 1999–2000 prices using March 1999 Treasury Economic Assumptions.

Disabled People

Mr. Duncan Smith: To ask the Secretary of State for Social Security what estimate his Department has made of the total number of disabled people who will receive an increase in their income as a result of the disability income guarantee. [83608]

Mr. Bayley: We are committed to ensuring that resources are directed towards those that need them most. The consultation document "A new contract for welfare: Support For Disabled People" published last October indicated that we expect some 175,000 disabled people and families with the highest care needs to benefit from the higher premium as a result of the disability income guarantee.

Mr. Duncan Smith: To ask the Secretary of State for Social Security what estimate his Department has made of the total number of disabled children whose benefit will increase as a result of the higher rate of the mobility component of disability living allowance being extended to children aged *(a)* three and *(b)* four years of age. [83609]

Mr. Bayley: It is estimated that 3,000 three year-olds and 5,000 four year-olds will benefit in 2001–02 when eligibility for the higher-rate mobility component of Disability Living Allowance is extended to children aged 3 and 4.

Mr. Gordon Marsden: To ask the Secretary of State for Social Security what plans he has to increase assistance with mobility costs available to disabled pensioners not in receipt of disability living allowance. [83253]

Mr. Bayley: Assistance for people disabled later in life with costs associated with mobility, among the other requirements of daily living, is the subject of specific discussions being held with groups representing disabled people.

We have also taken a number of steps to improve the financial support available to all elderly people. These include the introduction of a Guaranteed Minimum Income for pensioners from April 1999, by increasing Income Support for the poorest pensioners by three times the normal price up-rating and an increase in the level of winter fuel payment which means that, from next winter, every eligible pensioner household will receive £100. In addition, my right hon. Friend the Chancellor of the Exchequer has committed us to a "minimum guarantee on tax". No pensioner whose income falls below a specified level will pay Income Tax.

In terms of other help with transport costs some help already exists, for example through the disabled person's rail card. Local authorities also have discretionary power to make special transport provision for disabled people, including elderly people. We have also announced our intention to introduce a national, standard minimum for concessionary fare schemes for people of pension age. It will require each local authority to make available at least half-fares on buses for all pensioners on purchase of a £5 annual bus pass.

Incapacity Benefit

Dr. Lynne Jones: To ask the Secretary of State for Social Security, pursuant to the oral statement by the Under-Secretary of State, the hon. Member for City of York (Mr. Bayley), on 20 April 1999, *Official Report, Standing Committee D,* column 864, what assumptions he has made about the cost or savings to the Exchequer of a change in people's behaviour as a result of changes in the law on entitlement to incapacity benefit. [82721]

Mr. Bayley: The costings in the explanatory notes to the Welfare Reform and Pensions Bill assume that overall the financial effects of any behavioural changes as a result of the proposed changes to Incapacity Benefit will be broadly neutral.

The behavioural effects of the change to the contribution conditions are assumed to be negligible. This is because it would be difficult for many people to adjust their circumstances in such a way as to ensure that they meet the contribution conditions at the time when they claim Incapacity Benefit. In addition special arrangements to enable people to re-qualify after short breaks in entitlement without paying further contributions will, together with linking rules, reduce any incentive for people to stay on benefit longer as a result of the new conditions.

The behavioural effects of the proposal to take some account of occupational and personal pensions over £50 are assumed to be broadly neutral. Potential behavioural changes would include some people increasing their pension income, to compensate for the benefit reduction, which would lead to higher savings. Other people might seek to change their pension arrangements to maintain the level of benefit, which would lead to lower savings. In the absence of any evidence as to which of these effects will predominate it has been assumed that they will broadly cancel each other out. Since only half the pension income over £50 will be deducted from benefit, people on Incapacity Benefit will still gain from having made their own provision.

The effects of the changes will be monitored post-implementation.

CABINET OFFICE

Ethnic Minorities

Mr. Ben Chapman: To ask the Minister for the Cabinet Office what assessment he has made of the achievability of his target for ethnic minority representation in the Senior Civil Service in the period to 2004–05. [82914]

Dr. Jack Cunningham: The Modernising Government White Paper sets Service-wide targets to increase the number of ethnic minority staff in the Senior Civil Service. The target for 2004–05 is that 3.2 per cent. of the Senior Civil Service will be from ethnic minority backgrounds.

This target is challenging, but achievable. It is based on an assessment of current trends and the potential impact of action we are taking. This action includes identifying and bringing on existing ethnic minority staff with potential, and ensuring all steps are taken to attract ethnic minority applicants for posts in the Service.

Mr. Ben Chapman: To ask the Minister for the Cabinet Office what plans he has to set further targets for ethnic minority representation in the Senior Civil Service after 2004–05. [82913]

Dr. Jack Cunningham: The Modernising Government White Paper sets out the Government's commitment to tackle the under-representation of ethnic minorities in the Senior Civil Service.

Addressing this is a top priority. The target for 2004–05 is the first step. We will want to monitor progress against this and consider further action in the light of it.

Mr. Ben Chapman: To ask the Minister for the Cabinet Office what monitoring he proposes to undertake with regard to his target for ethnic minority representation in the Senior Civil Service. [82915]

Dr. Jack Cunningham: We will monitor the target centrally to assess progress across the Service. Each Department will measure its own progress and report regularly on it.

Regional Development Agencies

Mr. Harvey: To ask the Minister for the Cabinet Office if he will include regional development agencies in future lists of ministerial responsibilities. [82919]

Mr. Kilfoyle: No. Regional Development Agencies are classified as Non-Departmental Public Bodies, which are not included in the List of Ministerial Responsibilities. Instead, details of them will be published annually in future editions of Public Bodies, copies of which will be placed in the Libraries of the House.

Genetically Modified Foods

Mr. Alan Simpson: To ask the Minister for the Cabinet Office what advice the Government have received from the Chief Medical Officer and the Chief Scientific Adviser about the potential links between genetically modified foods and birth defects and cancer; and when this report will be published. [83096]

Dr. Jack Cunningham: A draft paper prepared by the Chief Medical Office and the Chief Scientific Adviser has been considered by Ministers. The paper concluded that there is no evidence of any greater risk to human health from approved GM foods than from conventional ones and that the tests, rules and regulations for assessing the safety of GM foods are sufficiently rigorous. When the paper has been finalised it will be published.

Freemasons

Mr. Mullin: To ask the Minister for the Cabinet Office how many letters were sent to magistrates in the Duchy as part of the exercise to establish a voluntary register of freemasons; when the letters were sent; and if he will break down the total between *(a)* declared masons, *(b)* declared non-masons, *(c)* those who refused to indicate their status and *(d)* those from whom no reply was received, distinguishing in each case between men and women. [83497]

Dr. Jack Cunningham: All magistrates in Lancashire, Greater Manchester and Merseyside were sent a proforma at the end of last year asking them to declare whether or not they were Freemasons.

From the 11 Benches in Lancashire:

74: magistrates declared that they were Freemasons

674: magistrates stated that they were not Freemasons

13: magistrates declined to give this information

295: magistrates did not return the proforma

From the 11 Benches in Greater Manchester:

122: magistrates declared that they were Freemasons

1,557: magistrates stated that they were not Freemasons

20: magistrates declined to give this information

290: magistrates did not return the proforma

From the 6 Benches in Merseyside:

61: magistrates declared that they were Freemasons

819: magistrates stated that they were not Freemasons

28 : magistrates declined to give this information

137: magistrates did not return the proforma.

Benches were not asked to differentiate between men and women. They have been asked to provide this breakdown.

TREASURY

Working Families Tax Credit

Ms Harman: To ask the Chancellor of the Exchequer (1) what effect there will be on their eligibility for childcare tax credit if a parent of *(a)* one child and *(b)* two children who is in receipt of childcare tax credit takes unpaid parental leave under the Employment Relations Bill; [83343]

(2) if he will estimate the effect on the income of *(a)* an employee whose spouse and *(b)* a lone parent who takes unpaid parental leave under the Employment Relations Bill and whose working families tax credit is in payment and has three months to run; [83345]

(3) if he will estimate the effect on the income *(a)* on average and *(b)* by quartiles of a family in receipt of working families tax credit of the main earner taking unpaid parental leave under the Employment Relations Bill; [83341]

(4) what the effect will be on the income of an employee receiving working families tax credit if his or her partner takes unpaid parental leave under the Employment Relations Bill; [83340]

(5) if he will make a statement on the eligibility for the working families tax credit of an employed person who takes unpaid parental leave under the Employment Relations Bill while her employed spouse is the direct recipient of the working families tax credit. [83344]

Dawn Primarolo *[holding answer 5 May 1999]:* WFTC will be awarded for a 26-week period. Each award is based on a "snapshot" of income immediately preceding the application. Once the award starts it is not affecting by changes to income during the 26-week period. That means that if a parent decides to take unpaid parental leave during that 26-week period the amount of WFTC awarded, including any child-care tax credit, will not change.

Ms Harman: To ask the Chancellor of the Exchequer if he will estimate how many of those who did not receive family credit but will receive working families tax credit are dual-earner couples. [83342]

Dawn Primarolo *[holding answer 5 May 1999]:* It is estimated that in 2000–01, the first full year of the Working Families Tax Credit, about 175,000 dual-earner couples who would not have been in receipt of Family Credit will receive Working Families Tax Credit.

Fuel Duty Escalator

Mr. Campbell-Savours: To ask the Chancellor of the Exchequer, pursuant to the oral statement by the Economic Secretary of 27 April 1999, *Official Report*, columns 241–46, if he will set out the basis on which the cost of exempting commercial vehicles from the fuel duty escalator was calculated; and what definition of commercial vehicles was used. [83103]

Ms Hewitt *[holding answer 5 May 1999]:* Slightly under 50 per cent. of diesel is used in goods vehicles over 3.5 tonnes and this is the definition on which the figures are based. The amount of diesel used by these vehicles was calculated using total distances travelled by such vehicles in 1997 and the average miles per gallon achieved by rigid and articulated vehicles. However, the definition could go much wider to include all diesel vehicles used by businesses.

Currency Speculation

Dr. Tonge: To ask the Chancellor of the Exchequer what representations he has received concerning the introduction of a tax on currency speculation. [83080]

Ms Hewitt *[holding answer 6 May 1999]:* The Treasury has received a number of representations from members of the public and two letters from hon. Members about the proposal to introduce a tax on currency speculation.

Financial Advisers

Mr. Flynn: To ask the Chancellor of the Exchequer for what reasons only fee-based financial advisers are permitted to describe themselves as independent. [83553]

Ms Hewitt: Financial advisers are permitted to describe themselves as independent so long as they offer products from any provider. Their independence or otherwise is determined by the polarisation rules, not by their reward structure.

Mortgage Products

Mr. Flynn: To ask the Chancellor of the Exchequer what factors underlie the Financial Services Authority's decision not to publish league tables on the costs and charges of mortgage products. [83555]

Ms Hewitt: The Financial Services Authority (FSA) has no powers to use its resources to collect information about products and activities it does not regulate. FSA is, however, working closely with the Council of Mortgage Lenders on how key mortgage information can be most effectively presented to customers.

Financial Services Act 1986

Mr. Flynn: To ask the Chancellor of the Exchequer what plans the Government have to extend the protection afforded under the Financial Services Act 1986 to homebuyers. [83554]

Ms Hewitt: There are no plans to extend the present Financial Services Act to cover mortgages. The Financial Services and Markets Bill provides for mortgages to be brought within its scope and the scope of the powers of the Financial Services Authority. A decision will be made later this year on whether the scope of the Bill should include all mortgage selling.

Correspondence

Sir Brian Mawhinney: To ask the Chancellor of the Exchequer when the right hon. Member for North-West Cambridgeshire can expect a reply to his letter of 24 March on behalf of his constituent Miss Marvin. [83750]

Mr. Gordon Brown: I replied to the right hon. Member on 7 May.

Sir Brian Mawhinney: To ask the Chancellor of the Exchequer when the right hon. Member for North-West Cambridgeshire can expect a reply to his letter of 16 February on behalf of his constituent Mr. Gascoynes. [83756]

Mr. Gordon Brown: I replied to the right hon. Member on 7 May.

Aviation Taxes

Mr. Blunt: To ask the Chancellor of the Exchequer if he will estimate the tax yield to the UK Exchequer of ending the duty-free concession at airports, and on aircraft, on *(a)* flights to Europe and *(b)* all flights assuming that with international agreement similar action was taken by other countries. [83352]

Dawn Primarolo: It is not possible to predict with any degree of certainty the additional revenue which will result from the abolition of duty-free sales *(a)* within Europe and *(b)* internationally. Estimates are sensitive to a whole range of assumptions about the nature of the successor regime and the post-abolition marketing strategies of the duty-free operators.

Income Tax Liability

Dr. Cable: To ask the Chancellor of the Exchequer if interest can be the first tranche of income to be set against personal allowances for the purpose of assessing income tax liability, once the 20 pence rate comes into effect. [83372]

Dawn Primarolo: Savings income, including interest, is favourably taxed. Setting interest income against personal allowances ahead of other income would increase taxes by approximately £110 million and increase the tax bill of millions of people. We do not find such a change attractive.

HEALTH

GPs

Dr. Tony Wright: To ask the Secretary of State for Health what provisions exist to ensure that each area has a choice of male and female GPs. [73548]

Mr. Denham: We have made possible new ways of working that are more sensitive to doctors personal and family circumstances and we have also improved the general practitioner retainer scheme, which allows a doctor to maintain skills during a career break and so return to general practice more easily. These family friendly policies will ensure that general practice remains an attractive option for female doctors, so that patients have the widest possible choice.

Primary Care Groups

Mr. Brady: To ask the Secretary of Sate for Health by what date he plans to complete the process of appointing primary care group boards. [74709]

Mr. Denham: *[holding answer 4 March 1999]:* Health authorities are charged with the responsibility to establish Primary Care Groups as committees of their authorities. This process has now been substantially completed.

Medicines Control Agency

Dr. Iddon: To ask the Secretary of State for Health what the remit of the Medicines Control Agency is, with particular reference to areas of activity other than the licensing of medicines. [80220]

Ms Jowell: The Medicines Control Agency's primary objective is to safeguard public health by ensuring that all medicines on the United Kingdom market meet the appropriate standards of safety, quality and efficacy. As well as achieving this through a system of licensing before the marketing of medicines, the agency is also responsible for the monitoring of medicines and acting on safety concerns after the medicines have been placed on the market. The agency checks and monitors the standards of pharmaceutical manufacture and wholesaling, represents UK pharmaceutical regulatory interests internationally, and manages the British Pharmacopoeia Commission in setting quality standards for drug substances. It is also responsible for medicines control policy and enforcement of these requirements.

Multiple Sclerosis

Jackie Ballard: To ask the Secretary of State for Health what plans he has to implement the recommendations in the report from the Working Party on Multiple Sclerosis produced by the British Society of Rehabilitation Medicine. [81342]

Mr. Hutton: The report, "A Survey of Multiple Sclerosis Provision in England 1998–99", was produced by the Association for Quality in Healthcare in November 1998 on behalf of the Multiple Sclerosis Society.

We have set out our plans to address unacceptable variations in services via a modernisation programme to deliver more consistent and higher quality care for patients. We remain committed to improving standards of healthcare and to ensuring that newer treatments, including new medicines, are introduced into the National Health Service as fast as possible where they represent a genuine therapeutic advance and are cost effective.

In addition, the move to new commissioning arrangements will bring about improvements in services for people with conditions like MS. Longer term agreements, reflecting dialogue between clinicians and focusing on health improvement and quality objectives, will increase the emphasis on programmes of care that cross the traditional boundaries to meet patients needs best.

NHS (Ethnic Minorities)

Mr. Stinchcombe: To ask the Secretary of State for Health (1) what data his Department has collated on the time it takes for ethnic minority members of NHS staff to be promoted within NHS hospitals relative to white members of staff; [82232]

(2) what data his Department has collated on the rate at which ethnic minority members of NHS staff resign from the NHS relative to the rate for white members of staff; [82231]

(3) what data his Department has collated on whether ethnic minority members of NHS staff are more likely to be disciplined by *(a)* suspension and *(b)* dismissal than white members of staff. [82229]

Mr. Denham: The Department does not collect the data requested. Ministers are, however, concerned about the treatment of black and minority ethnic staff in the National Health Service and have a programme of action to tackle racism and end discrimination in the service.

In order to inform that programme, the Department commissioned Industrial Relations Services Research to undertake a survey of NHS trusts in England published in August last year, "Equal Opportunities and monitoring in NHS trusts", available from the Department of Health, Wetherby. This survey showed that 98 per cent. of NHS trusts have an equal opportunities in employment policy, but only a minority monitor promotions, redundancies, dismissals or training from an equal opportunities perspective. The survey has provided a baseline against which we are now able to measure progress and set targets for raising standards in employment practice.

As part of the modernisation of the NHS, the Government has published "Working Together—Securing a quality workforce for the NHS", the first human resources framework for the NHS published September 1998. This framework sets targets for reducing racial harassment of staff by colleagues and service users, and increasing ethnic minority representation in the work-force. By April 2000, local NHS employers are to have policies and procedures in place to tackle racial harassment, supported by monitoring and reporting arrangements to measure progress. They must also demonstrate that they are making progress year on year in achieving a more representative work-force.

Beta Interferon

Mr. Waterson: To ask the Secretary of State for Health if he will make it his policy to collect statistics on the prescribing and dispensing of Beta Interferon for MS sufferers in the NHS. [82642]

Mr. Denham: We will continue to collect statistics on all drugs prescribed by general practitioners, including Beta Interferon, which are dispensed in the community. We do not collect statistics on drugs dispensed in hospitals and do not anticipate being in a position to do so for some time.

Renal Services

Mr. Gordon Prentice: To ask the Secretary of State for Health what steps he is taking to improve renal services in East Lancashire; and if he will make a statement. [82846]

Mr. Hutton: The four health authorities in Lancashire and South Cumbria, working together and with the National Health Service Executive North West, have identified capital investment of £1 million and revenue spending of approximately £1 million for 2000–01 to provide 15 additional dialysis stations. These facilities are

expected to be in place at the Royal Preston Hospital by next spring and will relieve pressure and lead to improvements in renal services throughout the area.

Investing in Dentistry

Mr. Rendel: To ask the Secretary of State for Health how many applications have been received under the Investing in Dentistry initiative; how many applications have been *(a)* successful and *(b)* unsuccessful; how many are still being considered; and what is the value of the grants that have been awarded as a result of successful applications. [82683]

Mr. Denham: To date, a total of 696 Investing in Dentistry requests have been received, of which 282 have been approved for grants totalling over £8 million; 287 refused, and 127 are awaiting decision.

Mr. Webb: To ask the Secretary of State for Health if he will list the bids which he has received from Avon health authority area under the Investing in Dentistry programme. [82900]

Mr. Denham: The investing in dentistry funding requests submitted by Avon Health Authority are as follows:

Clifton, Bristol
Easton, Bristol
Filwood, Bristol
Lawrence Weston, Bristol
Bath (2 requests)
Bedminster (2 requests)
Bishopsworth
Chew Magna
Stockwood
Weston-Super-Mare.

Fair Trade Products

Ms Ward: To ask the Secretary of State for Health what plans he has to introduce fair trade products at *(a)* meetings, *(b)* events and *(c)* catering facilities within his Department. [82871]

Ms Jowell: I refer my hon. Friend to the answer given by my hon. Friend the Economic Secretary on 5 May 1999, *Official Report*, column *410*.

NHS Trusts

Mr. Cummings: To ask the Secretary of State for Health how many Executive Board members in NHS trusts received a one-off contribution to their pension funds in the last round of pay awards, and what was the total cost of such payments to the NHS. [83097]

Mr. Denham: Information on individual contributions to Executive Board members' pension funds is not available centrally.

Mr. Cummings: To ask the Secretary of State for Health what advice he has given to NHS trusts in respect of pay awards to Executive Board members in the forthcoming pay round. [83098]

Mr. Denham: The Chief Executive of the NHS wrote to all National Health Service trusts and health authorities on 1 February 1999 about pay for staff in 1999–2000. Setting out the Government's position on senior NHS managers' pay, he said:

> "The Government does not expect to see senior managers being awarded increases out of line with the rest of the public service. Further guidance will follow when the pay round for other staff is complete".

National Institute for Clinical Excellence

Ms Drown: To ask the Secretary of State for Health what assessment he has made of the scope for including tax and benefit considerations in NICE's assessments of the cost-effectiveness of drugs. [83027]

Mr. Denham: Ministers are considering the responses to the discussion document "Faster access to modern treatment", which set out detailed proposals for the appraisal by the National Institute for Clinical Excellence of the clinical cost effectiveness of new and existing interventions. There will be a further statement shortly.

Dental Services

Mr. Fearn: To ask the Secretary of State for Health how many dental practices providing national health service dental treatment there were in *(a)* the north-west of England and *(b)* London, in (i) 1996, (ii) 1997 and (iii) 1998; and what is the current figure. [82907]

Mr. Denham: The number of General Dental Service (GDS) dentists on a health authority (HA) list at December 1998 and in December in the years 1996 and 1997 in the North and West region health area and in the Greater London HAs area are shown in the table.

General Dental Service: Number of dentists on a HA list at 31 December in each year from 1996 to 1998 inclusive

	North and West	*Greater London*
1996	2,195	2,848
1997	2,209	2,946
1998	2,240	3,010

Note:
Dentists includes principals, assistants and vocational dental practitioners.

Mr. Fearn: To ask the Secretary of State for Health what percentage of dental practices in *(a)* the north-west of England and *(b)* London, have (i) under 20 per cent., (ii) 21–40 per cent., (iii) 41–60 per cent., (iv) 61–80 per cent. and (v) 81–100 per cent. of the patients registered with them as national health service patients. [82906]

Mr. Denham: Information about dentists' private patients is not available centrally. The registration arrangements which these private patients have with their dentist may vary greatly. However, information is available for the average list size of registered National Health Service patients of General Dental Service (GDS) dentists.

The average number of NHS patients registered per GDS principal dentist on a health authority (HA) list at 31 December 1998 was 1,481 in the North West region health area, 902 in the Greater London HAs area, and for England the corresponding average is 1,341. Dentists are

counted in each HA in which they practice and some dentists had no registrations on that date. Differences between these averages will reflect not only differences in the level of dentists' commitment to the GDS but also, other circumstances, for example the number of support staff.

Mr. Fearn: To ask the Secretary of State for Health if he will estimate the percentage of all dental treatment provided by the national health service in *(a)* the north-west of England and *(b)* London. [83018]

Mr. Denham: Gross fee expenditure in the General Dental Service for the year 1998–99 in the North and West region health area was £202.5 million and the Greater London Health Authorities was £211.4 million. These represent 15 per cent. and 16 per cent. respectively of gross fee expenditure in England.

Correspondence

Mr. Garnier: To ask the Secretary of State for Health (1) when he intends to reply to the letter from the hon. and learned Member for Harborough dated 20 January; [83065]

(2) when the Minister of State, the hon. Member for Southampton, Itchen (Mr. Denham), intends to reply to the letter from the hon. and learned Member for Harborough dated 19 January. [83064]

Mr. Denham: I replied to the hon. and learned Member on 30 April.

Sir Brian Mawhinney: To ask the Secretary of State for Health when the right hon. Member for North-West Cambridgeshire can expect a reply to his letter of 12 February on behalf of Dr Kravitz. [83752]

Ms Jowell: My right hon. Friend the Secretary of State replied to the right hon. Member on 7 May.

Hepatitis C

Mr. Godsiff: To ask the Secretary of State for Health for what reason the study tracing people who might have contracted hepatitis C from blood transfusions did not also trace those people with haemophilia who contracted hepatitis C through blood product treatments. [82885]

Mr. Hutton: The study to trace people who might have developed hepatitis C following blood transfusion focused on those who were unlikely to have remained under clinical care and who could benefit from treatment which had then become available. As haemophiliacs are in constant contact with their clinicians, the need to include them in the tracing exercise did not arise as they would have already been known to the service. It was implicit in the hepatitis C exercise that anyone who was concerned about their hepatitis C virus status could request a test.

Osteoporosis

Dr. Lynne Jones: To ask the Secretary of State for Health if the Royal College of Physicians publication, "Osteoporosis: Clinical Guidelines for Prevention and Treatment", will be given official status in Ministers' advice to health authorities. [82890]

Ms Jowell: The Royal College of Physicians clinical guidelines for the prevention and treatment of osteoporosis, and the desktop guide for general practitioners and primary care teams, offer advice on effectiveness to inform clinical decisions.

The Department highly recommends both documents as a basis for developing local osteoporosis strategies, and where strategies already exist would expect them to be consistent with this guidance.

The Department has brought the RCP document on osteoporosis, launched last June, to the attention of the National Health Service through Health Service Circular 1998/124, and through two articles in the Chief Medical Officer's Update.

NHS Costs

Mr. Denis Murphy: To ask the Secretary of State for Health what will be the total operating and maintenance costs of the national health service network in the current financial year. [83026]

Mr. Denham: NHSnet is a managed service provided to National Health Service organisations by commercial contractors who funded its development and meet its operating and maintenance costs. Those costs are confidential to the contractors.

The charges levied by these contractors for using NHSnet are met centrally and consist of connection charges and messaging charges. Estimates for the current financial year are: NHSnet connection charges—£8.8 million; messaging charges—£4.3 million.

Glaucoma

Mr. Gordon Prentice: To ask the Secretary of State for Health what estimate he has made of the number of cases of glaucoma which are likely to be identified following the reintroduction of free eye tests for pensioners. [82918]

Mr. Denham: We do not know how many people aged 60 and over have already been having regular sight tests or how many of the remainder will take up the opportunity of a free National Health Service sight test but, within these uncertainties, we estimate that optometrists could refer an additional 2,000 patients presenting signs of glaucoma.

Human Insulin

Mr. Flynn: To ask the Secretary of State for Health (1) on what research into the potential merits and negative effects of genetically engineered human insulin the decision to instruct NHS purchasers to cease to buy animal insulins and to transfer diabetics to genetically engineered human insulin was based; [83337]

(2) what guidance his Department gives to clinicians concerning the relative merits and negative effects of genetically engineered human insulin and animal insulin. [83338]

Mr. Hutton: Decisions as to the most suitable type of insulin for particular patients are matters for the clinicians involved, in discussion with their patients. The Department has not issued guidance to clinicians on the relative merits of human and animal insulin, and it has

given no instructions to the National Health Service about their use. The Committee on Safety of Medicines will continue to monitor closely the safety of insulins.

Open Government

Dr. David Clark: To ask the Secretary of State for Health how many applications for information he received under the Open Government Code of Practice on Access to Government Information in the last parliamentary session; and how many of these applications were granted. [83114]

Ms Jowell: For monitoring purposes, this information is collected on a calendar year basis. Information for 1997 was published last year in the Open Government Code of Practice on Access to Government Information 1997 Report. In 1998, the Department received 40 applications for information under the Code. We do not keep figures centrally on how many were granted the information requested.

CHURCH COMMISSIONERS

Social Housing

38. **Mr. Corbyn:** To ask the hon. Member for Middlesbrough, representing the Church Commissioners, what sources of advice are available to the Church Commissioners on the need of social housing in inner-urban areas. [82617]

Mr. Stuart Bell: The Commissioners retain a portfolio of 1,591 units of residential property, known as the Octavia Hill Estates, in central London. These properties are let on Fair and Assured rents largely to people who are unable to afford market rents elsewhere in the private rented sector. The properties are managed from local offices and all administer a direct access waiting list. There are very few vacancies within the portfolio and the demand for our accommodation always outweighs supply.

Applications for accommodation are received from a variety of sources including personal callers, local authority and HOMES nominations.

Staffs in the local offices are all members of the Chartered Institute of Housing and are in touch with developments in Government Policy in this field.

British Aerospace

39. **Mr. Hoyle:** To ask the hon. Member for Middlesbrough, representing the Church Commissioners, if he will make a statement on the sale of British Aerospace shares by the Church of England; [82618]

42. **Mr. Gordon Prentice:** To ask the hon. Member for Middlesbrough, representing the Church Commissioners, what factors the commissioners took into account when deciding to dispose of its holding in BAe. [82621]

Mr. Stuart Bell: The Church's long-standing ethical investment policy is not to invest in companies whose main business or focus is in armaments, and shares in British Aerospace have never been held for this reason.

In view of the proposed sale of Marconi Defence Systems, the defence arm of GEC, to British Aerospace, the Church of England's Ethical Investment Working Group has recommended to the Church's central investing bodies that they do not retain shares acquired in "new British Aerospace", as a result of the sale.

Risk Assessments

40. **Mr. Ben Chapman:** To ask the hon. Member for Middlesbrough, representing the Church Commissioners, if he will make a statement on the commissioners' plans to encourage parishes to carry out risk assessments in relation to crime against churches. [82619]

Mr. Stuart Bell: Guidance to parishes on church security is given through the publications of the Council for the Care of Churches. Its booklet "Safe and Sound: a Guide to Church Security", was sent to all incumbents some three years ago. This booklet addresses the complex problems of security in churches, and specifically recommends the establishment of church watch schemes.

In my answer to my hon. Friend on 22 February 1999, *Official Report*, column *16*, I gave details of the Church Risk Management Group in the Diocese of Leicester, which is an admirable scheme for advising parishes on potential risks. Details of the scheme have already been given to other dioceses. Similar schemes are in force in other parts of the country.

Church Repairs

41. **Miss McIntosh:** To ask the hon. Member for Middlesbrough, representing the Church Commissioners, what plans the commissioners have to give assistance to churches for the cost of repairs. [82620]

Mr. Stuart Bell: Responsibility for the maintenance of Church of England churches in use for worship rests with the parochial church councils concerned and not with the Commissioners, who have no general statutory power to assist. The Commissioners main spending priorities are the support of the serving clergy, clergy pensioners and their dependents.

Commission Properties (Essex)

43. **Mr. Amess:** To ask the hon. Member for Middlesbrough, representing the Church Commissioners, what recent representations he has received on the state of the commission's properties in Essex. [82622]

Mr. Stuart Bell: No representations have been received by the Church Commissioners on either their agricultural holdings or commercial properties in Essex.

PRIME MINISTER

Kosovo

Mr. Bercow: To ask the Prime Minister if it is a precondition for a cessation of air hostilities in Kosovo that all Kosovars be permitted a guaranteed return to their place of residence of March 1999. [83729]

The Prime Minister: The NATO Summit statement issued on 23 April spelt out clearly that there could be no compromise on a number of conditions including the need for President Milosevic to agree to the unconditional and safe return of all refugees and displaced persons. The statement said that, as long as Belgrade fails to meet

the legitimate demands of the international community and continues to inflict immense human suffering, Alliance air operations will continue. This remains the position.

Mr. Bercow: To ask the Prime Minister what is his policy on the partition of Kosovo. [83403]

The Prime Minister: We are seeking a political solution to the crisis based on the Rambouillet Accords. The partition of Kosovo is not on our agenda.

Spain

Mr. Bercow: To ask the Prime Minister for what reason Spain was decided upon as the partner for co-operation in a working group on employment and economic reform; to what extent Gibraltar will feature in this; and what will be the budget. [83742]

The Prime Minister: The Government build alliances with other Member States on a range of issues under discussion in the EU both to deepen bilateral relations and to influence the wider EU debate. Work with Spain on employment and economic reform is one example, reflecting a shared approach on many of these issues. The Working Group was established to bring together various strands of existing collaborative work. There is no requirement for a dedicated budget. Gibraltar will not be a focus of the Group's work.

Romania

Mr. Mackinlay: To ask the Prime Minister if he discussed Romania's application to join Nato during his recent visit to Bucharest; and if he will make a statement. [83580]

The Prime Minister: In my speech to the Romanian Parliament I said that Romania was at the forefront of the aspiring NATO members, that I wanted Romania to be on a fast track to NATO membership, and that I was confident that Romania would be one of the next countries to be admitted as a full member of the Alliance.

Government Policy Presentation (Europe)

Mr. Mitchell: To ask the Prime Minister (1) what instructions he has given to Ministers and civil servants about their influence on public opinion towards *(a)* the European Union and *(b)* British membership of the euro; [81431]

(2) what instructions he has given about the media presentation of *(a)* issues concerning the European Union and *(b)* British membership of the euro. [81433]

The Prime Minister: Our relationship with our European partners is based upon principles of positive engagement and co-operation. This has enabled us to strengthen our influence in Europe without compromising our national interests.

To help support this new constructive relationship a Ministerial Group for European Co-ordination (MINECOR) was established in December 1998. The members of the MINECOR group are Ministers from all UK Government departments which have an interest in European policy issues. The objective of the group is to achieve greater co-ordination of the presentation of HMG's European policies both within the UK and overseas. To that end, the group considers papers which give guidance to Ministers and officials on the presentation of government policy on Europe. The group also monitors Government efforts to develop closer co-operation with other EU partners and EU applicant countries. The group meets on a regular basis and is chaired by the Minister of State, Foreign and Commonwealth Office, my right hon. Friend the Member for Gateshead, East and Washington, West (Ms Quin).

The Government's policy on the euro was set out by my right hon. Friend, the Chancellor of the Exchequer in his statement to the House on 27 October 1997, *Official Report*, columns 583–88.

All contacts with the media and the public are carried out in accordance with the requirements of the Ministerial Code and the Civil Service Guidance on the Work of the Government Information Service offers additional guidance on the presentation of Government policy and information through the media, publicity and advertising.

Radioactive Waste

Mr. Grieve: To ask the Prime Minister if he will make a statement on Government responsibility after 1 July, for the authorisation for disposal of radioactive waste, subject to the Radioactive Substances Act 1993, which originates in Scotland but is disposed of in England. [83710]

The Prime Minister: I refer the hon. Member to the letter I wrote to him on 6 May, a copy of which has been placed in the Library.

NORTHERN IRELAND

Factory Inspectors

Mr. Clapham: To ask the Secretary of State for Northern Ireland how many factory inspectors there are in Northern Ireland; and how many are trained in the health and safety aspects of asbestos removal. [83061]

Mr. Ingram: At present there are 32 Health and Safety Inspectors covering the employment sectors for which the HSENI has responsibility.

Two Health and Safety Inspectors have received training in the safety aspects of asbestos removal, one of whom is the Principal Inspector with responsibility for occupational health issues.

Asbestos Removal Companies

Mr. Clapham: To ask the Secretary of State for Northern Ireland how many certified asbestos removal companies operate in Northern Ireland; and how many were visited by a factory inspector in the last year for which figures are available. [83062]

Mr. Ingram: On 31 March 1999, 23 companies were licensed to undertake work with asbestos insulation or asbestos coating in Northern Ireland.

During the year 1 April 1998 to 31 March 1999, 12 of the 23 companies were visited by a Health and Safety Inspector and 23 site inspections were carried out.

Health and Safety Executive

Mr. Clapham: To ask the Secretary of State for Northern Ireland how many extra inspectors the Health and Safety Executive in Northern Ireland aims to recruit. [83063]

Mr. Ingram: The Health and Safety Executive for Northern Ireland was established on 1 April 1999. Its board is currently considering the recommendations of the report of a needs analysis carried out by J. Rimington, a former Director General of the Health and Safety Executive. The outcome of these deliberations will advise future policy as regards the recruitment of extra Inspectors.

Planning

Mr. Hume: To ask the Secretary of State for Northern Ireland if he will make a statement on the planning services and procedures for enforcement indicating the priority given to ensuring enforcement of planning conditions laid down by the Planning Appeals Commission. [82920]

Mr. Paul Murphy: It is the responsibility of the Department of the Environment for Northern Ireland under the Planning (NI) Order 1991, where it considers it expedient to do so, to take enforcement action against all breaches of planning control. Each case is considered on its merits and no special priority is given to ensuring enforcement of conditions laid down by the Planning Appeals Commission.

Mr. Hume: To ask the Secretary of State for Northern Ireland if he will make a statement on the Planning Appeals Commission's handling of recent cases in Derry. [82903]

Mr. Paul Murphy: In the last year, in the Derry District Council Area, the Planning Appeals Commission (PAC) heard 22 appeals. Of these, 18 were allowed and 4 dismissed. The PAC also held 2 inquiries on which the Department of the Environment (NI) has now made its decisions. In one case, the Department accepted the recommendation of the PAC to grant planning permission; in the other, although the PAC recommended that the application should be refused, the Department, having considered all relevant planning issues, concluded that planning permission should be granted.

The PAC is an entirely independent body and it would not be appropriate for the Secretary of State to comment on the handling of cases by the PAC or on the merits of PAC decisions.

University First Degree Courses

Mr. Hume: To ask the Secretary of State for Northern Ireland how many students, normally domiciled in the Western Education and Library Board area are currently enrolled in full-time university first degree courses; and what is the number of full-time university first degree places in the Western Education and Library Board area. [82921]

Mr. McFall: The information is not available in the form requested. However there are 5,511 students domiciled in the Western Education and Library Board area currently receiving financial support to attend full-time first degree courses at universities in the UK and Republic of Ireland.

The only university site located in the Western Education and Education Library Board is the Magee campus of the University of Ulster. There are currently 1,292 students enrolled on full-time first degree courses at the Magee campus.

Written Answers to Questions

Tuesday 11 May 1999

HOME DEPARTMENT

Extended Sentences

Mr. Clappison: To ask the Secretary of State for the Home Department how many extended sentences have been passed on *(a)* sexual offenders and *(b)* violent offenders under the provisions of section 58 of the Crime and Disorder Act 1998. [83346]

Mr. Boateng: Section 58 of the Crime and Disorder Act 1998 was implemented on 30 September 1998. Provisional information taken from the Home Office Court Proceedings Database indicates that no extended sentences were imposed in the last three months of 1998. This is not surprising as the provisions apply only to offences committed after the commencement date, and therefore, few cases would have concluded in 1998. Data for 1999 are not yet available.

Sex Offender Orders

Mr. Clappison: To ask the Secretary of State for the Home Department how many sex offender orders have been *(a)* applied for and *(b)* made under section 2 of the Crime and Disorder Act 1998. [83347]

Mr. Boateng: To date, we are aware of three Sex Offender Orders having been granted. No information is held centrally to indicate the number of Sex Offender Orders which have been applied for.

Metropolitan Police

Mr. Cox: To ask the Secretary of State for the Home Department what is the present number of police officer vacancies of all ranks within the Metropolitan police force; and if he will make a statement. [83370]

Kate Hoey: The Commissioner of the Metropolitan police has provided a comparison between the 31 March 1999 budgeted manpower target levels and actual strengths. It should be noted that the target figures may be varied during any year by the Metropolitan police's Policy Board and this will change the number of vacancies at any one time. Vacancies are filled by recruitment and selection processes.

Rank	*Budgeted manpower targets*	*Strength*	*Variation of numbers*
Commander and above	46	43	–3
Superintendent	172	169	–3
Detective Superintendent	65	58	–7
Chief Inspector	223.5	214	–9.5
Detective Chief Inspector	159	154.6	–4.4
Inspector	914	888.4	–25.6
Detective Inspector	366.5	317.6	–48.9
Sergeant	3,234.7	3,250.68	15.98
Detective Sergeant	1,114	1,072.50	–41.5
Constable	17,356.7	17,797.57	440.87
Detective Constable	2,819.7	2,597.78	–221.92

Computer Technology (Police)

Mr. Cox: To ask the Secretary of State for the Home Department if all police divisions in England and Wales now have computer technology to communicate with each other; and if he will make a statement. [83368]

Mr. Boateng: I am advised by the Police Information Technology Organisation (PITO) that the majority of forces have access to either the X.400 Messaging Service, available on the Police National Network (PNN), or the Internet Mail System. All forces can also access the PNN Telephony Service and the Packet Data Service (X.25) which provides access to the Police National Computer. Internal data communication systems within individual forces vary in size and sophistication.

Corruption

Mr. Cousins: To ask the Secretary of State for the Home Department what steps he is taking to ensure that (i) Article 2 and (ii) Article 6 of the European Convention on the Fight against Corruption are enforced in United Kingdom law; and which agency will have the task of *(a)* investigation and *(b)* prosecution of offences under these articles. [83569]

Mr. Boateng: Arrangements are underway for the United Kingdom to ratify the European Union Corruption Convention in September this year. The Convention does not give rise to the need for legislation in the United Kingdom.

Alleged offences of active or passive corruption of the kind referred to in Articles 2 and 6 of the European Union Corruption Convention are investigated primarily by the police whose role is to investigate offences which are committed within United Kingdom jurisdiction. Prosecutions are carried out by the usual prosecuting authorities, which in the main will be the Crown Prosecution Service. These procedures will continue in force following the ratification of the European Union Corruption Convention.

"Break the Chain" Campaign

Mr. Cohen: To ask the Secretary of State for the Home Department how many copies of the leaflet associated with the "Break the Chain" campaign have been printed; and at what cost. [83567]

Kate Hoey: 751,000 copies of the leaflet "Break the Chain: what you can do about domestic violence" have been published in English and 30,000 in Welsh. The costs for the English version were £49,340 and for the Welsh, £5,040.

Prisoners (Self-harm)

Mr. Allan: To ask the Secretary of State for the Home Department how many incidents of self-harm occurred in prison between April 1998 and March 1999 broken down by *(a)* age, *(b)* gender and *(c)* category of prisoner. [83594]

Mr. George Howarth: Self-harm statistics available centrally do not allow for a break down by age or by individual category of prisoner. The numbers of self-harm incidents reported by Prison Service establishments covering the period September 1997 to October 1998, the last 12 month period for which complete statistics are currently available, and broken down by broad prison category and gender, are given in the table.

Broad category of prison	*Number of incidents relating to* *Female*	*Male*
Closed training prison	279	969
Dispersal prison	0	161
Immigration detention centre	0	6
Local prison	767	3,393
Open training prison	6	10
Young offenders institution	0	1,424
Total	1,052	5,963

Seclusion Rooms (Prisoners)

Mr. Chisholm: To ask the Secretary of State for the Home Department if he will list for the period April 1998 to March 1999 *(a)* the number of occasions on which prisoners were placed in seclusion rooms and *(b)* the average number of hours spent per occasion in seclusion. [83692]

Mr. George Howarth: The available information, for the calendar year 1998, is for those inmates held in protective rooms and special cells for temporary confinement in prisons in England and Wales and is given in the table. Information on the average number of hours spent in such confinement is not centrally available.

Persons held in protective rooms and special cells for temporary confinement in prisons in England and Wales 1998 [1]

Type of confinement	*1998*
On medical grounds:	
Protective rooms for temporary confinement[2]	375
On non-medical grounds:	
Special cells/unfurnished cells (other than protective rooms) for temporary confinement[3]	2,557

[1] Provisional data

[2] Under Rule 46(6), Prison Rules 1964, Rule 49(6) Young Offender Institution Rules, 1988. Number of times used where the period of confinement exceeded 24 hours.

[3] Under Rule 45, Prison Rules 1964, Rule 48 Young Offender Institution Rules, 1988. Number of times used.

Data Protection

Mr. Cohen: To ask the Secretary of State for the Home Department if he will publish the terms of reference of the review of the law on retaining personal data relating to DNA profiles taken from persons for elimination purposes; and if the Data Protection Registrar has been asked to contribute to the review. [83797]

Mr. George Howarth: There are no formal Terms of Reference for the review of current legislation. We intend to consult widely on any proposals for change, and this will include an approach to the Data Protection Registrar.

Mr. Cohen: To ask the Secretary of State for the Home Department what plans he has to introduce regulations to prohibit unrestricted transfer of personal data from electoral rolls to persons in countries which offer an inadequate level of protection; what conclusion his departmental working party has reached on access to electoral data for non-electoral purposes; and if he will make a statement. [83796]

Mr. George Howarth: The electoral register is by statute a public document and there is no provision to restrict subsequent transfers of information obtained from it. The Home Office Working Party on Electoral Procedures which I chair is looking at the question of access to electoral data for non-electoral purposes, and I expect it to report to my right hon. Friend the Home Secretary later in the summer on this and the other issues it is considering.

Rule 43 Prisoners

Mr. Cox: To ask the Secretary of State for the Home Department how many *(a)* men and *(b)* women were serving prison sentences and being held under Rule 43 in prisons in England and Wales on 30 April. [83584]

Mr. George Howarth: The most recent available provisional information is for 31 March 1999. On that date, the number of inmates held on Prison Rule 43 or Young Offender Institution Rule 46 were:

	Good order and discipline	*Own protection*
Males	305	982
Females	5	17
Total	310	999

Green Transport Plan

Mr. Baker: To ask the Secretary of State for the Home Department if he will make a statement on the introduction of a green transport plan for his Department. [82833]

Mr. Straw: Since last July's Integrated Transport White Paper, which set targets for the introduction of green transport plans for Government Departments, we have completed four plans covering all our headquarters and main buildings.

We are developing plans for all other key buildings in line with the target for March 2000, set in the Integrated Transport White Paper.

Road Safety (Lancashire)

Mr. Dawson: To ask the Secretary of State for the Home Department what assessment he has made of Lancashire Constabulary's proposal to pilot the Victoria Initiative to improve road safety. [83782]

Mr. Boateng: Proposals from Lancashire Constabulary and Lancashire County Council are under consideration and we expect to reach a conclusion shortly.

Animal Experiments

Mr. Field: To ask the Secretary of State for the Home Department how much public money was spent in the latest year for which figures are available on experimentation involving animals. [83498]

Mr. George Howarth: Each year, the Home Office makes available to the Animal Procedures Committee a budget to sponsor work aimed at developing or promoting the use of alternatives (which replace animal use, reduce the number of animals used in particular procedures or refine the protocols involved to minimise suffering). Work aimed at improving the environmental conditions in which laboratory animals are kept and transported is also sponsored.

In developing replacement alternatives, animals do sometimes have to be used to produce comparative data that can be used to assess and validate the alternative. Reduction and refinement alternatives will still use animals, but will use fewer animals or cause less suffering to those animals.

Of a total budget of £259,000 for 1998–99, £63,000 was allocated to programmes that involve the use of animals. In each case, the aim of the work was the development of reduction, refinement or replacement alternatives.

We do not have information on the public money spent on animal experimentation by other Government Departments.

NORTHERN IRELAND

Birth Certificates

Mr. Öpik: To ask the Secretary of State for Northern Ireland if she will list those purposes for which her Department and its executive agencies require a birth certificate to be provided by *(a)* employees, *(b)* contractors, *(c)* those applying for employment or contracts and *(d)* other persons. [83357]

Mr. Paul Murphy: The Northern Ireland Office, Northern Ireland Government Departments and their respective executive agencies may ask individuals to provide their birth certificate in a range of circumstances. An individual's birth certificate is used for the purpose of providing evidence of their date of birth or identity.

Non-Departmental Public Bodies

Mr. McNulty: To ask the Secretary of State for Northern Ireland if she will make a statement about the Northern Ireland Executive Non-Departmental Public Bodies 1998 Report. [83946]

Marjorie Mowlam: I have today published the NI Executive NDPB 1998 Report (CM 4334) which has been laid before both Houses. This is the first report covering the activities of all Northern Ireland Executive NDPBs with the exception of those which are the responsibility of the NIO, which are covered in the recently published Executive Non-Departmental Public Bodies 1998 Report (Command Number 4157). These reports demonstrate the Government's policy of making public bodies more efficient, transparent and accountable.

The Northern Ireland Executive NDPB 1998 Report brings together performance and trend data on the 40 Executive NDPBs sponsored by Northern Ireland Civil Service Departments. Between them these NDPBs have expenditure budgets amounting to £1.3 billion and employ almost 24,000 staff. They provide a range of important services to the public in Northern Ireland and it is appropriate that their performance is reported upon in the same way as for large executive NDPBs in Great Britain.

The individual entries covering key performance measures and business summary data show that some NDPBs are performing well in terms of meeting stretching performance targets and delivering more efficient and effective services. There are some areas of weakness however: not all NDPBs have adequate performance measures in place and, in particular, proper measures of efficiency. While many of the bodies are small both in terms of staff numbers and the amount of taxpayers' money they receive, it is important that all should develop measures of performance and efficiency which demonstrate how well they are working for the community they serve. I trust that the publication of this report will encourage all NDPBs in Northern Ireland to address shortcomings in performance measurement and consider initiatives to secure improvements in overall performance.

EDUCATION AND EMPLOYMENT

New Deal for Young People

Mr. Coleman: To ask the Secretary of State for Education and Employment if he will investigate the reasons for New Deal for Young People participants who joined in July 1998 still being in the Gateway six months later; and if he will make a statement. [82738]

Mr. Andrew Smith: There have been a number of factors contributing to young people staying on the Gateway for longer than four months. In the majority of cases young people have had significant breaks from New Deal or are the subject of sanctions. Reasons for breaks include sickness and short-term employment; if a young person leaves the Gateway and subsequently returns within 13 weeks, they re-enter the Gateway at the point at which they left. Young people who are the subject of sanctions are currently classified as being on the Gateway.

We have taken a concerted series of initiatives with New Deal Personal Advisers and partner organisations designed to reduce further the number of young people staying more than four months on the Gateway, when this is not due to breaks in their participation. We will also be using the provision announced in the budget to pilot more intensive Gateway measures and to enable the fourth month of Gateway to focus more sharply on a job or option-outcome.

PE Teachers

Mr. Reed: To ask the Secretary of State for Education and Employment how many students on initial teacher training are specialising in PE as part of their course. [83246]

Ms Estelle Morris: There are currently 3,570 secondary physical education initial teacher training (ITT) students and 29,748 primary ITT students in England. Primary ITT students are trained to deliver the whole national curriculum including physical education. Information on the numbers of primary ITT students specialising in physical education is not held centrally.

SSAs (Comparability)

Mr. Ronnie Campbell: To ask the Secretary of State for Education and Employment what proportion of school budgets were spent on teachers' salaries in 1998–99 in *(a)* Northumberland and *(b)* Slough. [83542]

Ms Estelle Morris: Information about actual, as opposed to budgeted expenditure on teachers' salaries in 1998–99 will not be available until April 2000.

Mr. Ronnie Campbell: To ask the Secretary of State for Education and Employment (1) if he will list the funding made available in the 1999–2000 standard spending assessment for each *(a)* primary and *(b)* secondary pupil in (i) Northumberland and (ii) Slough; [83544]

(2) what factors account for the differences in standard spending assessment funding in 1999–2000 between *(a)* Northumberland and *(b)* Slough. [83545]

Ms Estelle Morris: The table sets out the information requested. Slough receives more education SSA funding per pupil than Northumberland mainly because of three factors—area costs, the proportion of children entitled to free school meals and the proportion of children from ethnic minorities.

£

LEA	*Primary SSA per pupil*	*Secondary SSA per pupil*
Northumberland	2,240	2,877
Slough	2,739	3,603

Technology Colleges

Mr. Gordon Prentice: To ask the Secretary of State for Education and Employment when he expects to announce the latest round of successful bids for technology college status. [83467]

Ms Estelle Morris: My right hon. Friend the Secretary of State expects to announce the new Technology and Language Colleges in mid-June.

Wirral Metropolitan College

Mr. Ben Chapman: To ask the Secretary of State for Education and Employment if he will place in the Library copies of the draft reports prepared for the FEFC by the inspectors of Wirral Metropolitan College. [83690]

Mr. Mudie: Copies of the FEFC inspection report on Wirral Metropolitan College have been placed in the Library as stated in the answer I gave to my hon. Friend on 21 April 1999, *Official Report*, column *558*.

Headteachers' Pay Awards

Mrs. May: To ask the Secretary of State for Education and Employment how many headteachers will receive the maximum pay award this year. [83757]

Ms Estelle Morris *[holding answer 10 May 1999]*: Pay awards will vary according to individual circumstances, and will depend on a headteacher's position on the existing pay spine and whether the school will move to a higher range on the new pay spine when its weighted pupil numbers are recalculated in the restructuring. The figure of 9.5 per cent. which has been quoted represents the average increase payable to the 2,970 headteachers of small primary schools with fewer than 100 pupils.

Hackney Education Authority

Mr. Drew: To ask the Secretary of State for Education and Employment what decision he has reached on the proposed intervention in Hackney Education Authority; and if he will publish lists of organisations which may be invited to bid for work as service providers in failing local education authorities. [84049]

Ms Estelle Morris: On 19 March my right hon. Friend the Secretary of State wrote to Hackney to inform them that, following Ofsted's second critical report, he was minded to direct the Director of Education to contract out the School Improvement Service (SIS) and the Ethnic Minority Achievement Service (EMAS—formerly the Language and Learning Service) and asked them for their views. KPMG were appointed to draw up specifications for this work and also advise on the case for contracting out the ICT, Finance and Personnel Services. KPMG have now reported and I am today announcing the next steps for Hackney.

I am also publishing the list of organisations who may be invited to bid for work as service providers in failing LEAs and a list of those who may be used for consultancy work. Discussions are continuing with a number of organisations which may be added to the service provider list in the near future.

My right hon. Friend has written to Hackney today to confirm that we have accepted KPMG's advice that the next steps will involve contracting out the work of the School Improvement Service and the Ethnic Minority Achievement Service. The Government are inviting a number of organisations to bid for this work. We aim to have a contractor in place shortly to take on the functions of the SIS. The functions of the Ethnic Minority Achievement Service will transfer to the contractor on 1 April 2000 by which time the LEA will have reorganised this service to take account of the fact that most of the funding for extra teaching support now goes directly to schools.

Following advice from KPMG, my right hon. Friend has decided that ICT, Finance and Personnel should not be added to the package at this stage as the LEA has taken a number of important steps to improve the delivery of these services—including making key appointments and drawing up rigorous action plans. We will monitor these services very carefully and will not hesitate to add them to the contract if improvements are not delivered quickly.

Six organisations will be awarded framework contracts for possible consultancy work relating to LEA interventions. They are KPMG, Lorien, Capita, Office of Public Management, PriceWaterhouseCoopers and Arthur Andersen/Birmingham LEA.

Ten organisations succeeded in gaining places on the current list of those who may be invited to bid for contracts as service providers in LEAs. They are Arthur Andersen/Birmingham LEA/APS Keele, Cambridge Education Associates, Nord Anglia, Hampshire LEA, The Education Partnership, Capita, CfBT, Essex LEA/Windsor and Co., Include and CEM Consortium.

Green Transport Plan

Mr. Baker: To ask the Secretary of State for Education and Employment if he will make a statement on the introduction of a green transport plan for his Department. [82835]

Mr. Charles Clarke: Since last July's Integrated Transport White Paper, which set targets for the introduction of green transport plans for Government Departments, we have completed five plans covering all our headquarters and main buildings. The Employment Service have also completed a plan covering their headquarters and main buildings.

We are developing plans for all other key buildings in line with the target for March 2000 set in the Integrated Transport White Paper.

WALES

Genetically Modified Crops

Mr. Edwards: To ask the Secretary of State for Wales what role the Environment Agency in Wales plays in monitoring experiments in genetically modified crops. [82221]

Mr. Jon Owen Jones: None. The Government are advised on experimental releases of genetically modified organisms by the Advisory Committee on Releases to the Environment (ACRE). ACRE carry out an assessment of each application and advise the Government about the risks posed to human health and the environment; whether or not a consent should be granted; and whether any risk management of the release should be required as a condition of the consent. ACRE take a case by case approach to each application, taking into account the specific circumstances of the proposed release or marketing. The consents are enforced by the Health and Safety Executive specialist inspectors.

The Secretary of State for Wales' responsibilities in this area are shortly to transfer to the National Assembly for Wales.

National Assembly (Facilities)

Mr. Gordon Prentice: To ask the Secretary of State for Wales what *(a)* reciprocal and *(b)* other arrangements have been made for hon. Members to use facilities at the National Assembly of Wales. [83239]

Mr. Michael: This will be a matter for the Assembly to consider.

NHS (Allocations)

Mr. Simon Hughes: To ask the Secretary of State for Wales how much NHS modernisation fund money has been allocated to the NHS in Wales *(a)* in total and *(b)* by health authority; and on what date the allocations were made. [83254]

Mr. Jon Owen Jones *[holding answer 4 May 1999]:* There is no specific NHS modernisation fund in Wales but, as reported in my right hon. Friend's answer on 31 March 1999, *Official Report*, columns *719–20*, health authority allocations for 1999–2000 are being increased by £168 million.

Following the transfer of functions, this will be a matter for the National Assembly.

Green Transport Plan

Mr. Baker: To ask the Secretary of State for Wales if he will make a statement on the introduction of a green transport plan for his Department. [82829]

Mr. Hain: Since last July's Integrated Transport White Paper which set targets for the introduction of green transport plans we have been working on a range of measures to encourage greener travel. These will be included in our Green Transport Plan for Cathays Park which is due to be completed by 31 May.

Following the transfer of functions, this issue will be a matter for the National Assembly.

ATTORNEY-GENERAL

Freemasons (CPS)

Mr. Mullin: To ask the Attorney-General, pursuant to his answer of 23 April 1999, *Official Report*, column *699*, on freemasons, what further plans he has in relation to the CPS lawyers who declined to say whether or not they were freemasons and those who did not respond. [83375]

The Solicitor-General: CPS lawyers, in accordance with Government policy, were invited to disclose freemasonry membership. As this was always a voluntary exercise, no further action is intended with regard to those lawyers.

TRADE AND INDUSTRY

Radioactive Waste

Mr. Alan Simpson: To ask the Secretary of State for Trade and Industry (1) what data he has collated on the possibility that spent nuclear fuel has been imported for the purpose of sham reprocessing at Sellafield as defined by the Radioactive Waste Management Advisory Committee's September 1997 report on the Import and Export of Radioactive Waste; in respect of which countries; and if he will make a statement; [83265]

(2) if his Department will conduct a study into how the tests for sham reprocessing recommended in the Radioactive Waste Management Advisory Committee's September 1997 report on the Import and Export of Radioactive Waste might be incorporated into UK law; and if he will make a statement. [82826]

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Mr. Battle *[holding answer 5 May 1999]:* I refer my hon. Friend to the reply I gave to my hon. Friend the Member for Bury, North (Mr. Chaytor) on 10 February 1998, *Official Report*, column *206*.

Wind Generation

Mr. Paterson: To ask the Secretary of State for Trade and Industry what estimate he has made of the proportion of UK energy generated by wind turbines in *(a)* 1999, *(b)* 2000, *(c)* 2001 and *(d)* 2002. [83320]

Mr. Battle *[holding answer 5 May 1999]:* The Department has estimated that electricity generation from wind turbines will grow from 750 GWh in 1999 to 1,000 GWh in 2000; 1,300 GWh in 2001 and 1,600 GWh in 2002.

Accountancy Regulation

Mr. Mitchell: To ask the Secretary of State for Trade and Industry if he will make it his policy to provide that accountancy firms criticised in DTI inspectors' reports are required *(a)* to state that they have understood the criticisms and *(b)* to demonstrate that they have taken steps to deal with shortcomings. [82646]

Mr. Ian McCartney: No. It would be for the appropriate recognised professional body to consider whether any action needed to be taken by a firm criticised in an inspectors' report. The new framework of regulation for the accountancy profession, which I announced recently, will provide for the independent Investigation and Discipline Board to consider such a case where it raises significant issues of public concern.

Intentional Communities

Mr. Reed: To ask the Secretary of State for Trade and Industry what representations he has received from Leicester Children's Holiday Centre about the interpretation of an intentional community as defined by the National Minimum Wage Act 1998; and if he will make a statement. [83009]

Mr. Ian McCartney: The Low Pay Commission has passed copies of its recent correspondence with the Leicester Children's Holiday Centre (as to whether the Centre might be regarded as an intentional community and thus exempted from the national minimum wage) to my Department.

The Low Pay Commission recommended that members of intentional communities should be regarded as volunteers rather than workers and therefore should not be covered by the minimum wage. The Government accept this recommendation and propose to introduce a suitable amendment to the National Minimum Wage Act 1998 through the Employment Relations Bill which is currently before Parliament.

Officials are considering all representations on this issue. The amendment itself will be drawn as tightly as possible to ensure that only genuine intentional communities are exempted.

Mr. Reed: To ask the Secretary of State for Trade and Industry, pursuant to his answer to the hon. Member for Cynon Valley (Ann Clwyd), of 3 February 1999, *Official Report*, column *622*, what intentional organisations currently have immunity from export prohibitions under the terms of the Intentional Organisations (Immunities and Privileges) Act 1968. [83025]

Dr. Howells: Copies of the Orders in Council which confer this immunity are in the Library of the House.

Mr. Reed: To ask the Secretary of State for Trade and Industry what action he is taking on the Low Pay Commission's Review of the National Minimum Wage Accommodation offset, with specific reference to intentional communities. [83010]

Mr. Ian McCartney: We have accepted the Commission's recommendation that there should be no immediate change to the rate of the accommodation offset in the National Minimum Wage Regulations but that the Commission should monitor the use and impact of the offset and report on its future application in their second report.

The Commission also recommended that members of intentional communities should be regarded as volunteers rather than workers and therefore should not be covered by the minimum wage. The Government accept this recommendation and propose to introduce a suitable amendment to the 1998 Act through the Employment Relations Bill which is currently before Parliament.

Military Exports (Yugoslavia)

Mr. Llew Smith: To ask the Secretary of State for Trade and Industry what applications his Department has received from Allivane for licences for the export of military equipment to Yugoslavia since 1989. [83287]

Dr. Howells: Companies House records have confirmed that Allivane Limited was dissolved on 24 March 1987.

Export Credit Guarantees

Mr. Goggins: To ask the Secretary of State for Trade and Industry, pursuant to his answer to the hon. Member for Nottingham, South (Mr. Simpson) of 21 April 1999, *Official Report*, column *552*, which British Aerospace contracts were given EGCD guarantees in 1997–98 in Colombia; and what level of cover was involved. [83282]

Mr. Wilson: The British Aerospace contract for business in Colombia in 1997–98 is in respect of the UK share (US$23m) of two Airbus A320–200s. ECGD supported 85 per cent. of the UK share.

World Trade Organisation

Mr. Chope: To ask the Secretary of State for Trade and Industry on what date he expects the European Union to introduce a banana regime which is in compliance with the ruling of the World Trade Organisation. [83310]

Mr. Wilson *[holding answer 5 May 1999]:* It is unclear how quickly the European Union can amend the banana regime to bring it into compliance with the ruling of the World Trade Organisation. The Council has asked the Commission to provide proposals by the end of May. However, the forthcoming elections to the European Parliament are likely to delay their approval of a new regime until at least September. In the meantime, we are

pressing the Commission to find an interim arrangement which could be agreed quickly and which would displace US retaliation against EU industries.

Mr. Chope: To ask the Secretary of State for Trade and Industry if he will estimate how many British jobs have been put at risk by the trade sanctions of the United States authorised by the Word Trade Organisation. [83311]

Mr. Wilson *[holding answer 5 May 1999]:* In terms of the historical levels of exports to the US in each sector, it is not possible to say what the overall impact on British jobs might be. Much depends on how long the retaliatory measures remain in place, the ability of affected businesses to find alternative customers for their products, the extent to which orders have been brought forward before these measures took effect and local labour market conditions.

Single Market Action Plan

Mr. Bercow: To ask the Secretary of State for Trade and Industry if he will place in the Library the three single market scoreboards published during the Single Market Action Plan. [83399]

Mr. Wilson: All three single market scoreboards referred to have already been placed in the Library of the House. The first, second and third editions of the scoreboard can be found under the references SEC(97)2196, SEC(98)889 and SEC(98)1889 respectively.

EU Competitiveness

Mr. Bercow: To ask the Secretary of State for Trade and Industry if he will make a statement on his contribution to the open debate on the competitiveness of EU industry in the light of globalisation, conducted at the Industry Council on 29 April; and what reports he has received about the reaction of other EU Governments to his contribution. [83740]

Mr. Byers: My noble Friend the Minister for Trade and Competitiveness in Europe represented the UK at the EU Industry Council held on 29 April.

During the open debate, my noble Friend highlighted what the UK saw as the key themes for the competitiveness of the EU in the face of globalisation. These were the need to improve risk taking and encourage innovation, update the EU patent system, strengthen the Internal Market and improve higher education/industry links. He also commented that to secure progress on all these themes the UK considered that changes in the structure of EU Councils, and of the Commission, were essential to promote greater coherence in decision-making, affecting competitiveness.

These ideas were echoed in many other Ministers' interventions during the debate and were reflected in the Chairman's summing up.

Ilisu Dam (Turkey)

Mr. Dafis: To ask the Secretary of State for Trade and Industry what steps his Department and the ECGD have taken to investigate the matters highlighted in the independent study of the Ilisu Dam project commissioned by the Swiss Government. [82712]

Mr. Wilson *[holding answer 10 May 1999]:* ECGD are involved in continuing discussions with other Export Credit Agencies, the commercial parties and the authors of the Reports about these matters. They are also consulting experts in the UK.

Mr. Dafis: To ask the Secretary of State for Trade and Industry if he will place in the Library copies of *(a)* the environmental impact assessment produced in 1998 in connection with the Ilisu Dam project in Turkey, *(b)* the independent study subsequently commissioned in respect of the project by the Swiss Government, *(c)* the minutes of the meetings of the Export Credits Guarantee Department at which the environmental and social impact of the project was discussed and *(d)* the current procedures of the Export Credits Guarantee Department for assessing the environmental impact of projects it supports, and for raising awareness of these issues among its customers. [82711]

Mr. Wilson *[holding answer 10 May 1999]:* The Environmental Impact Assessment Report and the independent study commissioned by the Swiss government in respect of the Ilisu project in Turkey are not our documents and can be made available only with the consent of the owners. I understand that it is the intention to make available the Environmental Impact Assessment Report once the contract has been awarded, and I will ensure that a copy is placed in the Library of the House. Minutes of ECGD meetings are not disclosed for reasons of commercial confidentiality.

Consistent with the Government's policy on the environment, the Export Credits Guarantee Department (ECGD) is supporting multilateral moves in the OECD to establish common principles, to be adopted by Export Credit Agencies, to take account of environmental factors in export credits. ECGD takes account of environmental factors, particularly in its assessment of large project finance cases, and is undertaking further work, in consultation with environmental consultants and its customers, to determine the best means of further enhancing its policy and procedures, and of raising the awareness of UK exporters, investors and overseas buyers on its approach to environmental issues. Relevant documents will be placed in the Library of the House when this process is complete. It would be premature for me to make a statement at this point in time.

Shipbuilding Intervention Fund

Mr. Field: To ask the Secretary of State for Trade and Industry if he will make a statement regarding eligibility for the Shipbuilding Intervention Fund. [83892]

Mr. Battle: I have decided to extend eligibility for the Shipbuilding Intervention Fund immediately to two shipyards: those of FBM Lairdside Ltd. at Birkenhead and Ailsa-Troon Ltd. at Troon. I will consider similar applications from any other yard which is currently disqualified from applying for Shipbuilding Intervention Fund grants.

Access to the Shipbuilding Intervention Fund will enhance the competitiveness of the companies and is a crucial component of the financing packages which are

offered to customers. This will enable both yards to compete more effectively in tough international markets and I very much hope it will assist them to secure future orders and jobs.

In making this announcement, I would like to recognise the considerable support the applicants have been given by hon. Members, locally elected representatives and Community Groups.

This announcement is subject to formal approval from the Commission of the European Union.

Millennium Compliance

Mr. Chope: To ask the Secretary of State for Trade and Industry if he will place in the Library a copy of the W. S. Atkins reports on the year 2000 preparedness of the oil and gas industry. [83826]

Mr. Wills: Copies of the Executive Summary of both reports were placed in the Library of the House in answer to a question by my hon. Friend the Member for Barnsley, East and Mexborough (Mr. Ennis) on 21 April 1999, *Official Report*, columns *553–55* and made available to the public on the Internet. These Executive Summaries provide a clear and accurate synopsis of the full reports. To prepare meaningful and accurate assessments it was essential that the industry provided full and frank access to DTI's assessor WS Atkins but the detailed information presented in the full report is commercially sensitive and was made available to the Department on the basis that it would not be published.

Recording Media

Mr. Chope: To ask the Secretary of State for Trade and Industry (1) what restrictions he plans to introduce on home taping; [83828]

(2) what plans he has to introduce a levy on *(a)* video cassettes, *(b)* video cassette recorders and *(c)* other audio recording products; and if he will make a statement. [83830]

Dr. Howells: There are no plans to introduce levies in the United Kingdom on blank tapes, other recording media or recording equipment, nor do we have any plans to restrict the "time-shifting" exception in UK copyright law which allows home recording of broadcasts to enable viewing or listening at a more convenient time.

An amendment proposed by the European Parliament to the draft EU Directive on copyright and related rights in the information society would require that right owners receive "fair compensation" where exceptions to rights are provided in national law permitting private copying of protected material on audio or audiovisual recording media. However, we do not consider that a levy or other form of payment would be justified in relation to the UK's limited "time-shifting" exception. We are concerned that the overall approach to exception in the Directive is too prescriptive and we will continue to press for more flexibility for member states in this area.

EU Consumer Guarantee Directive

Mr. Chope: To ask the Secretary of State for Trade and Industry what assessment he has made of the cost to United Kingdom business of the EU Consumer Guarantee Directive. [83829]

Dr. Howells: The Regulatory Appraisal attached to Explanatory Memorandum 9643–96, submitted to Parliament on 3 April 1998, concluded that the average additional recurring costs resulting from the Directive were likely to be up to 0.25 per cent. of consumer expenditure on durable and semi-durable goods; that there would be no change for non-durables; and that non-recurring costs might amount to a further 1–2 per cent. of annual recurring costs.

TREASURY

Money Markets (London)

Mr. Cousins: To ask the Chancellor of the Exchequer what were the daily financial flows through the London money markets *(a)* in 1982, *(b)* in 1992 and *(c)* at the latest available date in (i) cash terms, (ii) current prices and (iii) as a percentage of annual gross domestic product for the year in question. [83244]

Ms Hewitt: I regret that the information requested is not available.

Aviation Taxes

Mr. Blunt: To ask the Chancellor of the Exchequer if he will estimate the tax yield to the UK Exchequer of imposing VAT on air travel, assuming that with international agreement a similar tax was imposed by other countries. [83351]

Dawn Primarolo: The information is not available.

Mr. Blunt: To ask the Chancellor of the Exchequer if he will estimate the tax yield to the UK Exchequer of imposing VAT on aviation fuel at the same rate as on motor vehicle fuel, assuming that with international agreement a similar rate of tax was imposed by other countries. [83350]

Dawn Primarolo: HM Customs and Excise estimate the revenue gain to the UK exchequer as a result of introducing VAT on aviation fuel to be negligible.

Financial Services Agency

Mr. Sayeed: To ask the Chancellor of the Exchequer if he will make a statement on the basis for his proposal to give the Financial Services Agency and its staff statutory immunity. [83700]

Ms Hewitt: The proposed statutory protection from liability in damages for the Financial Services Authority and its staff for actions carried out in good faith takes forward the existing form of immunity for regulators under the Financial Services Act 1986, the Banking Act 1987 and the Bank of England Act 1998. This was an issue commented on by the Joint Committee on Financial Services and Markets and we are currently considering their recommendations.

Pensions

Mr. Sayeed: To ask the Chancellor of the Exchequer, pursuant to his answer of 2 March 1999, *Official Report*, column *642*, on pensions, what large financial penalties

are currently incurred by members moving from an occupational pension scheme; and how a pooled pension investment could be used to reduce these. [83706]

Ms Hewitt: People who leave defined benefit occupational pension schemes in mid-career get paid up rights or transfer values which, depending on the terms of the scheme, are often worth appreciably less than the pension rights their period of service would have earned at normal retirement age. Those who leave a job after a short period often get nothing.

In contrast, defined contribution pension schemes of all kinds provide individual investors with their own defined pension fund, allowing them to move jobs without these financial penalties. Pooled pension investments will be a particularly transparent vehicle for defined contribution schemes.

CAT Standards

Mr. Sayeed: To ask the Chancellor of the Exchequer what plans he has to review the charges and tax incentives of CAT marked ISAs to encourage fund managers to provide managed equity funds to savers. [83702]

Ms Hewitt: There are no plans to change the CAT standards, or the tax treatment of CAT standard ISAs. To date, around 400 providers have registered as ISA managers. I expect many of these to sell stocks and shares ISAs which invest in managed funds.

Mr. Sayeed: To ask the Chancellor of the Exchequer what plans he has to publicise the meaning of a CAT standard. [83701]

Ms Hewitt: The Treasury press release of 1 October 1998 explained the meaning of CAT standards. The Inland Revenue and the Financial Services Authority have both published guides to ISAs which explain CAT standards, as did the Government's ISA advertising campaign. In addition, FSA requires firms which sell CAT standard products to provide straightforward information in the marketing literature which sets out how the standards are met. Many firms' own ISA guides also explain CAT standards.

Green Transport Plans

Mr. Baker: To ask the Chancellor of the Exchequer if he will make a statement on the introduction of a green transport plan for his Department. [82841]

Ms Hewitt: The Treasury introduced its Green Transport Plan in March 1999.

Landfill Tax Credit Scheme

Mr. Jim Cunningham: To ask the Chancellor of the Exchequer what the take-up rate for the landfill tax credit scheme has been to date; and how many environmental projects have been funded through the scheme in *(a)* Coventry and *(b)* the United Kingdom. [83622]

Ms Hewitt: Persons registered for landfill tax may claim tax credits of 90 per cent. against contributions made to approved environmental bodies, up to a total of 20 per cent. of their annual tax liability, in each 'contribution year'. Credits claimed under the environmental bodies credit scheme since the introduction of the tax on 1 October 1996 to 31 March 1999 amount to £141 million. In the same period, total landfill tax revenue gross of claims to environmental bodies credits was £1.1 billion, giving rise to a maximum credit that could have been claimed of £220 million. Therefore, some 64 per cent. of available credits have been taken up.

The information requested about the number of environmental projects that have been funded is a matter for the Regulator for the environmental bodies credit scheme, ENTRUST Ltd. I have asked them to reply.

Environmental Taxation

Mr. Jim Cunningham: To ask the Chancellor of the Exchequer what plans he has to introduce taxation measures designed to promote greater efficiency of resources and reductions in pollution levels. [83621]

Ms Hewitt: The Government's Statement of Intent on Environmental Taxation, published in July 1997, sets out the Government's policy on environmental taxation. It commits the Government to exploring the scope for using the tax system—as one instrument, in combination with others such as regulation and voluntary action—to secure environmental objectives, and details the criteria used to assess environmental taxes.

The March 1999 Budget contained the biggest package of environmental tax reforms ever announced in this country. This will provide continuing incentives for environmental improvement and underlines the Government's commitment to protect and, where possible, enhance our environment.

Details of the Budget 99 environmental tax package are contained in the 1999 Economic and Financial Strategy Report and Financial Statement and Budget Report.

Export Houses

Mr. Whittingdale: To ask the Chancellor of the Exchequer what steps he took to ensure that each export house was consulted about the proposal to withdraw export house VAT provision. [83831]

Dawn Primarolo: The Consultation Paper was issued directly to all members of the Joint VAT Consultative Committee and to a number of other trade bodies and organisations with an interest in the subject. These included the British Exporters Association, which represents the main body of businesses which act as export houses. The review was also publicised by way of a Business Brief, distributed by the Central Office of Information to the media and to some 900 subscribers representing a variety of business interests.

Mr. Whittingdale: To ask the Chancellor of the Exchequer which countries in the European Union currently allow an exemption from VAT for supplies to export houses; and if he will make a statement. [83836]

Dawn Primarolo: The exemption from VAT on supplies to export houses is an optional measure in EC VAT law and we have very scant information about other countries' use of the measure. Customs and Excise is taking up with the European Commission claims made by a number of British businesses that some other countries operate export house provisions which do not fully comply with EC law.

Mr. Whittingdale: To ask the Chancellor of the Exchequer if he will list the organisations which replied to the consultation paper on the withdrawal of export house VAT provisions and indicate which were in favour and which were opposed. [83834]

Dawn Primarolo: As contributors were not advised that their responses would be made public, individual comments must remain confidential. Overall, from all replies received, the balance of representations was weighted equally for and against withdrawal.

Mr. Whittingdale: To ask the Chancellor of the Exchequer if he will list the organisations to which the consultation paper on the withdrawal of export house VAT provisions was issued. [83833]

Dawn Primarolo: The organisations to which the consultation paper on the withdrawal of export house VAT provisions was initially issued were the Joint VAT Consultative Committee, the British Exporters Association, the Simpler Trade Procedures Boards (SITPRO) and the United Kingdom Oil Industry Taxation Committee. Subsequently copies were issued to more than one hundred and fifty enquirers, including Tax in Industry and the Institute of Export.

Mr. Whittingdale: To ask the Chancellor of the Exchequer what measures he took to ensure that companies likely to be affected by the withdrawal of the export house VAT provisions were notified of the change in good time. [83837]

Dawn Primarolo: The withdrawal of the export house VAT provisions on 1 April 1999 was publicised in June 1998 by means of a Business Brief and a VAT Information sheet. Each VAT registered trader was advised by means of VAT Notes 2/1998 (June 1998) and further reminded of the impending change in VAT Notes 4/1998 (December 1998).

Mr. Whittingdale: To ask the Chancellor of the Exchequer what estimate he has made of the cost to UK export houses of the imposition of VAT on goods purchased for export. [83835]

Dawn Primarolo: It was not possible to arrive at any accurate figures for possible costs to export houses as insufficient evidence was provided in response to the Consultation Paper. However, by opting to change to monthly VAT periods, some export houses may gain a cash flow benefit.

INTERNATIONAL DEVELOPMENT

Reproductive Health Projects

Mr. Martyn Jones: To ask the Secretary of State for International Development if she will list the British Non-Governmental Organisations funded to carry out social marketing programmes in the area of reproductive health services, indicating the countries in which they operate. [83579]

Mr. Foulkes: The following table lists UK non-governmental organisations currently receiving the Department for International Development's support for Reproductive Health social marketing projects, together with a list of the countries in which they are operating:

British non-governmental organisations	*Country*
Futures Group, UK	Pakistan
Marie Stopes International	Nicaragua
International Family Health	India
Population Services International, Europe	Burma

In addition, a number of developing country based social marketing groups affiliated to UK non-governmental organisations receive bilateral support to implement subsidised marketing projects, including, for example, Marie Stopes International Uganda.

Mr. Martyn Jones: To ask the Secretary of State for International Development from which budget lines under which EU directorates funding is available for population, sexual and reproductive health programmes in developing countries, and central and Eastern Europe. [83575]

Mr. Foulkes: The following budget lines are relevant:

B7 210 and B7 214—Humanitarian aid (which includes population, sexual and reproductive health programmes), in developing countries and in central and eastern Europe.

B7 543—Health programmes for the former Yugoslavia.

B7 6211—Programmes for HIV and AIDS related operations.

B7 631—Aid for population policies and programmes in developing countries.

B7 653—Campaign against sex tourism in developing countries.

B7 704—Grants to non-government organisations to promote and protect women's rights.

The non-budget European Development Fund for African, Caribbean and Pacific countries in the Lomé Convention also includes provision for health sector funding.

The Commission Directorates through which these funds are spent are DGVIII (Africa, Caribbean and the Pacific for EDF funds), DGIA (Central and Eastern Europe), DGIB (Asia and Latin America), the Common Service for External Relations which handles project implementation for the external assistance Directorates-General, and the European Community Humanitarian Office (ECHO).

Mr. Martyn Jones: To ask the Secretary of State for International Development what family planning and reproductive health assistance is being provided by the United Kingdom Government for refugees from Kosovo in Albania and Macedonia; and if such aid includes emergency contraception for rape victims. [83577]

Mr. Foulkes: My Department is providing reproductive health assistance to Kosovar refugees through UNICEF and NGO programmes of mother and child healthcare. We are ready to consider assistance with specialist care for rape victims if requested to do so.

Street Children

Mr. Martyn Jones: To ask the Secretary of State for International Development from which budget lines under which EU directorates funding is available for street children programmes in developing countries and Central and Eastern Europe. [83574]

Mr. Foulkes: A new over-arching budget line, B7–612 entitled "Preparatory actions undertaken through non-governmental organisations (NGOs) in the campaign against child discrimination" is included in the 1999 EU budget. This appropriation is intended to co-finance NGO activities in support of the Declaration on the Rights of the Child and aims at combating violence against children and the exploitation of child labour and at providing support for schooling, and the provision of food and protection for street children. It will also cover co-financing with NGOs which are members of the European Network on Street Children Worldwide.

However, specific projects aimed at street children would normally be funded from the general budget line for financial and technical co-operation for the geographical area concerned: e.g. B7–31 for Latin America; B7–30 for Asia; B7–4 for Mediterranean and Middle-East; B7–5 for Central and Eastern Europe, New Independent States and Mongolia. In the case of African, Caribbean and Pacific countries, the funds would come not from the budget but from the European Development Fund, except for overarching budget lines such as B7–6 (Other Co-operation Measures) and B7–7 (European Initiative for Democracy and Human Rights) which apply to all countries.

The Commission Directorates through which these funds are spent are DGVIII (African, Caribbean and the Pacific for EDF funds), DGIA (Central and Eastern Europe), DGIB (Asia and Latin America), and the Common Service for External Relations which handles project implementation for the external assistance Directorates-General.

International Conference on Population and Development

Mr. Martyn Jones: To ask the Secretary of State for International Development if she will list the members of the United Kingdom Government delegations to *(a)* the International forum on the five year review of the International Conference on Population and Development in The Hague, 8 to 12 February, *(b)* the Preparatory Committee meeting in New York, 23 March to 1 April and *(c)* the UN General Assembly Special Session on the ICPD review in New York, 30 June to 3 July; and if she will make a statement. [83576]

Mr. Foulkes: The United Kingdom Government delegations were made up as follows:

(a) ICPD Hague Forum, 8–12 February, 1999:

George Foulkes MP, Parliamentary Under-Secretary of State, DFID.

Professor John Hobcraft, London School of Economics, Special Adviser.

Ms Sandra Kabir, NGO Representative.

Six DFID officials (varying lengths of attendance).

(b) Preparatory Committee—ICPD+5, New York, 23 March-1 April 1999:

Professor John Hobcraft, London School of Economics, Special Adviser.

Ms Sandra Kabir, NGO Representative.

Ms Dilys Cossey, Parliamentary Adviser.

Five DFID officials (varying lengths of attendance).

(c) The Secretary of State intends to lead the delegation to the UN General Assembly Special Session on ICPD in New York, 30 June-2 July 1999. The remainder of the delegation has yet to be finalised.

Refugee Camps (Communications)

Mr. Coaker: To ask the Secretary of State for International Development what support has been received from British industry in establishing easily accessed communications systems for refugees in the camps of Macedonia and Albania. [83769]

Mr. Foulkes: The International Committee of the Red Cross, the United Nations High Commissioner for Refugees and other international agencies are seeking to ensure that refugees and displaced people in the camps have regular access to satellite, mobile and fixed phones as appropriate in order to re-establish family contacts. Where my department has received offers of support from British industry, they have been referred to these agencies.

Mr. Coaker: To ask the Secretary of State for International Development what progress is being made in giving deportees in camps in Macedonia and Albania access to phones with which they can try to establish contact with lost friends, family and relatives. [83770]

Mr. Foulkes: The International Committee of the Red Cross (ICRC) leads on family tracing and reunification; ICRC, the United Nations High Commissioner for Refugees (UNHCR) and other international agencies are seeking to ensure that refugees and displaced people in the camps have regular access to satellite, mobile and fixed phones as appropriate in order to re-establish family contacts. The Department for International Development has contributed £2.5 million to ICRC, of which part will be used for family tracing.

Balkans (Family Tracing Schemes)

Mr. Coaker: To ask the Secretary of State for International Development what steps are being taken to support the work of *(a)* UNICEF and *(b)* other non-Governmental organisations with their family tracing schemes in the Balkans. [83708]

Mr. Foulkes: Reuniting separated families is an important part of our humanitarian assistance. Part of DFID's contributions of £2.25 million to United Nations children's Fund UNICEF and £2.5 million to the Red Cross are being used for family tracing activities. This will help Kosovar refugees to establish where their relatives have gone, and also to contact family members who have been sent to other countries without their consent.

Green Transport Plans

Mr. Baker: To ask the Secretary of State for International Development if she will make a statement on the introduction of a green transport plan for her Department. [82832]

Mr. Foulkes: Following last July's Integrated Transport White Paper, which set targets for the introduction of green transport plans for Government departments, we will shortly complete the plan for our London headquarters building.

We are also developing a plan for our other key building in East Kilbride in line with the target for March 2000 set in the Integrated Transport White Paper.

Female Genital Mutilation

Mr. Martyn Jones: To ask the Secretary of State for International Development if she will list the projects funded by her Department to support communities working to eradicate female genital mutilation. [83578]

Mr. Foulkes: Current DFID supported projects which address female genital mutilation comprise the following:

Countries/region	*Project*
Gambia	Women's Health Promotion—Genital Mutilation. It aims to mobilise communities in two districts for health promotion activities focusing on FGM. A total of £226,013 was committed.
Horn of Africa	Well woman media project to improve the reproductive health status of the people of the Somali speaking areas of the Horn of Africa, increasing the capacity of women to practise and enjoy safe sexual relationships and reducing FGM. A total of £200,000 was committed.
Burkina Faso	Health an Human Rights Approach to Overcoming Traditional Practices Harmful to Women. A total of £150,000 was committed.
Ghana, Egypt, Kenya, Tanzania, Ethiopia, Cameroon	Development of training materials and training of health care providers on FGM prevention and the management of health complications related to FGM. A total of £140,000 was committed.
Africa	Production and dissemination of a research manual. A total of £8,000 was committed.
Africa	Support to strengthen the Inter-African Committee on Traditional Practices in order to reduce the morbidity rates of women and children through FGM eradication working at the national, regional and international levels. A total of £400,000 has been allocated.

Commonwealth Debt Initiative

Ms Drown: To ask the Secretary of State for International Development if she will make a statement on the progress of the Commonwealth Debt Initiative, indicating which countries have received debt relief and the level of that relief. [83404]

Mr. Foulkes: Under the Government's Commonwealth Debt Initiative, we provide debt relief to poorer Commonwealth countries which are committed to the international development targets and are following sound economic policies which benefit the poor, which promote responsive and accountable government, encourage transparency and bear down on corruption. Since the Chancellor of the Exchequer launched the Initiative in September 1997, my Department has provided debt relief on aid loans to the following countries:

	£ million
Barbados	0.23
Belize	1.15
Dominica	6.60
Grenada	3.31
Jamaica	12.80
Mauritius	1.10
St. Kitts and Nevis	0.43
St. Lucia	2.83
Solomon Islands	4.38
Tonga	0.44
Turks and Caicos	1.88

CULTURE, MEDIA AND SPORT

Local Authority Spending

Mr. Burstow: To ask the Secretary of State for Culture, Media and Sport if he will list the local authorities to which Ministers have written urging greater spending on local services within their portfolio area. [77957]

Mr. Alan Howarth *[holding answer 22 March 1999]:* None. My right hon. Friend the Secretary of State wrote to all 149 Library Authorities in England in February 1999 drawing their attention to their statutory obligation to provide a comprehensive and efficient library service. It is a possibility, but by no means a certainty, that in some instances Library Authorities would need to spend more money to fulfil their statutory duty.

Museum Grants

Mr. Cohen: To ask the Secretary of State for Culture, Media and Sport if he will establish a grant for museums to be set up in constituencies which are without them; and if he will make a statement on his Department's activities during Museums Week. [83568]

Mr. Alan Howarth: Historically, local museums relate to local authority areas which may cover several constituencies. Boundaries of constituencies change from time to time. What is important is that each community should have access to a local museum.

There are already some 2,500 museums in the UK, and it is the Government's priority to increase access to these museums, rather than to create new ones.

The Museums and Galleries Commission funds the network of Area Museum Councils in England which contributes to the funding of a number of museums and galleries. The Heritage Lottery Fund also provides funding for museums and galleries.

My Department has contributed £25,000 towards Museums Week 1999, which is a key annual event in raising public awareness of museums in the UK. My right hon. Friend the Secretary of State has written to all MPs and MEPs encouraging them to visit a museum in their constituency to promote the event.

Last year's event was a great success, and I hope that this year's will prove even more successful.

Convalescent Home (Osborne)

Mr. Blunt: To ask the Secretary of State for Culture, Media and Sport what has been the average bed occupancy rate at King Edward VII convalescent home at Osborne in each of the last five years broken down between *(a)* residents and *(b)* convalescents. [83364]

Mr. Alan Howarth: The information is as follows:

Percentage

Year	*Residents*[1]	*Convalescents*[2]
1994	64	33
1995	68	47
1996	80	53
1997	72	47
1998	70	70

[1] Average occupancy per year
[2] Average occupancy per week

Mr. Blunt: To ask the Secretary of State for Culture, Media and Sport how many beds have been available for *(a)* residents and *(b)* convalescents in each of the last five years at King Edward VII convalescent home at Osborne. [83363]

Mr. Alan Howarth: The information is as follows:

Year	*Residents*[1]	*Convalescents*
1994	25	15
1995	25	15
1996	20	20
1997	20	20
1998	30[2]	30

[1] Any unfilled residents beds were offered to convalescents whenever there was a demand.
[2] Registered beds reduced from 40 to 30 in 1998 with no distinction between residents and convalescents.

Mr. Blunt: To ask the Secretary of State for Culture, Media and Sport when it was decided that accommodation at King Edward VII convalescent home at Osborne would be available to other ranks as well as officers. [83361]

Mr. Alan Howarth: The Order in Council extending eligibility to other ranks as well as officers was made on 21 July 1998.

Mr. Blunt: To ask the Secretary of State for Culture, Media and Sport how many full-time equivalent persons have been employed at the King Edward VII convalescent home at Osborne in each of the last five years. [83360]

Mr. Alan Howarth: The information is as follows:

1994–95: 64

1995–96: 59

1996–97: 58

1997–98: 56

1998–99: 48.

Mr. Blunt: To ask the Secretary of State for Culture, Media and Sport what proposals he has received from English Heritage to date for the future of the accommodation used by the King Edward VII convalescent home at Osborne; and by what date he has asked English Heritage to make any further proposals. [83359]

Mr. Alan Howarth: English Heritage is preparing conservation, management, business and development plans for the whole of the Osborne House estate which will include proposals for opening more of the Convalescent Home accommodation to the public, and offering the remainder for use by a private sector partner. I am expecting English Heritage to come forward with options later this year.

Mr. Blunt: To ask the Secretary of State for Culture, Media and Sport what alternatives to the Civil Service Benevolent Fund his Department has sought to manage the King Edward VII convalescent home at Osborne. [83358]

Mr. Alan Howarth: After very careful consideration, particularly of the question of financial viability, my right hon. Friend decided that it was no longer appropriate to run part of Osborne House as a convalescent home. In the light of this decision, no alternative managers for the convalescent home have been sought.

Mr. Blunt: To ask the Secretary of State for Culture, Media and Sport when the Civil Service Benevolent Fund took over the running of King Edward VII convalescent home at Osborne; and what is the nature of their contract or other arrangement with *(a)* English Heritage and *(b)* his Department of the occupation of the premises. [83365]

Mr. Alan Howarth: The Civil Service Benevolent Fund took over the running of the home on behalf of the Secretary of State on 1 July 1985. The terms under which the home is managed and maintained and the arrangements between my Department, English Heritage and the Civil Service Benevolent Fund are contained in an agreement with my Department which was last revised on 6 December 1996 and in the National Heritage Act 1983 (Osborne House) Directions 1986. English Heritage is responsible for the maintenance of the external fabric of the convalescent home and for the provision and payment of some other services including redecoration and the supply of some equipment.

Analogue Television Transmissions

Mr. Chope: To ask the Secretary of State for Culture, Media and Sport on what date analogue television transmissions will be ended. [83887]

Janet Anderson: The Government want to move to as early an announcement as possible of a date for the switch-over from analogue to digital television transmissions. However, this can be done only on the basis of a properly considered strategy set against the background of actual digital services winning public acceptance, and which protects those consumers who wish to receive free-to-air television services as well as those who are potentially excluded from the new technology. The Government expect to say more about the development of a strategy for analogue to digital migration before the Summer recess.

Television Licence Fees

Mr. Chope: To ask the Secretary of State for Culture, Media and Sport if it is the Government's policy that the television licence fee for televisions capable of receiving digital transmissions should be the same as for televisions only capable of receiving analogue transmissions. [83825]

Janet Anderson: The level of the licence fee for colour and black and white television sets will be determined until 2001–02 under a five year formula linked to RPI announced in December 1996. The review panel chaired by Gavyn Davies is considering, against an expectation that the licence fee will remain the principal source of funding for public services for the BBC Charter period to 2006, ways in which funding to support public service output can be extended from other sources. The review will report by the end of July 1999 and the Government will then consult on its findings.

CABINET OFFICE

Open Government

Dr. David Clark: To ask the Minister for the Cabinet Office how many applications for information he received under the Open Government: Code of Practice on Access to Government Information in the last parliamentary session; and how many of these applications were granted. [83111]

Dr. Jack Cunningham *[holding answer 10 May 1999]:* For monitoring purposes, the information is collected on a calender year basis. Information for 1997 was published last year in the Open Government: Code of Practice on Access to Government Information 1997 Report. Between 1 January and 28 July 1998, when the then Office of Public Service (OPS) merged with the Cabinet Office, the OPS received 3 applications for information under the Code, of which 2 were granted. Arrangements are in hand to restore the Parliamentary Commissioner for Adminstration's formal remit to the position before the merger of OPS with the Cabinet Office. The remainder of the Cabinet Office, and the Prime Minister's Office do not come under the Parliamentary Commissioner for Administration's jurisdiction are not covered by the Code of Practice.

Green Transport Plans

Joan Ruddock: To ask the Minister for the Cabinet Office (1) if he will make a statement on his Department's green transport plans; [82702]

(2) if he will make a statement on the introduction of a green transport plan for his Department. [82837]

Mr. Kilfoyle: The Cabinet Office intends to put a green transport plan in place by the end of this month. This plan will cover the headquarters office and the Cabinet Office Agencies.

LORD CHANCELLOR'S DEPARTMENT

Legal Aid

Mr. Garnier: To ask the Minister of State, Lord Chancellor's Department what assessment he has made of the number of cases currently covered by legal aid which will not be taken up by solicitors operating under conditional fee agreements as a result of failure to meet risk assessment tests demanding a *(a)* 55 per cent., *(b)* 60 per cent., *(c)* 65 per cent., *(d)* 70 per cent. and *(e)* 75 per cent. likelihood of success. [83348]

Mr. Hoon: The Government remain satisfied that lawyers will be prepared to undertake meritorious cases under conditional fee agreements. With the ability, potentially, to double their fees, they can continue to be expected to take on cases which, in their professional opinion, are more likely to have a successful outcome than not. It can be in no one's interest for weak cases to be pursued, especially as the protection in costs afforded by legal aid can force defendants with good defences to offer settlements in the face of what are little more than blackmailing claims.

Mr. Garnier: To ask the Minister of State, Lord Chancellor's Department what proposals he has to monitor the impact of the Government's decision to abolish legal aid for personal injury claims. [83349]

Mr. Hoon: We will monitor and evaluate the impact of all of the key reforms under the Access to Justice Bill, not just the decision to withdraw legal aid from most personal injury cases. The Legal Services Commission will have a duty to inform itself about the need for services, the provision of services, and the quality of the services provided. Much of this information will be provided by the Regional Legal Services Committees. In addition, we are in discussion with all the major interest groups, including those representing the consumers, the professions, and the insurance industry, about the design of a research project to evaluate all aspects of how conditional fees operate under the reformed law.

Census Returns

Mr. Austin: To ask the Minister of State, Lord Chancellor's Department what advice he has received from the Advisory Council on Public Records since its October 1998 meeting about the confidentiality period for decennial census returns; and if he will make a statement. [83396]

Mr. Hoon: I have received no such advice.

Green Transport Plans

Mr. Baker: To ask the Minister of State, Lord Chancellor's Department if he will make a statement on the introduction of a green transport plan for his Department. [82831]

Mr. Hoon: My Department has introduced green transport plans at each of the three headquarters buildings of the Department and its main agencies. We are developing plans for our 53 other key buildings in line with the March 2000 target set in the Integrated Transport White Paper.

Public Record Office

Helen Jones: To ask the Minister of State, Lord Chancellor's Department what was the final outcome of the Quinquennial Agency Review of the Public Record Office. [83947]

Mr. Hoon: The Review concluded that the Public Record Office had greatly benefited from agency status and that it continued to perform an essential function of government. It recommended that the Public Record Office remain a Government Department and an executive agency. The Chief Secretary to the Treasury, the Chancellor of the Duchy of Lancaster and the Lord Chancellor have accepted these conclusions.

The Review also recommended a fresh look at some elements of the Public Record Office's work and the exploration of further opportunities for private sector involvement. These recommendations were, where appropriate, carried forward within the Public Record Office's Comprehensive Spending Review and implemented.

The Public Record Office is now well placed to lead essential changes in the introduction of electronic record keeping in government and the provision of on-line services for the public. It is also leading on improving records management and storage across government. Its education programme is being expanded, particularly in the direction of internet services to benefit schools and lifelong learners nationally.

In the light of the Review recommendations and of the Comprehensive Spending Review, a new framework document has now been prepared to cover the next five years. This concludes the final stage of the Office's Quinquennial Review.

Copies of the Quinquennial Review evaluation report and of the revised framework document have been placed in the Library of both Houses.

SCOTLAND

Green Transport Plans

Mr. Baker: To ask the Secretary of State for Scotland if he will make a statement on the introduction of a green transport plan for his Department. [82842]

Mr. Macdonald: My right hon. Friend is finalising a green transport plan for Victoria Quay, Edinburgh for discussion with staff representatives. This plan will cover around 1,400 civil servants, almost 40 per cent. of the total Scottish Office core staff. Further site-specific plans will be developed for the remainder of Scottish Officer headquarters buildings.

From 1 July 1999, this will be a matter for the Scottish Parliament.

PRIME MINISTER

Open Government

Dr. David Clark: To ask the Prime Minister how many applications for information he received under the Open Government: Code of Practice on Access to Government Information in the last Parliamentary Session and how many of these applications were granted. [83104]

The Prime Minister *[holding answer 10 May 1999]:* I refer my right hon. Friend to the answer given to him today by my right hon. Friend the Minister for the Cabinet Office.

ENVIRONMENT, TRANSPORT AND THE REGIONS

"Rural England"

13. **Mr. Drew:** To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the consultation on the document "Rural England". [82793]

28. **Mr. Quinn:** To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the responses to the consultation on "Rural England"; and if he will make a statement on progress in implementing the proposals in the document. [82808]

Mr. Meacher: We have had a very encouraging response to the consultation document "Rural England", with close to 700 written submissions. We will be taking the views and ideas expressed into account as we proceed with work on the Rural White Paper.

London Underground

14. **Mr. Brake:** To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the public-private partnership proposals for London Underground. [82794]

Dr. Reid: London Transport have continued to progress the public-private partnership proposals, as set out in the progress report LT published in March. We anticipate bidders being invited to pre-qualify for the PPP competition shortly.

24. **Mr. Wilkinson:** To ask the Secretary of State for the Environment, Transport and the Regions what is his latest estimate of the date when the public-private partnership for London Underground will become operational. [82804]

Dr. Reid: We have made it clear that we are not going to set a fixed timetable for completing the PPP—our overriding aim is to secure best value.

Housing

16. **Ms Dari Taylor:** To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the most recent assessment of future requirements for housing in the north-east. [82796]

Ms Armstrong: The latest regional household projections were set out in my Department's press release of 29 March. These projections indicate that the number of households in the north-east at 2021 could total around 1.2 million.

26. **Mr. Blizzard:** To ask the Secretary of State for the Environment, Transport and the Regions what steps he plans to take to ensure that the planning system assists the creation of affordable housing in the countryside. [82806]

Mr. Caborn: Our policy is set out in Planning Policy Guidance Note 3: Housing, a revised draft of which has recently been issued for consultation, and in Circular 6/98. These provide for village infill and extension to help secure mixed and balanced rural communities and a rural "exceptions" policy where there is a demonstrable lack of affordable housing to meet local need.

36. **Mr. Bercow:** To ask the Secretary of State for the Environment, Transport and the Regions if he will adopt a target for two-thirds of new housing development to be built on brown-field sites; and if he will make a statement. [82816]

Mr. Caborn: The Government's target is for 60 per cent. of additional housing to be built on previously developed land. The draft Planning Policy Guidance note 3, Housing, recently issued for consultation, reaffirms our commitment to that target.

Greater London Authority

17. **Mr. Gareth R. Thomas:** To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the progress being made towards establishing the new Greater London Authority. [82797]

Mr. Raynsford: A great deal of work is going on across a number of fronts. We have, for example, made recent announcements about the permanent home for the GLA and the appointment of Dr. Robert Chilton to lead a team managing the transition arrangements for the Authority. Last week the GLA Bill successfully completed its passage through the Commons.

Flags of Convenience

18. **Mr. Cawsey:** To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the safety implications of the use of flags of convenience by ship owners. [82798]

Dr. Reid: Sub-standard shipping endangers the lives of passengers and crew and poses an increased risk to the marine environment. The UK Government are determined to tackle this problem by continued international efforts. Many, but not all, of the worst ships are flagged with open registers, and those registers with a poor safety record will continue to be targeted for inspection under Port State Control.

Planning Reform

19. **Mr. Vaz:** To ask the Secretary of State for the Environment, Transport and the Regions what proposals he has to reform the planning system. [82799]

Mr. Caborn: 'Modernising Planning: A Progress Report' was published on 12 April. It provides an audit of the large number of initiatives in hand to improve the operation of the planning system at the national, regional and local levels.

21. **Mr. Gordon Marsden:** To ask the Secretary of State for the Environment, Transport and the Regions what action the Government have taken to assist local authorities to improve the efficiency and effectiveness of the local planning process in the north-west. [82801]

Mr. Raynsford: The Government are undertaking a number of initiatives under their "Modernising Planning" programme to assist local authorities in improving the local planning process in the north-west. My Department is committed to delivering a quality planning service which is fast and efficient and my officials will continue to work closely in partnership with north-west local authorities to achieve this.

Road Schemes

20. **Mrs. Virginia Bottomley:** To ask the Secretary of State for the Environment, Transport and the Regions by what criteria he determines which major road schemes are visited by Ministers. [82800]

Dr. Reid: Ministers decide whether to visit a major road scheme on a case by case basis, depending on their diary commitments. They make a judgment on whether seeing the site of a scheme for themselves would be sufficiently useful to make the visit worthwhile.

Railway Bridges

23. **Mr. Sutcliffe:** To ask the Secretary of State for the Environment, Transport and the Regions what action he has taken to improve the condition of railway bridges. [82803]

Dr. Reid: All bridges carrying trunk roads over railways are fit to carry 40 tonne lorries. DETR is continuing to liaise with Railtrack and local authorities to ensure that any necessary strengthening work on bridges carrying local authority roads is completed with a minimum of disruption to road users.

Rural Transport

25. **Mrs. Spelman:** To ask the Secretary of State for the Environment, Transport and the Regions what representations he has received from people in rural areas regarding the Government's policies on transport. [82805]

Dr. Reid: We have received representations on our policies on transport from a range of individuals living in rural areas, as well as from representative organisations. Ministers have met representative organisations to discuss their concerns and ideas on the provision of transport in rural areas.

Landfill Sites

27. **Mr. Pickthall:** To ask the Secretary of State for the Environment, Transport and the Regions what estimate he has made of the number of new landfill sites for organic and household waste that will be needed in the next five years. [82807]

Mr. Meale: Arrangements for the provision of individual sites are for Waste Planning Authorities and the private sector.

Road Network

29. **Mr. Jenkins:** To ask the Secretary of State for the Environment, Transport and the Regions what action his Department is taking to improve the condition of the road network. [82809]

Dr. Reid: The Government have made maintenance of trunk roads a top priority and are also committed to restore the cuts in local road maintenance funding. New techniques are being introduced to minimise the need for maintenance and reduce the impact of maintenance works on the motorist.

Bus Companies

30. **Dr. Whitehead:** To ask the Secretary of State for the Environment, Transport and the Regions what plans

he has to introduce a requirement that bus companies publish their performance against targets for service reliability and punctuality. [82810]

Dr. Reid: I have announced my intention to discuss with the bus industry the establishment of targets for service quality, against which operators would publish information.

Rural Train Services

31. **Jackie Ballard:** To ask the Secretary of State for the Environment, Transport and the Regions what steps he is taking to safeguard the provision of rural train services. [82811]

Dr. Reid: The minimum level of service an operator must plan to provide is set out in the Passenger Service Requirement (PSR), which forms a key part of the contract. PSRs for rural services in general were set to reflect closely the level of services being operated by British Rail at the time of franchising. The Franchising Director has powers to enforce compliance with the PSR.

Latex Allergy

32. **Mr. Clapham:** To ask the Secretary of State for the Environment, Transport and the Regions what representations he has received about levels of awareness of latex allergy among health care workers. [82812]

Mr. Meale: I have received no direct representations on levels of awareness of latex allergy among health care workers.

However, I am aware that the Health and Safety Executive has received a number of direct inquires about latex allergy. These have included requests for information, complaints and some reports of latex allergy across the health care sector.

Rail Summit

33. **Mr. Mackinlay:** To ask the Secretary of State for the Environment, Transport and the Regions what time scale he is working to for implementation of the decisions made at the rail summit. [82813]

Dr. Reid: The rail industry has committed to year-on-year improvements: this means that within two to three years the railway's performance will be significantly better. Within 10 years, we aim to have one of the best railways in the world.

Ships (Belize)

34. **Mr. Gardiner:** To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on his assessment of the safety of ships registered in Belize. [82814]

Dr. Reid: The safety record of the Belize register is unsatisfactory. During 1995–97, 139 Belize vessels were inspected by Port State Control authorities within the Paris Memorandum of Understanding area which covers Europe, Russia and Canada. Of these, 84 were detained for faults to be remedied before vessels could safely put to sea. That is a detention percentage of 60.43 per cent. as against an average for all flags of 16.42 per cent.

Road Traffic

35. **Mr. Chaytor:** To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on his proposals to reduce road traffic levels. [82815]

Dr. Reid: We are making good progress in implementing the package of measures set out in our Integrated Transport White Paper which is needed to reduce traffic growth, and to reduce absolute levels of traffic in those places where its environmental damage is greatest.

Transport Policy

37. **Mr. Sayeed:** To ask the Secretary of State for the Environment, Transport and the Regions what progress he has made in the implementation of his integrated transport policy. [82817]

Dr. Reid: We are making good progress in delivering integrated transport. We are investing an extra £1.8 billion in local and integrated transport; the shadow SRA is already driving forward changes on the railways, and Local Authorities are working up strategic local transport plans covering all their transport needs.

Local Plans

38. **Mr. Chope:** To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the time scale for public inquiries into local plans. [82818]

Mr. Raynsford: The time taken for each local plan inquiry will depend on the number of objections made to a plan and the number of objectors who appear in person at the inquiry rather than submitting written representations. Our proposals for improving the arrangements for the preparation and adoption of local plans (set out in the draft revise of PPG12 published on 17 February) should reduce the number of objections which need to be considered, and hence the length of inquiries.

New Deal (Communities)

Dr. Lynne Jones: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on progress with the New Deal for Communities. [82802]

Ms Armstrong: Under our New Deal for Communities, community based partnerships in 17 of the most deprived neighbourhoods have now taken responsibility for tackling deep-rooted problems of social exclusion and multiple deprivation. Across Government, we will continue to work with those partnerships as they develop plans to deliver lasting change.

Advisory Committee on Releases to the Environment

Mr. Stinchcombe: To ask the Secretary of State for the Environment, Transport and the Regions (1) what independent evaluation there has been of the selection procedure for membership of the Advisory Committee on Releases to the Environment; [76223]

(2) if he will make a statement on the selection procedure for membership of the Advisory Committee on Releases to the Environment, with particular reference to *(a)* the criteria for selecting applicants, *(b)* the procedure by which individuals are invited to reply, *(c)* which Government Departments are involved and *(d)* the extent of public information available about the procedure. [76251]

Mr. Meacher: The selection procedure for membership of the Advisory Committee on Releases to the Environment (ACRE) is carried out in accordance with the Commissioner for Public Appointments Unit's "Guide on Public Appointments Procedure". This document is publicly available and a copy is in the Library.

In selecting applicants, our aim is to produce a committee with a range of scientific and technical expertise that will equip ACRE to deal effectively with its wider remit and the regulatory challenges ahead. In particular we are looking for expertise in the fields of genetics, molecular biology, microbiology, plant breeding, entomology, farmland ecology, wildlife/ biodiversity, agronomy and farming practice. Candidates needed to be acknowledged experts in their fields and be able to contribute effectively at ACRE meetings.

As advertisement was placed in the national press inviting anyone with suitable qualifications or experience to apply. In addition, my officials invited stakeholders to come forward with nominations. All those replying were sent a full application package and all those who subsequently applied were considered by an independent selection panel.

Other Government Departments involved in the procedure are the Ministry of Agriculture, Fisheries and Food, the Health and Safety Executive, Scottish Office, Welsh Office and the Department of the Environment (Northern Ireland). The appointments are made by the Secretary of State for the Environment, Transport and the Regions acting jointly with Ministers in these Departments.

Genetically Modified Crops

Mr. Alan Simpson: To ask the Secretary of State for the Environment, Transport and the Regions in relation to the approved field trials of genetically modified crops, what evidence is *(a)* currently available and *(b)* in the process of being collected, in respect of (i) pollen transfer, (ii) horizontal gene flow to soil bacteria, (iii) changes in the nature of residues in the final product, with particular reference to neurotoxins, metabolites and those in its transgenic counterpart, (iv) transfer of genes from plants to micro-organisms, (v) transfer of genes between plant species and (vi) the impact on insect and wildlife in the local ecosystem. [78015]

Mr. Meacher: There is no readily available comprehensive list of all this work, though the more relevant papers are referenced in various DETR/Advisory Committee on Releases to the Environment publications lodged in the Library or placed on the DETR internet site. Research into details of all the processes is continuing, but mainly in Universities and relevant research institutes. The primary aim of the farm-scale evaluations is to investigate the impacts on wildlife populations and biodiversity in growing these crops on the field scale.

Rural Speed Limits

Mr. Peter Bradley: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has *(a)* for the reduction of speed limits on country lanes and in villages and *(b)* to introduce a network of rural roads on which pedestrians, cyclists and horseriders will have priority over motorists. [83184]

Ms Glenda Jackson: The contribution speed limits can make in effectively managing speed on rural roads is one of the issues being considered within the current speed policy review. Local authorities will soon have the power to make 20mph limits/zones without the consent of the Secretary of State. The new legislation is likely to come into force later this month provided Parliament approves. Evidence suggests these limits are successful only in conjunction with measures that encourage the driver to slow down.

That aside, there is much that can be done within existing legislation and using proven techniques to protect walkers, cyclists and horseriders from the worst excesses of traffic on minor country roads. The Department is working with the Countryside Agency's Countryside Traffic Management Group to develop good practice guidance on rural traffic management designed with sensitivity to the countryside environment.

Environment Council

Mr. Maclean: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the subjects *(a)* he plans to raise and *(b)* he expects to be raised by others at the forthcoming Environment Council of 7 to 9 May. [83286]

Mr. Meacher: I refer the right hon. Member to the answer I gave him on 22 April 1999, *Official Report*, column *625*. We have since been notified that there will also be two brief presentations during the Informal Environment Council, one on the integration of environmental issues into EU policies and the other on EU Enlargement. In addition, there will be opportunities for me to engage in informal discussions with other Environment Ministers on a wide range of current environmental issues.

Millennium Dome (Taxi Ranks)

Ms Perham: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to provide taxi ranks at the Millennium Dome site. [83378]

Ms Glenda Jackson: The New Millennium Experience Company will be providing appropriate facilities for both taxis and minicabs at the Millennium Dome site.

Passenger Service Charge

Mr. Snape: To ask the Secretary of State for the Environment, Transport and the Regions what representations he has received from the travel industry about the practice by airlines of separately listing the

passenger service charge on air passenger tickets; what assessment he has made of the impact of the practice on the level of airfares; and if he will make a statement. [R] [83470]

Ms Glenda Jackson: We have received a number of representations on this issue, both from private individuals and from representatives of the travel industry, including the Guild of Business Travel Agents, the Institute of Travel Management, and the Association of British Travel Agents. I am examining, together with my right hon. Friend the Secretary of State for Trade and Industry, whether showing PSC as a tax may be in contravention of legislation on misleading price indications and trade descriptions. The Office of Fair Trading has written to the International Air Transport Association (IATA) about possible effects of separating out PSC and showing it as a tax in the context of the Unfair Terms in Consumer Contracts Regulations 1994, and has asked IATA to cease representing PSC as a new tax.

Our general policy is to allow air fare levels to be determined by the market place wherever possible. However, before approving the separating out of PSC, the Civil Aviation Authority sought undertakings from British Airways (BA), the only UK airline with sufficient market share to enable it to bring market power to bear on fares, about the effect on fare levels. BA agreed to reduce its lowest fully flexible fare on such routes by the amount of the PSC, thus leaving the fare paid by the passenger unchanged. Within the EU, fares are governed by EC law. Nonetheless, on a number of intra-EU routes BA has undertaken to keep the total amount paid by passengers unaffected by the separation of the PSC. I understand that these undertakings have now been put into effect.

Green Transport Plans

Mr. Baker: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the introduction of a green transport plan for his Department. [82834]

Ms Glenda Jackson: Since last July's Integrated Transport White Paper, which set targets for the introduction of green transport plans for Government Departments, we have completed 16 plans to cover our headquarters and main buildings and will complete the remaining plan for the QEII Conference Centre shortly.

We are developing plans for all other key buildings in line with the target for March 2000 set in the Integrated Transport White Paper.

Waste

Mr. Jim Cunningham: To ask the Secretary of State for the Environment, Transport and the Regions what measures the Government are taking to reduce overall waste levels in the United Kingdom. [83624]

Mr. Meale: The Government will shortly be publishing for consultation their draft waste strategy for England and Wales, which will set out our proposed policies for reducing the levels of waste. Scotland and Northern Ireland will be producing their own strategies.

Porpoises

Ms Lawrence: To ask the Secretary of State for the Environment, Transport and the Regions what steps his Department has taken to protect harbour porpoises in United Kingdom waters. [82780]

Mr. Meale: The UK is taking measures to protect the harbour porpoise through a number of forums, both nationally and internationally. Areas of concern being addressed include by-catch, disturbance and pollution.

Strategic Rail Authority

Mr. Michael J. Foster: To ask the Secretary of State for the Environment, Transport and the Regions what progress is being made in establishing the Strategic Rail Authority. [82792]

Mr. Prescott: Good progress is being made in establishing the Strategic Rail Authority. The shadow Strategic Rail Authority came into place on 1 April. A Bill to establish the SRA on a statutory basis will be introduced as soon as Parliamentary time permits.

FOREIGN AND COMMONWEALTH AFFAIRS

Human Rights Fund

Mr. Cox: To ask the Secretary of State for Foreign and Commonwealth Affairs what funding is available under the human rights fund; and what projects were approved for funding in 1998. [83367]

Mr. Tony Lloyd: For financial year 1999–2000, £5.13 million has been allocated to the Human Rights Project Fund, £350,000 to the fund providing Support for International Human Rights Activities and £200,000 to the Commonwealth Human Rights Fund. A list of projects approved for funding under each of these budgets in financial year 1998–99 has been listed. The list of projects supported from the Human Rights Project Fund updates that given in reply to the right hon. Member for Tonbridge and Malling (Sir J. Stanley) on 13 July 1998, *Official Report*, columns 33–37.

Human rights project fund spending 1998–99

Number	*Post/department*	*Project description*	*Amount (£)*
2	Accra	Radio Programmes to raise awareness of women's rights	40,000
3	Accra	Building capacity of NGOs lobbying about the rights of the poor	46,000
4	African Department (Equatorial)	Support to UN Commission on Arms Flows to Rwanda	50,000
5	African Department (Equatorial)	Penal Reform International Initiative in Kigali	10,328
6	African Department (Equatorial)	Support for Nigerian Election Process Initiatives	179,731
7	Addis Ababa	Assistance to Ethiopian Human Rights Conference	48,060
8	Addis Ababa	Support for Ethiopian Women's Lawyer Association (EWLA)	23,000
9	Addis Ababa	Human Rights training for Regional Officials	24,300
10	Addis Ababa	Funding for gender and development officer	5,000

Human rights project fund spending 1998–99

Number	*Post/department*	*Project description*	*Amount (£)*
11	Addis Ababa	Films for Street Children by Street Children	28,500
12	Addis Ababa	Provision of legal books for Federal Supreme Court	10,000
13	Almaty	Media and Governance Workshop	18,858
14	Almaty	Publication of Booklets on Human Rights	2,869
15	Almaty	Support to Seminar on Women's Political Participation	4,500
16	Amman	Integrated Support to the Rights of the Child	78,900
17	Ankara	Young Lawyer Exchange Scheme	37,650
18	Ankara	Citizen's Advice Bureau pilot project	16,540
19	Antananarivo	Improvement of Preventive Detention Process	35,288
20	Ashgabat	Assistance to Information Centre and Library of the Institute of Democracy	6,000
21	Atlanta	Young and Human Rights	5,000
22	Bangkok	Human Rights Education and Development Training Programme	10,050
23	Bangkok	Public Education Programme for New Labour Protection Act	6,455
24	Belgrade	Assistance with TV documentaries on human rights	30,057
25	Belmopan	Provision of Training Materials and Support for Human Rights Promoters	11,500
26	Bogota	Support for rehabilitation of Child Prostitutes in Urban Colombia	45,700
27	Bogota	Training of teachers about detection and prevention of child abuse	18,500
28	Brasilia	Training for Federal Government human rights officials	20,000
29	Brasilia	Support to centre for street children	23,000
30	Brasilia	The Life Institute—Shelter for street children	16,000
31	Brasilia	Support to NGO working with street children	23,000
32	Brasilia	Support to centre for street children	8,500
33	Brasilia	British Law Week	25,000
34	Bridgetown	Campaign to raise awareness about violence against women/children	11,000
35	Budapest	Vocational training for Roma in prison	2,900
36	Buenos Aires	British Law Week	15,000
37	Cairo	Support for Egyptian Organisation for Human Rights: Women's Legal Aid Project	15,600
38	Caracas	Legal entitlement workshops for prisoners	9,200
39	Caracas	Publication and distribution of report on human rights	12,100
40	Caracas	Judicial Reform Project	6,000
41	Castries	Training programme for St. Lucian prison officers	13,500
42	China Hong Kong Department	Child rights in China	25,512
43	China Hong Kong Department	British Law Week—Mock Trial	50,000
44	Colombo	Training for Health Officials and Police	6,000
45	Damascus	In-Service Training for Staff Responsible for Detention and Juvenile Centres in Syria	15,000
46	Dar es Salaam	Production and distribution of human rights booklets	5,000
47	Dar es Salaam	Contribution to Arusha peace talks	50,000
48	Dar es Salaam	Support to Arusha III peace talks	50,000
49	Dhaka	Know Your Rights Media Campaign	20,000
50	Dhaka	British Law Week	36,500
51	Dhaka	Study Tour to Promote Legal Awareness for Women	32,690
52	Dominica	Prisons and magistrates courts reform project	14,190
1	Durban	Centre for Socio-legal Studies/Lawyers for Human Rights	7,500
53	Durban	Support for programmes for community conflict management and resolution	7,500
54	Eastern Adriatic Department	Technical Support for Radio B92 in Belgrade	40,000
55	Eastern Adriatic Department	Support to Macedonian Prison Service	4,000
56	Eastern Adriatic Department	Article XIX Balkans Media Seminar	45,000
57	Far Eastern and Pacific Department	Seminar on ethical and professional standards in the media	65,208
58	Gaborone	Support for work on administration of justice on violence against women	7,100
59	Guatemala City	Contribution to Truth Commission	62,000
60	Harare	Provision of CCTV equipment to victim-friendly court	2,300
61	Harare	Human Rights education radio series	800
62	Harare	Rights of the girl child education project	4,900
63	Honiara	Support to Community Based Rehabilitation Programme National Workshop	3,130
64	HRPD	Participation in Oxford International Human Rights Course	3,500
65	HRPD	UNICEF/BBC World Service project on broadcasting to children in conflict	100,000
66	HRPD	Support for NGO working group on rights for disabled children	15,000
67	HRPD	Human Rights and Policing Dissemination Project	3,500
68	HRPD	South Asia Judicial Colloquium	50,000
69	HRPD	PRI International Penal Reform Conference	50,000
70	HRPD	ECPAT Child Sex Tourism Awareness Campaign	10,000
71	HRPD	Design and Operation of Interactive HRPF Microsoft and Database	18,289
72	HRPD	Pilot Study on Non-Consensual Sex in Marriage	30,000
73	HRPD	One World Broadcasting Trust Conference on Media and Children's rights	25,000
74	HRPD	Production of Video Film on Human Rights Aspects of Records Management	12,000
75	HRPD OSCE/CoE	Launch of manual on protecting the rights of street children	5,000
76	HRPD/CoE	Proposed NGO Training Seminar	25,000
77	HRPD/ODHIR	Attachment of gender mainstreaming officer to OSCE Office for Democratic	61,000

Human rights project fund spending 1998–99

Number	Post/department	Project description	Amount (£)
		Institutions and Human Rights	
78	HRPD/UKMIS Geneva	Support for UN Special Rapporteur on Violence Against Women	112,905
79	Jakarta	EU Human Rights Seminar	22,500
80	Jakarta	Assistance to National Human Rights Commission and Legal Aid Foundation	40,400
81	Jakarta/South East Asia Department	BBC World Service Training in Support of Indonesian Election Process	40,000
82	Jerusalem	Palestinian Rights Programme	348,000
83	Kampala	Support for Ugandan Human Rights Commission	30,000
84	Kampala	Human Rights Education in Schools	11,420
85	Kampala	Support for "The Prisoner" Magazine	3,000
86	Kathmandu	Regional Seminar on Crimes Against Women and Children	10,000
87	Kathmandu	Legal Aid Service for Women Prisoners in Eastern Nepal	9,500
88	Kathmandu	Translation of PRI Handbook on Good Prison Practice	2,460
89	Kathmandu	Attendance at International Conference on Penal Reform	1,750
90	Khartoum	Publication and distribution of human rights material	6,500
91	Kiev	From Declaration to Reality: Implementing Human Rights in Ukraine	48,000
92	Kiev	Children's rights awareness project	26,600
93	Kiev	Support for human rights NGOs	33,400
94	Kiev	Support to National Conference on Human Rights	1,500
95	Kiev	Printing of International Human Rights Documents for use by Police and Prison Officers	4,000
96	Kingston	Support for Jamaica Council for Human Rights	14,500
97	Kingston	Human Rights Lectures by British Law Lord	1,700
98	Kingstown	Equipment for prison workshop	5,500
99	Kinshasa	Support for Documentation Centre for Legal Studies at Ministry of Justice	53,000
100	Kuala Lumpur	Participation in Oxford International Human Rights Course	4,000
101	Kuala Lumpur	Support to National Human Rights Society	2,100
102	Kuala Lumpur	Support to Sisters in Islam Women's Group	2,000
103	Kuwait	Human rights seminar	15,000
104	Latin America Department	Participation by representative of Northern Ireland Office in Peace Conference in Bogota	2,000
105	Lagos	Prison link units scheme	17,000
106	Lagos	Presidential Committee on Prison Decongestion and Reform	17,300
107	Lima	Contribution to Ad Hoc Pardon Commission	78,800
108	Lima	Support for radio programmes on human rights	70,000
109	Lusaka	Vernacular Leaflets and Broadcasts on Governance	10,000
110	Maputo	Training for Government Officials and Women in Small Businesses	24,000
111	Maseru	Conversations With Abused Women and Children	7,500
112	Mbabane	Support for Human Rights Seminar	1,500
113	Mexico City	Project to promote awareness of women's rights	161,600
114	Mexico City	Production of TV documentary on children's rights	10,000
115	Mexico City	Human rights of HIV/AIDS sufferers: education and awareness project	10,000
116	Moscow	Development of links between human rights NGOs and the mass media	21,240
117	Moscow	Human rights of HIV/AIDS sufferers: education and awareness project	23,000
118	Moscow	Support for regional monitoring of human rights	25,000
119	Moscow	Project to promote public access to information	18,000
120	Moscow	Presidential Commission on Human Rights Conference on Teaching Human Rights	5,000
121	Moscow	Regional Monitoring of Human Rights	25,000
122	Moscow	Youth Human Rights Film Festival	25,000
123	Moscow	Support to "Express-Chronicle" Human Rights Newspaper	31,250
124	Moscow	Support for Early Intervention Centre for Disabled Children	17,000
125	Moscow	Russian Women Lawyers Advocacy and Community Initiatives Project	24,000
126	Moscow	International Journalists Congress	11,160
127	Moscow	Law and Mass Media	25,000
128	Nairobi	Support to International Federation of Women Lawyers (FIDA)	20,000
129	Nairobi	Civic education workshops to promote awareness of role of MPs	17,900
130	Nairobi	Participation in human rights seminar in Belfast	5,000
131	Nairobi	Medical Aid to prisoners and torture victims	85,000
132	Nairobi	Advocacy campaign to promote children's rights	50,000
133	Nairobi	Rift Valley Law Society Link Project	24,500
134	Nairobi	Global March Against Child Labour	17,000
135	Nairobi	Cross-Party Parliamentary Initiative on Consensus Building	5,000
136	New Delhi	Project to raise awareness of human rights in prison management	85,000
137	New Delhi	Training and development of counselling skills for legal NGOs	28,000
138	New Delhi	Mainstreaming a Human rights Module in Civil Service Training	27,500
139	New Delhi	Provision of books and information resources to human rights NGOs	42,000
140	New Delhi	Assistance to Institute of Social Sciences	11,000
141	New Delhi	Pilot Study of Civil Society Mobilisation Against Caste Violence	9,800
142	Peking	Professional Ethics Seminar	90,000

Human rights project fund spending 1998–99

Number	*Post/department*	*Project description*	*Amount (£)*
143	Peking	Impact of HR Conventions on National Legislation	15,000
144	Peking	Legal Personality	15,000
145	Peking	Publicity of British policing methods and judicial system	55,000
146	Peking	Training Video for Supreme People's Procuratorate	35,000
147	Peking	Human Rights Education	27,000
148	Phnom Penh	Training for provincial authorities by Cambodian Institute of Human Rights	24,540
149	Phnom Penh	Programme of support for street children	51,160
150	Port Louis	Media training	8,000
151	Prague	Education for Czech Roma Children Project	40,000
152	Pretoria	Simunye News (community newspaper)	3,800
153	Pretoria	Support for 2nd African Human Rights Conference	5,000
154	Pretoria	All Africa Human Rights Moot Court Competition	5,000
155	Pretoria	Strengthening links between African Human Rights NGOs	10,000
156	Pretoria	Media Training	6,500
157	Pretoria	Participation in Oxford International Human Rights Course	10,000
158	Pretoria	CSVR Safe Schools Project	50,000
159	Quito	Promotion of women's participation in politics	41,513
160	South Asian Department	Joint human rights projects with UK company	8,386
161	Sana'a	UK/Yemen Criminal Justice System	66,000
162	Santiago	Support for implementation of prison reform	4,534
163	Sarajevo	Human Rights Advocacy and Training (project to be completed FY 1999–2000)	39,160
164	Sarajevo	Women's Advice and Support Centres	15,000
165	SEAD	UK/Philippines initiative on child welfare	161,400
166	Seoul	Seminar on "Protecting the Vulnerable"	11,800
167	Singapore	Participation in Wilton Park Conference on Promoting Press Freedom	3,500
168	Tbilisi	Support to Human Rights Seminar	2,172
169	Tel Aviv	Production of Human Rights Newspaper	40,000
170	Tel Aviv	Human Rights Within the Community	29,500
171	Tibilisi	Human Rights Media Training	24,000
172	UKMis Geneva	Support for UN Special Representative on Human Rights in Rwanda	68,500
173	UKMis Geneva	World Organisation Against Torture Database	42,500
174	Ulaanbataar	Training for members of the Mongolian prison service	11,100
175	Ulaanbataar	Support for Mongolian National Centre Against Violence	16,000
176	Victoria	Audio/Visual Equipment for Victim Friendly Court	8,230
177	Vila	Assistance to Vanuatu Ombudsman	7,500
178	Windhoek	Walvis Bay Legal Advice Office	6,700
Total			4,952,485

Commonwealth human rights fund spending 1998–99

Number	*Post/NGO*	*Project description*	*Amount (£)*
1	Commonwealth Broadcasters Association	Funding for fares of a number of delegates to attend Commonwealth Broadcasters Association general conference, Gibraltar	13,250
2	Commonwealth Lawyers Association/Commonwealth Parliamentary Association/ Commonwealth Legal Education Association/Commonwealth Magistrates and Judges Association	Joint Colloquium on Parliamentary Supremacy and Judicial Independence: Towards a Commonwealth Model, Bucks, 15–19 June	40,000
3	Ottawa/Commonwealth Human Rights Initiative	(Canadian) Non-Governmental Organisation Conference, Harare	45,000
4	Bridgetown	Conference on children's rights, "Means of implementing the United Nations Convention on the Rights of the Child in a Commonwealth context"	28,811.50
5	Commonwealth Press Association (in association with Commonwealth Journalists)	Production of draft "Commonwealth Statement on the Independence of the Press and the Journalists who work within it" Phase I: research on state of press law. Phase II: Wilton Park Conference	30,000
6	Commonwealth Broadcasters Association	Part-funding Nigerian speaker at Commonwealth Broadcasting Association lecture, 19 October 1998 (Ms Ayo Obe, President, Civil Liberties Organisation, Nigeria)	259.5
7	Dar es Salaam	Workshop on Human Rights	15,000
8	New Delhi	Development by Commonwealth Human Rights Initiative of human rights curriculum for use by non-governmental organisations across the Commonwealth	23,400
			195,711

Support for international human rights activities 1998–99

Number	*Project description*	*Amount (£)*
1	Contribution to the United Nations Voluntary Fund for Victims of Torture	130,000
2	Support for the Office of the United Nations Special Rapporteur on Disability	20,000
3	Support for the Office of the United Nations Special Rapporteur on Torture	36,700
4	Annual Subscription to the Hague Peace Academy	7,800
5	Annual Contribution to the Permanent Court of Arbitration	12,700
6	Annual Contribution to the International Commission of Jurists	15,000
7	Consultancy fees for the preparation of United Nations Treaty Monitoring Body reports and to the Head of the United Kingdom Delegation to the United Nations Commission on Human Rights	14,200
8	Seminar at the 54th United Nations Commission on Human Rights (CHANGE)	4,200
9	Amnesty International, "Rights Idea Competition"	4,300
10	Minority Rights Group Seminar, "The Role of the Media in the Protection of Minorities"	10,000
11	Council for Education and World Citizenship, "Broadsheet on Child Rights"	5,000
12	British Council seminar at the 43rd Commission on the Status of Women	5,000
13	Save the Children Fund, Children and Torture Project	30,000
14	Catholic Institute for International Relations Conference, "Burying the Past"	3,000
15	Contribution to Nepalese Women's Non-Governmental Organisation for a representative to attend the 43rd Commission on the Status of Women	1,000
16	Death Penalty Panel Discussion at the 55th United Nations Commission on Human Rights	10,000
17	Contribution to the United Nations Association for the Universal Declaration of Human Rights 50th celebrations	5,000
		313,900

Fair Trade Products

Ms Ward: To ask the Secretary of State for Foreign and Commonwealth Affairs what plans he has to introduce fair trade products at *(a)* meetings, *(b)* events and *(c)* catering facilities within his Department. [82868]

Mr. Robin Cook: I refer my hon. Friend to the answer given by my hon. Friend the Economic Secretary to the Treasury, on 5 May 1999, *Official Report*, column *410*.

"Britain, Creativity, Innovation and Quality"

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs what was the total cost of developing the design guidelines for implementing the proposal for a new identity for Britain, as finalised in the booklet, "Britain, Creativity, Innovation and Quality"; how many booklets were printed; for what audience; and for what purpose. [83747]

Mr. Robin Cook: The total cost of developing the design guidelines for "Britain, Creativity, Innovation and Quality" was £13,506.

10,000 copies of this A4 four page leaflet were produced.

Copies were distributed to all Press and Public Affairs Officers at FCO Posts, The British Council and Information Departments within Whitehall Departments.

The identity and guidelines were intended to augment existing identities to provide an increased level of consistent presentation.

Non-residence Visas

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs what proportion of non-residence visa applications *(a)* in 1997 were and *(b)* currently are, decided within 24 hours; and what extra finances are being directed to meet the relevant key departmental performance target. [83735]

Mr. Robin Cook: 92 per cent. of non-residence visa applications were "processed"[1] within 24 hours in 1997 against a target of 94 per cent.

In April 1998, we changed the bases for calculating performance against this objective, to record the number of applications "decided"[2] within 24 hours.

Under the new system, 86 per cent. of straightforward non-residence visa applications made in person during the period April-December 1998 were decided within 24 hours (target 87 per cent.) The figure for January to March 1999 was 90 per cent[3].

No additional resources have been deployed specifically to meet this target, but the performance of visa sections overseas is kept under regular review to ensure so far as possible that performance targets are met.

[1] "processed" means issued, refused, referred or deferred

[2] "decided" means visas/passports ready for collection

[3] based on monthly reporting from the largest 100 posts.

Minority Ethnic Liaison Officer

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs what is the pay grade of the Minority Ethnic Liaison Officer; and what are his duties. [83730]

Mr. Robin Cook: The Minority Ethnic Liaison Officer works on a part-time, fixed-term contract as a member of the Department's Senior Management Structure. His main objective is to help the Department to develop and implement a strategy aimed at creating an environment within, and an image of, the Foreign and Commonwealth Office which is more attractive to minority ethnic communities and supportive of minority ethnic staff.

Departmental Modernisation Programme

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the *(a)* remit, *(b)* cost and *(c)* activity of the working group of young officials to monitor implementation of his Department's modernisation programme; how many times

it has met; what documents and recommendations it has produced; and what actions have, as a result, been taken by him. [83731]

Mr. Robin Cook: The Modernisation Group has been tasked with exploring how the FCO could work better, and how it could become a better place to work.

Its costs are minimal. The group does not have a budget.

It has thirty members, five working groups on different subjects, and a mailing list of over a hundred from across the network of posts. It meets at least once every two weeks. I keep in close touch with its work. It has so far produced recommendations on encouraging creativity and on improving personnel management. Implementation of its ideas is already being taken forward. It will soon be sending me a further set of ideas.

Departmental Staff Profile

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs what proportion of his Department *(a)* in 1997 were and *(b)* currently are made up of (i) minority ethnic groups and (ii) disabled people; and what extra funds are being directed to reach the related key performance target. [83733]

Mr. Robin Cook:

(a) As at 1 April 1997:

(i) 3.4 per cent. of FCO staff were from minority ethnic groups

(ii) 2.0 per cent. of FCO staff were disabled.

(b) As at 1 January 1999:

(i) 3.9 per cent. of FCO staff were from minority ethnic groups

(ii) 2.6 per cent. of FCO staff were disabled.

Expenditure in support of the Department's aim of creating a more diverse workforce has been mainstreamed. It is not, therefore, possible to identify what extra funds are being directed to achieving that aim.

Information Technology

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs what expenditure has been made on reaching the Key Departmental performance target of upgrading obsolete information technology; to which systems the target refers; and how many units were affected. [83732]

Mr. Robin Cook: Expenditure of £44 million has been incurred on equipment, software and external installation costs to the end of March 1999 on a radical programme to replace obsolete IT and provide a new "Windows" based office automation system and accompanying applications. The system has so far been provided to 5,194 users, including initial installations in the FCO at home.

Data Protection

Mr. Cohen: To ask the Secretary of State for Foreign and Commonwealth Affairs if *(a)* GCHQ are promoting the wider use of the encryption services by offering specialised IT security courses, *(b)* personal data are required to be processed with respect to that promotion and *(c)* he will make a statement on his Department's application of the provisions of the Data Protection Acts to such processing. [83792]

Mr. Robin Cook: GCHQ's Communications-Electronics Security Group (CESG) offers IT security courses which are designed to match the stated training and awareness needs of government departments and other customers. CESG is the government expert on cryptography and can be approached by official departments should advice be needed.

CESG is a technical authority and its courses make no specific recommendations about personal data as such. The actual type and degree of protection to be afforded to personal data, along with all forms of data handled by the government, is determined by relevant legislation and Cabinet Office guidance. CESG is currently working with CITU and other departments to provide design consultancy and design services that can help protect personal data in the context of modernising government.

It is current policy that any personal data held or processed by the intelligence agencies, in accordance with their respective functions set out in the Intelligence Services Act 1994, are exempt from the relevant provisions of the Data Protection Act 1984 in order to safeguard national security.

Al Shifa Plant

Mr. Trend: To ask the Secretary of State for Foreign and Commonwealth Affairs what assessment Her Majesty's Government have made, following the decision of the US Justice and Treasury departments to unfreeze the assets of Mr. Suleh Idris, of whether Mr. Idris's Al Shifa plant in Khartoum was involved in chemical weapons production. [83728]

Mr. Robin Cook: As the Prime Minister has said on many occasions, the US told us at the time of the strike on Al Shifa that they had compelling evidence that the plant was being used for the production of chemical weapons materials.

Her Majesty's Government have not taken any action against Mr. Idris, nor has it made any allegations against him. The US decision is a matter for the US authorities.

UK Citizens (Overseas Prisons)

Mr. Cox: To ask the Secretary of State for Foreign and Commonwealth Affairs how many *(a)* male and *(b)* female UK citizens were being held in overseas prisons on 1 April 1999; and if he will list the countries in which these are being held. [83585]

Mr. Robin Cook: There were 1,805 male and 172 female UK citizens being held in overseas prisons on 1 April 1999 registered in consular records. A list of countries in which these citizens are being held follows.

Number of Britons in prison overseas

Country	*Male*	*Female*
Antigua	2	0
Argentina	1	2
Australia	84	6
Austria	18	1
Bahamas	2	0
Bahrain	5	1
Bali	1	0
Bangladesh	3	0
Barbados	4	2
Belgium	27	2

Number of Britons in prison overseas

Country	*Male*	*Female*
Belize	1	0
Bolivia	1	1
Botswana	1	0
Brazil	11	5
Brunei	1	0
Bulgaria	5	0
Cambodia	2	0
Cameroon	1	0
Canada	22	2
Cayman Islands	1	1
China	6	0
CIS	2	0
Colombia	4	0
Cote d'Ivoire	2	0
Croatia	1	0
Cuba	4	3
Cyprus	5	0
Czech Republic	3	1
Dem. Rep. Congo	2	0
Denmark	22	0
Djibouti	2	0
Dominican Republic	3	1
Ecuador	9	0
Egypt	1	2
Estonia	1	0
Ethiopia	1	0
Finland	1	0
France	248	17
Gambia	2	0
Georgia	1	0
Germany	108	4
Ghana	2	0
Gibraltar	1	0
Greece	11	1
Grenada	2	0
Guatemala	1	0
Guinea	3	1
Hong Kong	20	1
Iceland	1	0
India	22	3
Indonesia	9	0
Iran	1	0
Ireland	31	1
Israel	7	0
Italy	20	4
Jamaica	12	14
Japan	13	2
Kenya	4	1
Korea	1	0
Kuwait	2	0
Laos	1	0
Luxembourg	1	0
Malaysia	1	0
Malta	1	0
Mauritius	2	0
Morocco	38	4
Mozambique	1	0
Namibia	1	0
Nepal	4	0
Netherlands	78	3
New Zealand	4	0
Nigeria	12	0
Norway	17	1
Pakistan	9	1
Panama	0	1
Peru	7	3
Philippines	12	0
Poland	1	0
Portugal	22	2
Qatar	1	0
Romania	1	0
Rwanda	1	0
Saudi Arabia	2	0

Number of Britons in prison overseas

Country	*Male*	*Female*
Sierra Leone	3	0
Singapore	10	0
South Africa	47	5
Spain	232	20
Sri Lanka	2	0
St. Lucia	6	3
Sweden	36	2
Switzerland	21	4
Taiwan	7	0
Tanzania	3	0
Thailand	54	3
The Gambia	1	0
Trinidad	1	0
Tunisia	1	1
Turkey	4	1
UAE	12	1
Uganda	2	0
USA	319	33
Uzbekistan	1	0
Vanuatu	1	0
Venezuela	8	2
Vietnam	2	0
Yemen	8	0
Zambia	9	2
Zimbabwe	12	1
Totals	1,805	172

Green Transport Plans

Mr. Baker: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the introduction of a green transport plan for his Department. [82838]

Mr. Robin Cook: Since last July's Integrated Transport White Paper, which set targets for the introduction of green transport plans for Government Departments, we have completed a draft plan covering the FCO's UK estate. This covers all headquarters and main building, as well as other key buildings to which the White Paper's March 2000 target applies. The plan will be finalised shortly.

Ascension Island

Dr. Marek: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement about the future use of the airfield on Ascension Island and on the level of resulting *(a)* income and *(b)* expenditure. [83838]

Mr. Tony Lloyd: The United States Base on Ascension is provided free from rent and charges to the US Space Command under the terms of the Agreement between the UK and US Governments Concerning the Extension of the Bahamas Long Range Proving Ground by the Establishment of Additional Sites in Ascension Island signed in 1956, as amended.

Wideawake Airfield, which forms part of the US Base, is a key link in the RAF airbridge to the Falkland Islands. We are currently negotiating with the US Government to allow the use of Wideawake by civil charter flights. If these negotiations are successful this will improve access to both Ascension and St. Helena, some 700 miles away.

Until we reach agreement with the US Government over the future use of the airfield no figures on any resulting levels of income and expenditure are available.

DEFENCE

Training Exercises

Mr. Hancock: To ask the Secretary of State for Defence (1) how many personnel were deployed on the 15 training exercises in Cyprus carried out between 1 April 1997 and 31 March 1998; [72777]

(2) what was the cost of the 15 training exercises in Cyprus carried out between 1 April 1997 and 31 March 1998. [72776]

Mr. Doug Henderson: 1,755 personnel took part in the 15 Lion Sun exercises during this period. It has not been possible to identify separately the costs of these exercises.

Mr. Hancock: To ask the Secretary of State for Defence (1) what assessment he has made of the infantry company exercise in Kenya carried out between 1 April 1997 and 31 March 1998; what was the cost of the exercise; and which countries had armed forces which took part; [72781]

(2) how many personnel were deployed on the infantry company exercise in Kenya carried out between 1 April 1997 and 31 March 1998; [72782]

(3) what was the cost of, which countries had armed forces involved in, what assessment he has made of the value of, what where the principal benefits of, and how many personnel were deployed on the infantry company exercise in Kenya carried out between 1 April 1997 and 31 March 1998. [76602]

Mr. Doug Henderson: Exercise Mono Prix 97–98, which took place in Kenya from 29 March to 27 April 1997, involved 140 personnel of No.2 Company 1 Irish Guards. No other personnel were involved. This exercise was designed to enable these personnel to gain extensive and realistic training experience, including live firing and jungle training, in a demanding environment, and I understand that these objectives were achieved. Records for the cost of this exercise are no longer held but the cost of the similar exercise in 1998 was £49K.

Mr. Hancock: To ask the Secretary of State for Defence (1) what his assessment is of the value of the NATO joint exercise in France carried out between 1 April 1997 and 31 March 1998; [72927]

(2) what was the cost of, which countries had armed forces involved in, and how many personnel were deployed on the NATO joint exercise in France carried out between 1 April 1997 and 31 March 1998. [76599]

Mr. Doug Henderson: Exercise Strong Resolve, which took place in March 1998 jointly in Norway and in Portugal, and which involved some 50,000 military personnel, consisted of two halves; exercise Crisis South, in Norway, and exercise Crisis South, in Portugal. The pre-training to exercise Crisis South involved a combat enhancement phase which took part in France. The aim of exercise Strong Resolve was to exercise NATO's ability to cope with multiple, simultaneous crises in separate geographic regions, drawing on the resources of both major NATO Commanders, and involving the full spectrum of NATO missions. I understand that the exercise is assessed to have succeeded in its aim. Members of the Armed Forces of the following nations participated in the southern half of Strong Resolve, Crisis South; Belgium, the Czech Republic, the former Yugoslav Republic of Macedonia, France, Germany, Greece, Hungary, Italy, Lithuania, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Sweden, Spain, Turkey, the United Kingdom and the United States. The costs of the combat enhancement phase of Crisis South, which took place in France, are not separately identifiable.

Mr. Hancock: To ask the Secretary of State for Defence (1) what was the cost of the NATO joint exercise in Portugal carried out between 1 April 1997 and 31 March 1998; and what was the cost of UK participation; [72836]

(2) how many personnel were deployed on the NATO joint exercise in Portugal carried out between 1 April 1997 and 31 March 1998; and what was the United Kingdom's share of the costs. [72977]

Mr. Doug Henderson *[holding answer 1 March 1999]:* Exercise Strong Resolve, which took place in March 1998 jointly in Norway and in Portugal, consisted of two halves; exercise Crisis North, in Norway, and exercise Crisis South, in Portugal. Some 25,000 personnel were deployed on exercise Crisis South, the total cost of which is not held centrally by NATO. The cost of the UK participation was £80k, excluding the costs of ammunition and spares consumed during the exercise as these costs are not separately identifiable.

Mr. Hancock: To ask the Secretary of State for Defence which countries had armed forces involved in, what assessment he has made of the value of, and how many personnel were deployed on the airborne exercise in France carried out between 1 April 1997 and 31 March 1998. [76601]

Mr. Doug Henderson: 80 personnel from C(Gurkha) Company, 2 PARA trained with the French armed forces during Exercise Quickstep which was held in France from 8 to 16 September 1997. The exercise was designed to train participants in a demanding environment and to expose them to a foreign army's tactics and equipment. I understand that the exercise succeeded in its aims.

Mr. Hancock: To ask the Secretary of State for Defence what was the cost of, which countries had armed forces involved in and what assessment he has made of the value of the airborne exercises in Ukraine carried out between 1 April 1997 and 31 March 1998. [76596]

Mr. Doug Henderson: Exercise Cossack Steppe 97, which took place in the Ukraine between 13 to 21 September 1997, involved personnel from the armed forces of Poland, the Ukraine and the UK. The aim of the exercise was to test the ability of non-aligned forces to operate jointly, and I understand that the exercise fulfilled this aim. The total cost of the exercise is not available, but the cost of the UK contribution, 140 personnel from 2 PARA, was £39K. This cost excludes the cost of movement by RAF transport aircraft to and from the Ukraine, as these figures are no longer available, and also excludes the costs of ammunition and spares consumed during the exercise, as these costs are not separately identified.

Mr. Hancock: To ask the Secretary of State for Defence what was the cost of, and which countries had armed forces involved in, the mountain and cold weather exercise in Romania carried out between 1 April 1997 and 31 March 1998. [76591]

Mr. Doug Henderson: Only UK Armed Forces were involved in this exercise, the cost of which was £22,000, exclusive of the costs of movement by RAF transport aircraft used to and from the exercise and the cost of ammunition and spares consumed during the exercise. These costs are not separately identifiable.

Fair Trade Products

Ms Ward: To ask the Secretary of State for Defence what plans he has to introduce fair trade products at *(a)* meetings, *(b)* events and *(c)* catering facilities within his Department. [82863]

Mr. Spellar: I refer my hon. Friend to the answer given to her by my hon. Friend the Economic Secretary to the Treasury, on 5 May 1999, *Official Report,* column *410.*

Defence Storage and Distribution Agency

Mr. Pound: To ask the Secretary of State for Defence what plans he has for the future location of the headquarters of the Defence Storage and Distribution Agency. [83905]

Mr. Doug Henderson: The formation of the new Defence Storage and Distribution Agency, for the management of non-explosive stores, was announced as part of the Strategic Defence Review. The Agency was formally established on 1 April of this year.

Following consultation with the Trades Unions and other interested parties, I have decided that the headquarters of the new Agency should be established at the MOD's Depot at Bicester in Oxfordshire, which will form a major part of the new Agency.

Service Men (Northern Ireland)

Mr. McNamara: To ask the Secretary of State for Defence how many service men who served in Northern Ireland have subsequently been discharged on compassionate grounds in each of the last 15 years. [83384]

Mr. Doug Henderson: This information is not held centrally and could be provided only at disproportionate cost.

Service Men (Absence without Leave)

Mr. McNamara: To ask the Secretary of State for Defence (1) what proportion of soldiers reported absent without leave in each of the past five years were subsequently arrested; what was the average length of time taken to effect an arrest; and what action was taken against offenders; [83386]

(2) how many service men have been reported absent without leave in each of the last 15 years while stationed in *(a)* Northern Ireland and *(b)* Germany; and what were the figures for the services as a whole. [83385]

Mr. Doug Henderson: I will write to my hon. Friend, and a copy of my letter will be placed in the Library of the House.

Glassdrummond Barracks

Mr. McNamara: To ask the Secretary of State for Defence what building work at what cost is being carried out at Glassdrummond Barracks; what *(a)* types and *(b)* weights of building materials and *(c)* how many pallets were flown onto the site in April; and at what level of command authorisation was given to issue public statements concerning the building works which were reported in the Press. [83387]

Mr. Doug Henderson: Apart from some routine repair and maintenance tasks, (such as repair of a barbed wire fence) no building work has been carried out at the Glassdrummond base during April 1999. No building materials were flown into the base during that month. However, several septic tanks and around 500 kg of rations were flown in, and these same septic tanks and some empty pallets were flown out.

The Army Information Service at Headquarters Northern Ireland is authorised by the General Officer Commanding to make statements to the media.

Green Transport Plans

Mr. Baker: To ask the Secretary of State for Defence if he will make a statement on the introduction of a green transport plan for his Department. [82836]

Mr. Spellar: The turbulence associated with the refurbishment of the Ministry of Defence's main building in Whitehall has made it impracticable to introduce green transport plans for MoD buildings in London. Work involved in their production would inevitably be largely nugatory.

In view of these practical difficulties and the fact that the majority of staff working London buildings use public transport to commute to work, we have decided that the Department's most immediate contribution to reducing vehicle emissions and energy consumption would be achieved by concentrating on more efficient fleet management. This particular emphasis is also more consistent with our approach to green transport plans as part of wider Environmental Management Systems. A switch to ultra-low sulphur diesel for all our wheeled vehicles is already underway and should reduce exhaust emissions in the utility fleet by up to 30 per cent.

Outside London, a draft green transport action plan has been prepared for MoD's Abbey Wood site. Work on green transport plans for other sites is due to start once analysis has been completed of pilot surveys on commuting and duty travel which were recently conducted at three representative MoD sites.

In conclusion, I must emphasis that MoD is not only a department of state but, as demonstrated by the events in Kosovo, also an operational headquarters which must be able to function around the clock and at times when public transport is not an option. Undoubtedly, this adds a further layer of difficulty to the production of green transport plans.

SOCIAL SECURITY

Benefit Integrity Project

Mr. Gordon Marsden: To ask the Secretary of State for Social Security (1) what information was used to identify those higher rate Disability Living Allowance claimants who qualified for exemption under the Benefit Integrity Project; [82457]

(2) what definition of severe mental impairment was used to exempt claimants from assessment under the Benefit Integrity Project; [82458]

(3) what estimate he has made of the number of exempt claimants who were contacted in error under the Benefit Integrity Project; [82486]

(4) what categories of higher rate Disability Living Allowance claimants were exempt from assessment under the Benefit Integrity Project. [82487]

Mr. Bayley: The Benefit Integrity Project (BIP) came to an end on the 31 March 1999. During the period of its operation various groups were exempted from the scope of the Project as information became available to show that for some categories of award there was a low rate of change on review. A complete list of those groups exempted from the operation of the Project is listed. No estimate has been made of the number who may have been contacted in error by the Project, however, safeguards were put in place to reduce such a possibility to a minimum. There is a statutory definition of Severe Mental Impairment which is set out. This applies to all Disability Living Allowance (DLA) cases.

Claimants in receipt of higher rate mobility component and either the highest or middle rate care component who were shown to be:

paraplegic

quadriplegic

double amputees

those who are both deaf and blind

those who are defined as being severely mentally impaired or

those paid under special rules

claimants who are aged 65 or over

Claimants in receipt of higher rate mobility component and the highest rate care component who were shown to have:

cystic fibrosis

dementia

haemodialysis

hyperkinetic syndrome

motor neurone disease

multiple allergy syndrome

total parenteral nutrition

a learning difficulty

Multiple Sclerosis (MS)

Parkinsons Disease or

severe and progressive neurological or muscle wasting disease

All claimants who were in receipt of Attendance Allowance or Mobility Allowance and were converted to DLA in April 1992.

Definition of Severe Mental Impairment (SMI)

A person can satisfy the SMI provisions for the higher rate mobility component of DLA if:

1. they are severely mentally impaired, Sec 73(3)(a) Social Security Contributions and Benefits Act ie they suffer from an arrested development of the brain, which results in severe impairment of intelligence and social functioning, Reg 12(5) Social Security DLA Regs,

and

2. they display severe behavioural problems, Sec 73(3)(b) SS C & B Act ie they exhibit disruptive behaviour which;

   (a) is extreme, Reg 12(6)(a) SS DLA Regs

   (b) regularly requires another person to intervene and physically restrain them in order to prevent them causing physical injury to themselves or another, or damage to property, Reg 12(6)(b) SS DLA Regs,

and

   (c) is so unpredictable that they require another person to be present and watching over them whenever they are awake, Reg 12(6)(c) SS DLA Regs,

and

3. they satisfy both the conditions in Sec 72 (1)(b) and (c) SS C & B Act ie satisfies the conditions for the highest rate care component.

Pensioner Incomes

Mr. O'Hara: To ask the Secretary of State for Social Security if he will publish the most recent estimates of pensioners' average incomes in EU countries. [83726]

Mr. Timms: The information is not available.

Pensions

Mr. Sayeed: To ask the Secretary of State for Social Security what plans he has to improve the methods of illustrating retirement pensions for members of defined contribution occupation pension schemes in order to make it easier to assess their level of income after retirement. [83703]

Mr. Timms: The consultation document "Strengthening the Pensions Framework", which was issued in December 1998, included proposals to give members of defined contribution pension schemes better and more understandable information about the level of income they are likely to receive in retirement.

We are considering the responses, and will make detailed recommendations in due course.

Green Transport Plans

Mr. Baker: To ask the Secretary of State for Social Security if he will make a statement on the introduction of a green transport plan for his Department. [82830]

Angela Eagle: Since last July's Integrated Transport White Paper, which set targets for the introduction of green transport plans for Government Departments, we have completed 27 plans covering all our headquarters and main buildings.

We are developing plans for all other key buildings in line with the target for March 2000 set in the Integrated Transport White Paper.

AGRICULTURE, FISHERIES AND FOOD

Thailand

Mr. Nicholls: To ask the Minister of Agriculture, Fisheries and Food when he expects to publish the findings of the MAFF Inspectors who visited Thailand to inspect the welfare and hygiene standards of locally raised poultry. [82931]

Mr. Rooker: Shortly.

Meat Inspection Service

Mr. Paterson: To ask the Minister of Agriculture, Fisheries and Food if the review of the Meat Inspection Service will publish the representations submitted by the meat industry. [83248]

Mr. Rooker *[holding answer 4 May 1999]:* As is our normal practice, any responses received as a result of consulting the meat industry during the review of meat inspection charges announced by my right hon. Friend on 21 April 1999, *Official Report*, column 993, will be made publicly available, except for any material identified as commercially confidential.

Mr. Paterson: To ask the Minister of Agriculture, Fisheries and Food if the final report and recommendations and the decisions on meat inspection charges will be published in full. [83250]

Mr. Rooker *[holding answer 4 May 1999]:* The Government's decisions on these matters will be made public in due course.

Mr. Paterson: To ask the Minister of Agriculture, Fisheries and Food if he will list the terms of reference of the review of meat inspection charges. [83251]

Mr. Rooker *[holding answer 4 May 1999]:* As announced by my right hon. Friend on 21 April 1999, *Official Report*, column 993, the review will undertake a close examination of the dynamics of the slaughtering sector, of the impact of all proposed charges on abattoirs and on producers, as well as looking at the EC legislation and the way in which inspections are to be carried out, to ensure that, when charges are set, the costs are as low as possible consistent with maintaining public safety and honouring our obligations under EU law.

Mr. Paterson: To ask the Minister of Agriculture, Fisheries and Food what arrangements he has made for consultations with the meat industry during the review of meat inspection charges. [83252]

Mr. Rooker *[holding answer 4 May 1999]:* A consultation letter was sent to representative bodies, including those for the meat industry, on 7 May, seeking their views and input to the study. Replies have been requested by noon on 17 May. Copies of the letter have been placed in the Library of the House, and it is also available on the MAFF Internet site.

Mr. Paterson: To ask the Minister of Agriculture, Fisheries and Food (1) if he will make a statement on the official status of the review of meat inspection charges; [83325]

(2) who will chair the review of meat inspection charges. [83326]

Mr. Rooker *[holding answer 5 May 1999]:* The review will be conducted by my officials, working closely with the other Agriculture Departments, the Treasury and the Cabinet Office, who, in line with normal practice, will be co-ordinating the work.

Quarantine

Mr. Reed: To ask the Minister of Agriculture, Fisheries and Food when he expects to complete the review of the inclusion of the USA and Canada in the proposed reforms of the quarantine regulations outlined in the Kennedy report. [83170]

Mr. Rooker: I shall be considering the results of this review shortly, and expect to make an announcement in the next few weeks.

Krebs Trials

Mrs. Organ: To ask the Minister of Agriculture, Fisheries and Food when the announcement will be made concerning the triplet sites in the Krebs Trial area of Gloucestershire and Herefordshire; and which will be the control, reactive and pro-active areas in the trial. [83718]

Mr. Rooker *[holding answer 10 May 1999]:* On the 20 April 1999, in the presence of an independent witness, the treatments were randomly allocated to the areas in the Gloucestershire/Herefordshire trial triplet. The results of the randomisation have not yet been passed to MAFF. For reasons of security and safety of staff, I do not intend to announce the treatment areas in the triplet immediately they are available to MAFF.

Mrs. Organ: To ask the Minister of Agriculture, Fisheries and Food how many members of the Ministry of Agriculture, Fisheries and Food Animal Welfare team will be deployed to carry out the Krebs Trial in the two triplet sites within the Forest of Dean constituency. [83717]

Mr. Rooker *[holding answer 10 May 1999]:* For reasons of security and safety of staff I will not provide advance information on how many of the Department's Wildlife Unit staff will be deployed to carry out particular activities associated with the trial.

Organophosphates

Mrs. Browning: To ask the Minister of Agriculture, Fisheries and Food when he will publish the 1995 Institute of Occupational Medicine (Edinburgh) report on the study into organophosphate dips. [83715]

Mr. Rooker *[holding answer 10 May 1999]:* I understand that the Institute of Occupational Medicine (IOM) will be finalising its report over the next few weeks. I have confirmed that the IOM will publish its report when this process has been completed. The report will be submitted for urgent consideration by the Government's expert advisory committees and our aim is to publish the committees' advice when it is available.

Mrs. Browning: To ask the Minister of Agriculture, Fisheries and Food if he will place in the Library the results of his Department's latest tests of organophosphate residues in celery. [83779]

Mr. Rooker *[holding answer 10 May 1999]:* Yes. I have placed copies of the report containing these results, titled Unit to Unit Variability of Pesticide Residues in

Celery, Plums and Kiwi Fruit, in the Libraries of the House. These results were announced by a News Release in November 1998 and copies of the report were made available by the Pesticides Safety Directorate at the time.

HEALTH

Physiotherapy

Dr. Cable: To ask the Secretary of State for Health if he will list by region the vacancy rate for *(a)* physiotherapists and *(b)* paediatric physiotherapists. [65492]

Mr. Denham: Information on vacancy rates for physiotherapists is not available centrally. For the information that is available on physiotherapy vacancy rates up to March 1997, I refer the hon. Member to the 1998 annual report of the Review Body for Nursing Staff, Midwives, Health Visitors and Professions Allied to Medicine, copies of which are available in the Library.

Nurse Vacancies

Dr. Cable: To ask the Secretary of State for Health if he will publish data on nursing vacancies in relation to full-time establishments in *(a)* each hospital trust and *(b)* each health authority and region. [66051]

Mr. Denham: The information requested is not available centrally. For the information that is available on nursing vacancies up to March 1997, I refer the hon. Member to the 1998 annual report of the Review Body for Nursing Staff, Midwives, Health Visitors and Professions Allied to Medicine, copies of which are available in the Library.

Public Appointments

Mr. Vaz: To ask the Secretary of State for Health if he will list those people he has appointed to public bodies since 1 November 1998, indicating the positions to which they have been appointed and if they receive remuneration. [76418]

Ms Jowell: The information requested has been placed in the Library.

Beta Interferon

Mr. Gordon Prentice: To ask the Secretary of State for Health if he will issue new guidelines on the use of beta interferon in the NHS. [80174]

Dr. Cable: To ask the Secretary of State for Health what plans he has to make beta interferon universally available on the NHS. [78995]

Mr. Denham: Yes. Health Service Circular 1999/101 will be issued shortly. Copies will be available in the Library.

Prescription Charges

Mr. Nicholas Winterton: To ask the Secretary of State for Health (1) for what reasons cystic fibrosis is not exempted from prescription charges; [79162]

(2) if he will exempt cystic fibrosis sufferers from paying prescription charges. [79163]

Mr. Denham: Entitlement to help with prescription charges is based on the principle that those who can afford to contribute should do so. People likely to have the greatest difficulty in paying charges, for example children under 16, people over 60 and those on low income do get their prescriptions free. These arrangements ensure that no one need be deterred from obtaining necessary medication for financial reasons. The current prescription charge exemption arrangements were reviewed as part of the Comprehensive Spending Review. We noted that there was no consensus on what additional conditions might be included in any revised list of medical exemptions, or how distinctions could be drawn between one condition and another.

For these, and other reasons, we concluded that all current prescription charge exemptions would be protected for the rest of this Parliament. We also decided that prescription charges would rise by no more than the rate of inflation over the next three years.

Mr. Cox: To ask the Secretary of State for Health if he will estimate the number of people who are exempt from prescription charges. [83335]

Mr. Denham: It is estimated that about half of the population are exempt from prescription charges.

National Insurance

Mr. Chaytor: To ask the Secretary of State for Health if he will estimate the revenue effect of reducing national insurance charges by 0.5 per cent. for those employed by the NHS. [82750]

Mr. Denham: The rate of employers national insurance will be reduced by 0.5 per cent. from April 2000. This will have the effect of reducing the national insurance bill for hospital and community health services by approximately £38 million. The reduction in employers national insurance rates is intended to compensate for the climate change levy announced in the budget. The overall effect of these two policies on the National Health Service is expected to be broadly cost neutral.

Health Authorities (Expenditure)

Mr. Ruffley: To ask the Secretary of State for Health if he will publish the expenditure plans for each health authority in the Eastern Region, indicating those authorities that are making reductions in service and by how much. [83012]

Mr. Denham: The expenditure plans of health authorities for the financial year 1999–2000 have not yet been finalised.

Competitive Bidding

Mr. Öpik: To ask the Secretary of State for Health how many bids by each local health trust were *(a)* received and *(b)* successful in each of the competitive bidding processes launched and managed by his Department since May 1997. [82461]

Mr. Denham *[holding answer 28 April 1999]:* National Health Service trusts were asked to submit bids for two elements of the capital modernisation fund direct to the Department. Details of the numbers of bids to the waiting lists modernisation fund and accident and

emergency modernisation fund are contained in the table. NHS trusts are also benefiting from a wide range of bidding exercises, handled through health authorities and the regional offices of the NHS Executive, to fund specially targeted initiatives as part of the Government's commitment to improve services and modernise the NHS.

	Waiting lists modernisation fund		*Accident and emergency modernisation fund*	
Regional Office	*Number of bids submitted to ROs*	*Number of bids approved by Ministers*	*Number of bids submitted to ROs*	*Number of bids approved by Ministers*
Northern and	86	18	34	15
Trent	56	19	31	6
Eastern[1]	19	21	12	7
London	109	33	44	9
South East	28	28	16	9
South West	19	19	18	7
West Midlands	2	2	21	7
North West	145	25	42	10
Total	464	165	218	70

[1] Having reviewed the criteria, Eastern Regional decided to focus on schemes that would deliver extra capacity. It was expected that the equipment would be bought via an increase in allocations to all waiting lists trusts, hence the increase from 19 bids to 21 approved schemes.
Note:
East Regional Office had flexibility to decide how to manage the bidding process within its region. There were differences in the way ROs invited and assessed bids.

Human Insulin

Mr. Flynn: To ask the Secretary of State for Health what assessment his Department has made of the Posner report on genetically engineered human insulin commissioned by the British Diabetic Association in 1993. [83336]

Ms Jowell: The Department and the Medicines Control Agency have evaluated the Posner Report together with all available evidence on the safety of human insulin. The independent advisory body to Government, the Committee on Safety of Medicines, has also fully reviewed the safety of human insulin on several occasions since its introduction, taking into account patient experiences of the effects of human insulin. The Committee has concluded that although some patients have experienced problems on transferring to human insulins and are better suited to animal insulins, there is no evidence of a safety problem specific to human insulin.

Loughborough General Hospital

Mr. Reed: To ask the Secretary of State for Health when he expects to announce the completion of the private finance initiative project to replace Loughborough's general hospital. [83167]

Mr. Denham: The National Health Service Executive has received a revised Full Business Case from Fosse Health NHS Trust for the scheme to replace Loughborough's General Hospital. The NHS Executive has agreed a deadline for an initial response to the trust of 30 May 1999.

The revised Full Business Case is based on the best and final offer which was received from the preferred bidder on 3 November 1998.

Fosse Health NHS Trust was merged with Leicestershire Mental Health Services NHS Trust on 1 April 1999. The new trust is named Leicestershire and Rutland Healthcare NHS Trust. The merger will not affect the submitted proposals for the scheme.

Fluoridisation (Leicestershire)

Mr. Reed: To ask the Secretary of State for Health what representations he has received about fluoridisation of water in Leicestershire; and if he will make a statement. [83165]

Mr. Denham: The Green Paper Our Healthier Nation invited comments on the contribution which fluoridation can make to improved oral health. Of the 258 comments received from the Trent region, in which Leicestershire is located, 241 were in favour of fluoridation and 17 opposed. We will be announcing our policy on fluoridation in a White Paper on public health, which will be published shortly.

Domestic Violence

Mr. Cohen: To ask the Secretary of State for Health in what types of location copies of the leaflet associated with the Breaking the Chain campaign on domestic violence have been placed, and in what numbers. [83566]

Ms Jowell: Distribution agreed by the Department included a broad range of health settings and all social services departments and other voluntary child care organisations. One copy each of the leaflet and poster was sent to all general practitioner practices in England (around 9,500) in the GP pack at the end of March 1999, with the opportunity to request as many more copies as they require.

Ten copies of the leaflet and one of the poster are shortly to be sent to all trust nurse directors in England (402) to be placed in hospital patient information racks, again with a form for ordering additional copies to meet local requirements.

Additional supplies of both leaflets and posters are available from Departmental stores as and when needed within local areas.

NHS Appointments

Mr. Brady: To ask the Secretary of State for Health if he will list the NHS trust and health authority appointments which were not made by the due date and which remained outstanding on 1 May. [83395]

Mr. Denham: All health authority appointments due on 1 April 1999 were completed on time. A small number of appointments to National Health Service trusts and health authorities which expired in 1998 remain vacant. Details are given in the table.

List of health authority and national health service trust appointments which expired in 1998 and for which no appointment had been made by 1 May 1999

Region	*Body*	*Number of Chairs*	*Number of Non-executives*
Eastern	Essex Rivers Healthcare NHS Trust	0	1
North West	Chester and Halton Community NHS Trust	1	0
	Liverpool Women's Hospital NHS Trust	0	1
	Wirral Hospital NHS Trust	0	1
Northern and Yorkshire	Calderdale and Kirklees Health Authority	0	1
London	BHB Community Healthcare NHS Trust	0	1
	City and Hackney Community Services NHS Trust	0	1
	Croydon Community Health NHS Trust	0	1
	Enfield Community Care NHS Trust	0	1
Trent	Central Nottinghamshire Healthcare NHS Trust	0	1
	Grantham and District Hospital NHS Trust	0	1
South East	East Surrey Health Authority	0	2
South West	Gloucestershire Ambulance Service NHS Trust	0	1
	Royal United Hospital Bath NHS Trust	0	1
West Midlands	Birmingham Heartlands and Solihull (Teaching) Hospitals NHS Trust	0	1
	Walsall Community Health NHS Trust	0	1
	Total	1	16

Medical Treatment (Hastened Death)

Dr. Iddon: To ask the Secretary of State for Health what data he has collated on cases in which medical treatment has been given to a patient with the deliberate intention of hastening death. [83394]

Ms Jowell: Medical treatment given to a patient with the primary purpose of hastening death is illegal. Anyone alleged to have undertaken such action would be open to a charge of murder or manslaughter.

It is the responsibility of the police to decide whether to bring charges in individual cases and for the Crown Prosecution Service to decide whether a prosecution should proceed.

Information on such cases is not available centrally.

Junior Doctors

Miss McIntosh: To ask the Secretary of State for Health what plans he has to extend the scope of the EU Working Time Directive to include junior hospital doctors. [83776]

Mr. Denham: The European Commission has proposed an extension of Council Directive 93/104/EC, of 23 November 1993, to encompass the previously excluded sectors, which include junior doctors. This proposal is now being considered by the Council of Member States and the European Parliament. When this extension is agreed, it will be adopted into United Kingdom legislation.

Miss McIntosh: To ask the Secretary of State for Health what plans he has to increase overtime rates for junior hospital doctors. [83775]

Mr. Denham: Pay rates for junior doctors, including rates for out of hours work, known as additional duty hours, are decided by the independent Doctors' and Dentists' Pay Review Body. Their 28th report, published on 1 February 1999, concluded that

> "there was no need for changes to the existing working patterns of junior doctors and against that background the existing rates of additional duty hours remain appropriate".

Copies of this report are available in the Library.

Sensolog 2033T

Mr. Wyatt: To ask the Secretary of State for Health on what date the first faulty Sensolog 2033T was reported to the Medical Devices Agency; and if he will make a statement. [83587]

Ms Jowell: The first report of an adverse incident involving the Sensolog 2033T pacemaker model was received by the Medical Devices Agency (MDA) on 6 January 1999. MDA has received no other adverse incident reports involving this pacemaker model.

Green Transport Plans

Mr. Baker: To ask the Secretary of State for Health if he will make a statement on the introduction of a green transport plan for his Department. [82839]

Ms Jowell: Since last July's Integrated Transport White Paper, which set targets for the introduction of green transport plans for Government Departments, we have completed three plans covering all our headquarters and main buildings.

We are developing plans for all other key buildings in line with the target for March 2000 set in the Integrated Transport White Paper.

Consultant Suspensions

Dr. Tonge: To ask the Secretary of State for Health when he expects to publish the report on the handling of consultant suspensions by trusts. [83774]

Mr. Denham: The team reviewing the suspension procedures expects to be in a position to submit its findings soon.

Written Answers to Questions

Wednesday 12 May 1999

DEFENCE

NATO Exercises (Turkey)

Mr. Hancock: To ask the Secretary of State for Defence (1) what was the cost of the NATO artillery exercise in Turkey carried out between 1 April 1997 and 31 March 1998; [72853]

(2) how many personnel were deployed on the NATO artillery exercise in Turkey carried out between 1 April 1997 and 31 March 1998; [72844]

(3) which countries had armed forces involved in and what assessment he has made of the value of the NATO artillery exercise in Turkey carried out between 1 April 1997 and 31 March 1998. [76595]

Mr. Spellar: NATO artillery exercise Ardent Ground 97, carried out in North West Turkey between 23 April and 19 May 1997, involved the deployment of 2,000 personnel from the following NATO nations; Belgium, Canada, Germany, Italy, the Netherlands, Norway, Spain, Turkey, the UK and the US. The aim of the exercise was to practise multi-battery, multi-national firing, training and tactics, in conjunction with close air support, and I understand that the exercise succeeded in its objectives. The total cost of the exercise is not held centrally by NATO but the cost of the UK participation was £623,000, excluding the cost of ammunition and spares consumed during the exercise as these costs are not separately identified.

Departmental Dispositions

Mr. Key: To ask the Secretary of State for Defence if he will list the numbers of his Department's *(a)* military and *(b)* civilian personnel tasked (i) in the UK and (ii) overseas as United Kingdom contributions to (1) UN missions in former Yugoslavia, (2) the UN Tribunal on Yugoslavia, (3) the UN missions in the former Soviet Union, (4) the UN Special Commission on Iraq, (5) the UN Iraq/Kuwait observation mission, (6) the UN mission for the referendum in western Sahara, (7) the UN Angola verification mission, (8) the UN support mission in Haiti, (9) the UN observer mission in Angola, (10) the UN mission in Central African Republic, (11) the UN observer mission in Sierra Leone, (12) the UN tribunal in Rwanda, (13) the OSCE in Albania and (14) the WEU police mission in Albania. [83631]

Mr. George Robertson: As at 11 May 1999, the numbers of Ministry of Defence personnel tasked to the various operations were as listed in the following table:

Operation	*Military personnel tasked in the UK*	*Civilian personnel tasked in the UK*	*Military personnel tasked overseas*	*Civilian personnel tasked overseas*
UN missions in former Yugoslavia	0	0	0	0
UN Tribunal in Yugoslavia	0	0	0	0
UN missions in the former Soviet Union	0	0	(Georgia) 7	0
UN Special Commission on Iraq	0	2	0	(New York) 2
UN Iraq/Kuwait Observation Mission	0	0	11	0
UN Mission for the Referendum in Western Sahara	0	0	0	0
UN Angola Verification Mission	0	0	0	0
UN support mission in Haiti	0	0	0	0
UN Observer Mission in Angola	0	0	0	0
UN Mission in Central African Republic	0	0	0	0
UN Observer Mission in Sierra Leone	(on stand-by to deploy) 4	0	2	0
UN Tribunal in Rwanda	0	0	0	0
OSCE in Albania	0	0	0	0
WEU police mission in Albania	0	0	0	0

Military Exercises

Mr. Hancock: To ask the Secretary of State for Defence how many personnel were deployed on the NATO joint exercise in Norway carried out between 1 April 1997 and 31 March 1998; and what was the cost of the exercise. [72833]

Mr. Spellar *[holding answer 1 March 1999]:* Exercise Strong Resolve, which took place in March 1998 jointly in Norway and Portugal, consisted of two halves; exercise Crisis North, in Norway, and exercise Crisis South, in Portugal. Members of the armed forces of the following nations participated in the Northern half of Strong Resolve, Crisis North; Belgium, Canada, Denmark, Germany, Italy, Luxembourg, the Netherlands, Norway, the United Kingdom and the United States and consisted of some 25,000 NATO personnel. I understand from NATO that the cost to NATO Exercise Funds was £450,000.

Mr. Hancock: To ask the Secretary of State for Defence what was the cost of, and which countries had armed forces involved in, the jungle training exercises in Belize carried out between 1 April 1997 and 31 March 1998. [76606]

Mr. Spellar: The cost of the seven jungle exercises in Belize carried out between 1 April 1997 and 31 March 1998 was £1.094 million, excluding the cost of ammunition and of spares consumed during the exercise.

Mr. Hancock: To ask the Secretary of State for Defence what was the cost of, what assessment he has made of the value of, and how many personnel were deployed on the infantry exercises in France carried out between 1 April 1997 and 31 March 1998 [76600]

Mr. Spellar: Three infantry exercises were carried out in France during this period. Of the first two, Liberty Bell took place between 11 and 25 July 1997, involved 452 personnel, and cost £169,000; Fraternal Front took place between 5 and 19 September 1997, involved 122 personnel and cost £43,000. The exercises were designed to test core infantry skills and the ability to plan and execute an overseas exercise. I understand that the exercises succeeded in their aims. The third exercise, Team Spirit, took place between 7 and 23 November 1997, involved 68 personnel from the Royal Marines and the French 9th Maritime Infantry Division, and cost £5,934. The exercise was designed to enable the participating units to practise small-scale military alliance operations. I understand that this exercise also succeeded in its aim. All of the above costs exclude the costs of ammunition and spares consumed during the exercise as these costs are not separately identified.

Mr. Hancock: To ask the Secretary of State for Defence what was the cost of, and how many personnel were deployed on the infantry exercise in Botswana carried out between 1 April 1997 and 31 March 1998. [76607]

Mr. Spellar: Exercise Diamond Cutter, which took place in Botswana from 4 February to 20 March 1998, involved 144 personnel from B Company 2 Para and cost £0.324 million, excluding the costs of ammunition and spares consumed during the exercise as these costs are not separately identifiable.

Mr. Hancock: To ask the Secretary of State for Defence what was the cost of, which countries had armed forces involved in and how many personnel were deployed on the infantry exercises in the USA carried out between 1 April 1997 and 31 March 1998. [76598]

Mr. Spellar: The cost of the infantry exercises in the USA carried out between 1 April 1997 and 31 March 1998 was as follows:

£ million

Exercise	*Cost*
Trumpet Dance 1/98	0.256
Trumpet Dance 2/98	0.696

The cost of Trumpet Dance 1/98 excludes the cost of movement by RAF transport aircraft to and from the USA, as these figures are no longer available. The costs of ammunition and spares consumed during both exercises are also excluded as these costs are not separately identified.

Military Headwear

Mr. McNamara: To ask the Secretary of State for Defence what the policy is on the use of military headwear in Northern Ireland; in what circumstances a local commander would order steel helmets to be worn and on how many occasions such orders have been given since September 1997 broken down by the *(a)* barracks and *(b)* regiment from which the patrol was drawn. [83388]

Mr. Spellar *[holding answer 11 May 1999]:* In August 1997, Headquarters Northern Ireland announced that, as a matter of policy, troops operating in support of the Royal Ulster Constabulary (RUC) would wear regimental headdress instead of helmets, but that local commanders had the discretion to authorise the wearing of helmets for the personal protection of soldiers under their command, taking into account the threat and local operational circumstances. The decisions taken by local commanders as to when they have ordered the wearing of helmets are not held.

Territorial Army

Mr. Menzies Campbell: To ask the Secretary of State for Defence how many Territorial Army infantry battalions and companies there were in *(a)* May 1998 and *(b)* May 1999. [83625]

Mr. Doug Henderson: There are currently 33 Infantry Battalions and 95 Companies in the Territorial Army. There were also 33 Battalions and 95 Companies in May 1998. However, from 1 July 1999, the date on which converted, reorganised or re-roled units assume their new function and, where applicable, change title following the restructuring of the Territorial Army, the number of Infantry Battalions and Companies will reduce to 15 Battalions and 64 Companies.

Mr. Menzies Campbell: To ask the Secretary of State for Defence how many Territorial Army centres there were in *(a)* May 1998 and *(b)* May 1999. [83626]

Mr. Doug Henderson: The number of Territorial Army Centres in the following years were:

Year	*Number*
May 1998	452
May 1999	454

TA Centres that were vacant, or that housed only cadet units, have been excluded from these figures. Similarly, Territorial Auxiliary and Volunteer Reserve Association (TAVRA) headquarters buildings and stand-alone University Officer Training Corps (UOTC) premises have not been included.

WALES

Fair Trade Products

Ms Ward: To ask the Secretary of State for Wales what plans he has to introduce fair trade products at *(a)* meetings, *(b)* events and *(c)* catering facilities within his Department. [82862]

Mr. Michael: It will be for the Assembly to consider its own arrangements for the future.

FOREIGN AND COMMONWEALTH AFFAIRS

Foreign Direct Investment

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will define the terms of the performance target for his Department of securing at

least 250,000 UK jobs from foreign direct investment by March 2002; and what assessment he has made of the present number of UK jobs currently maintained by foreign direct investment. [83736]

Mr. Robin Cook: The Foreign and Commonwealth Office and Department of Trade and Industry share a Public Service Agreement target to maintain the United Kingdom as the prime location in Europe for Foreign Direct Investment (FDI). Figures for the number of jobs secured from FDI are recorded by the Invest in Britain Bureau (IBB), which is jointly run by the two departments. The figures, which cover both jobs safeguarded and new jobs created, are based on information provided by companies at the time of the announcement of the decision to invest and are released annually. The IBB recorded 1,057,700 jobs created or safeguarded by FDI between 1979 and 1998.

Diplomatic Immunity

Mr. Dismore: To ask the Secretary of State for Foreign and Commonwealth Affairs what plans he has to review diplomatic immunity for serious offences committed by families of staff attached to foreign embassies and high commissions. [83366]

Mr. Tony Lloyd: None. The recommendations of the Government Report on Review of the Vienna Convention on Diplomatic Relations and Reply to "The Abuse of Diplomatic Immunities and Privileges", the First Report from the Foreign Affairs Select Committee in the Session 1984–85, of April 1985, remain valid.

Mrs. J. Badar-ud-Din

Mr. Vaz: To ask the Secretary of State for Foreign and Commonwealth Affairs what steps the British High Commission in Pakistan is taking to assist Mrs. J. Badar-ud-Din, a British citizen who is in Sheikh Zayed Hospital, Lahore, Pakistan; how many visits staff from the High Commission have paid her; and what representations he has received from her family. [83596]

Mr. Robin Cook: From the time they were told of Mrs. Badar-ud-Din's admission to hospital on 26 February 1999 our consular staff in Lahore and Islamabad were in close touch with her husband. They helped him to arrange for her repatriation to the UK, accompanied by a medical escort, on Saturday 8 May. She is now being cared for in Leicester General hospital.

SFOR (Banja Luka)

Mr. Key: To ask the Secretary of State for Foreign and Commonwealth Affairs if *(a)* the British Embassy offices and *(b)* the SFOR offices in Banja Luka are back in use following their occupation by demonstrators on 25 March; and if he will make a statement. [83628]

Mr. Tony Lloyd: The British Embassy office, along with other international buildings in Banja Luka, was seriously damaged by vandals during demonstrations organised by extremists in the Serb Radical Party. The office is no longer in use. The SFOR office for Civil-Military Co-operation was slightly damaged but has now been repaired and is operating normally. The main SFOR headquarters were not occupied and have been in continuous use. The security situation is now described as calm. We and our international partners made clear in March that the actions of a minority of extremists would not derail the peace implementation agenda in Bosnia.

HEALTH

Male Health Awareness

Mr. Cohen: To ask the Secretary of State for Health what plans he has to increase public awareness of health issues affecting men; and if he will make a statement. [83638]

Ms Jowell: Specific action has already taken place, such as the introduction of the Campaign Against Living Miserably helpline for younger men, as well as support for initiatives such as last year's *Europe Against Cancer* Week which had cancer in men as its theme. In addition, the Department has provided funding for projects that look at the reasons why men are reluctant to take opportunities to improve their health.

The Government will shortly publish their new strategy for health in England—"Our Healthier Nation"—which will set out how Government, local authorities, health authorities, other local organisations, and individuals can work together in partnership to improve the health of everyone, including men. Reducing health inequalities—including those between men and women—is a key aim in "Our Healthier Nation", and action will focus on heart disease, cancer, accidents and suicides, and particularly opportunities for men's health which has been neglected for too long.

TRADE AND INDUSTRY

Green Transport Plan

Mr. Baker: To ask the Secretary of State for Trade and Industry if he will make a statement on the introduction of a green transport plan for his Department. [82845]

Mr. Battle *[holding answer 11 May 1999]:* Since last July's Integrated Transport White Paper, which set targets for the introduction of green transport plans for Government Departments, my Department has completed 2 plans covering all headquarters and main buildings. Plans are being developed for all other key buildings in line with the target of March 2000 set in the White Paper.

Utility Regulation

Mr. Dafis: To ask the Secretary of State for Trade and Industry what environmental appraisal his Department is undertaking of the review of utility regulation. [82855]

Mr. Battle: The review has concluded that Ministers should have powers to give statutory guidance to the regulators on the social and environmental objectives which are relevant to their responsibilities. The Government intend to legislate as necessary on the conclusions of the review as soon as parliamentary

time can be made available. We also intend that this legislation should provide enabling powers for energy saving obligations in the gas and electricity industries. When the Government put their legislative proposals before Parliament, they will be accompanied by a suitable environmental appraisal.

Parental Leave

Ms Kelly: To ask the Secretary of State for Trade and Industry what his estimate is of the numbers and percentages of *(a)* mothers and *(b)* fathers who will choose to take their parental leave entitlement. [83808]

Mr. Ian McCartney *[holding answer 10 May 1999]:* We are committed to fostering a workplace culture which recognises the importance of family friendly employment policies, including parental leave, for both men and women in reconciling their work and family commitments. For the purposes of the regulatory impact assessment published with the Employment Relations Bill, we assumed that about 82,000 people would take parental leave each year, consisting of 6,000 men and 76,000 women. Over a five year period, this is equivalent to about 2 per cent. of eligible fathers and about 35 per cent. of eligible mothers.

Renewable Energy

Mr. Maclean: To ask the Secretary of State for Trade and Industry (1) if he will list *(a)* the growth rate in and *(b)* the percentage of power supplied by each renewable energy source in each of the last five years; [81863]

(2) if he will list the types of renewable energy sources currently providing power and the contribution in percentage terms each source makes to the United Kingdom's total energy supply in the most recent year for which figures are available. [81784]

Mr. Battle: The types of renewable energy sources generating electricity in each of the last five years (1997 is the last year for which data are available) are given in the table. The percentages alongside each are the contribution made to total UK electricity supply. To set the figures in context, actual generation of electricity from each source is also given for 1997:

Table 1

	Percentage of electricity supplied in the UK					*GWh generated*
	1993	*1994*	*1995*	*1996*	*1997*	*1997*
Onshore wind	0.07	0.11	0.12	0.15	0.20	665
Small scale hydro[1]	0.05	0.05	0.05	0.03	0.05	159
Large scale hydro[2]	1.37	1.62	1.49	1.00	1.22	3,969
Landfill gas	0.15	0.17	0.18	0.22	0.27	880
Sewage sludge digestion	0.13	0.12	0.12	0.12	0.12	400
Municipal solid waste combustion[3]	0.13	0.23	0.24	0.24	0.29	934
Other[4]	0.05	0.09	0.11	0.10	0.10	335
Total renewable sources	1.95	2.39	2.30	1.85	2.25	7,341

[1] Electricity generation scheme belonging to companies with an aggregate hydro capacity below 5 MWe are classified as 'small'.
[2] Excluding pumped storage stations.
[3] Includes combustion of refuse derived fuel pellets and hence some waste of fossil fuel origin.
[4] Includes farm waste digestion, waste tyre combustion and poultry litter combustion.
Source:
Digest of United Kingdom Energy Statistics 1998

In addition, renewable sources generated heat equal to 0.92 million tonnes of oil equivalent in 1997. Thus, in total, renewables accounted for 1.0 per cent. of the UK's total primary energy requirement in that year.

The information requested on the growth rate of renewable energy sources used to generate electricity in the United Kingdom is as follows:

Table 2

	Percentage change on previous year				
	1993	*1994*	*1995*	*1996*	*1997*
Onshore wind	+538.2	+57.6	+14.3	+24.3	+36.8
Small scale hydro[1]	+6.7	—	+4.4	−48.2	+84.9
Large scale hydro[2]	−21.6	+19.1	−5.3	−29.9	+21.2
Landfill gas	+18.6	+15.7	+9.5	+24.6	+24.8
Sewage sludge digestion	+15.2	−4.5	+1.7	+9.0	—
Municipal solid waste combustion[3]	+42.0	+78.5	+4.9	+4.2	+20.1
Other[4]	+169.2	+100.0	+19.3	−2.4	+2.8
Total renewable sources	−9.6	+24.2	−0.9	−16.4	+21.2

[1] Electricity generation scheme belonging to companies with an aggregate hydro capacity below 5 MWe are classified as 'small'.
[2] Excluding pumped storage stations.
[3] Includes combustion of refuse derived fuel pellets and hence some waste of fossil fuel origin.
[4] Includes farm waste digestion, waste tyre combustion and poultry litter combustion.
Source:
Digest of United Kingdom Energy Statistics 1998

As is said in the discussion paper "New and renewable energy, Prospects for the 21st century", we expect the proportion of electricity from renewable sources to rise to 5 per cent. by 2003. The Government are working towards a target of renewable energy providing 10 per cent. of UK electricity as soon as possible and hope to achieve this by 2010.

Trade Ministers Council

Mr. Maclean: To ask the Secretary of State for Trade and Industry if he will list those subjects *(a)* which he will raise and *(b)* which he expects other states to raise at the Trade Ministers Council of 10 and 11 May. [83818]

Mr. Wilson: The meeting agreed that the EU's objectives in preparing for the next Round of World Trade Organisation talks in Seattle in November should be to secure agreement to:

a new Round of comprehensive multilateral trade negotiations embracing subjects and issues of interest to all WTO members;

a short, time limited Round to be completed in three years;

a 'single undertaking' to ensure that all participants accept the outcome of the negotiations as a whole;

specific issues, which are ready for decision at Seattle, such as a binding commitment to provide duty free access for essentially all products from least developed countries, and steps to improve WTO transparency.

There was broad agreement among Member States on the EU's priority areas for future negotiations. These include: agriculture, services, investment, trade facilitation, technical standards, electronic commerce, industrial tariffs, trade and the environment, intellectual property rights, public procurement and trade defence instruments. The meeting emphasised the importance of ensuring that developing countries should play a full part in the Round and that the outcome should reflect their interests.

Accountancy Regulation

Mr. Mitchell: To ask the Secretary of State for Trade and Industry (1) what estimate he has made of the cost of implementing his Department's proposals on regulation of accountancy; [82546]

(2) what estimate he has made of the cost of implementing his Department's proposals for regulating auditing; and what proportion of that cost each of the parties will bear. [82547]

Mr. Ian McCartney: The new framework for the regulation of the accountancy profession is non-statutory and funded by the bodies represented on the Consultative Committee of Accountancy Bodies. The Government have not made their own estimate of the costs but the running costs are expected to be of the order of £5 million a year. Since much of the new framework will replace existing regulatory arrangements, the additional costs will be relatively small.

Mr. Mitchell: To ask the Secretary of State for Trade and Industry if he will list the accountancy firms whose affairs have been investigated following criticisms of their conduct in his Department's inspectors' reports. [82925]

Mr. Ian McCartney: Inspectors' reports published since 1990 which contain criticisms of accountancy firms are set out in the table. Such reports are referred to the recognised professional body of the firm concerned and investigations are a matter for that body.

Inspectors' report	*Date of publication*	*Accountancy firm criticised*
Minet Holdings plc	29 August 1990	Black Geoghegan & Till
WMD Underwriting Agencies Limited		Josolyne Layton-Bennett Arthur Young
Alexander Howden Group plc	29 August 1990	Josolyne Layton-Bennett Arthur Young de Paula Turner Lake
Aldermanbury Trust plc	20 March 1991	Levy Gee Spicer & Pegler
Sound Diffusion	1 May 1991	Arthur Young Ernst & Whinney
Rotaprint plc	24 July 1991	Arthur Young
The Milford Docks Company	16 January 1992	Coopers & Lybrand
Edencorp Leisure plc	18 February 1993	Ernst & Young
Norton Group plc	11 March 1993	Hacker Young
Astra Holdings plc	17 June 1993	Stoy Hayward
London United Investments plc CR Driver & Co. Ltd	23 September 1993	KPMG Peat Marwick
The Bestwood plc	20 January 1994	BDO Binder Hamlyn
Atlanta Fund Managers Ltd.		
Atlantic Computers plc	21 July 1994	Deloitte Haskins & Sells
Atlantic Computer Holdings plc		KPMG Peat Marwick McLintock Spicer & Oppenheim
James Ferguson Holdings plc	6 July 1995	Touche Ross (Jersey)
Barlow Clowes Gilt Managers Ltd.		Lindley Adams & Co Spicer & Oppenheim Spicer & Oppenheim (Gibraltar) Touche Ross
Chancery plc	17 December 1998	Arthur Anderson

Fax Surveys

Mr. Rowe: To ask the Secretary of State for Trade and Industry what plans he has to regulate the use of fax surveys in cases where replies are charged at premium rates; and if he will make a statement. [83899]

Mr. Wills: Fax surveys where replies are charged at premium rates will frequently constitute unsolicited direct marketing faxes.

As indicated in my written answer of 27 January 1999, *Official Report*, column *284*, the Government have taken steps to address this issue through the Telecommunications (Data Protection and Privacy) (Direct Marketing) Regulations 1998, which came into force on 1 May this year.

The Regulations prohibit the sending of unsolicited direct marketing faxes to private individuals and sole traders in the UK, as well as to partnerships in England, Wales and Northern Ireland. The Regulations also establish an "opt-out" scheme for corporate subscribers who do not wish to receive such faxes. The Office of Telecommunications (Oftel) is responsible for setting up the opt-out scheme and has appointed the Direct Marketing Association to run the scheme following competitive tender.

In addition, where unsolicited direct marketing faxes are sent, the Regulations require those sending such faxes to include their name and either an address or Freephone telephone number on which they can be contacted.

ENVIRONMENT, TRANSPORT AND THE REGIONS

Millennium Dome

Mr. Ottaway: To ask the Secretary of State for the Environment, Transport and the Regions (1) what studies his Department has undertaken or evaluated to assess the impact of the Millennium Dome on the localities of *(a)* Bermondsey tube station and *(b)* London Bridge tube station, with particular reference to the Shad Thames development; [82428]

(2) what assessment he has made of the likely impact of the Millennium Dome on the localities of *(a)* Bermondsey tube station and *(b)* London Bridge tube station, with particular reference to the Shad Thames development. [82429]

Ms Glenda Jackson: When the Jubilee Line Extension is fully open, it is forecast that 114,590 and 17,102 people per day will use London Bridge and Bermondsey stations respectively. Of these, it is estimated that 2,232 passengers per day will use London Bridge station and 56 passengers per day will use Bermondsey station to travel to the Millennium Dome. Therefore, passengers travelling to and from the Dome will contribute about 2 per cent. of total usage at London Bridge and 0.3 per cent. at Bermondsey.

Mr. Ottaway: To ask the Secretary of State for the Environment, Transport and the Regions (1) what studies his Department has carried out or evaluated to assess the impact of the Millennium Dome on the locality of North Greenwich tube station, with particular reference to parking for local businesses and residents; [82426]

(2) what assessment he has made of the likely impact of the Millennium Dome on the locality of North Greenwich tube station with particular reference to car-parking for local businesses and residents. [82427]

Ms Glenda Jackson: None. This is a matter for the London Borough of Greenwich, which is implementing the Greenwich Millennium Controlled Parking Zone, which includes specific provisions to accommodate the parking needs of both residents and businesses. Having carried out extensive public consultation on its CPZ proposals, Greenwich's conclusion is that the scheme provides facilities to meet the majority of local parking demands, whilst safeguarding the area from unrestricted and intrusive parking from commuters and visitors to the Millennium Experience and other developments on the Greenwich Peninsula.

Mr. Ottaway: To ask the Secretary of State for the Environment, Transport and the Regions if people who are not visiting the Millennium Dome will be able to drive to North Greenwich tube station to deliver or collect passengers. [82420]

Ms Glenda Jackson: In the interests of security and pedestrian/visitor safety London Transport is not proposing to open its "Kiss and Ride" facility at North Greenwich station until 2001.

Mr. Ottaway: To ask the Secretary of State for the Environment, Transport and the Regions what estimate he has made of the number of people, other than Millennium Dome visitors, who will use the Jubilee line tube stations of *(a)* Bermondsey, *(b)* London Bridge, and *(c)* North Greenwich. [82424]

Ms Glenda Jackson: London Transport estimate that the total number of people, other than those visiting the Millennium Dome, who will use *(a)* Bermondsey, *(b)* London Bridge and *(c)* North Greenwich on a daily basis is as follows:

Bermondsey: 17,046

London Bridge: 112,359

North Greenwich: 30,806.

Jubilee Line

Mr. Ottaway: To ask the Secretary of State for the Environment, Transport and the Regions what estimate he has made of the number of people, other than Millennium Dome visitors, who will use the Jubilee line between North Greenwich tube station and *(a)* Stratford, *(b)* London Bridge, *(c)* Waterloo, *(d)* Westminster, *(e)* Green Park and *(f)* Baker Street. [82425]

Ms Glenda Jackson: The total number of people, other than Millennium Dome visitors, who London Transport estimate will travel on a daily basis between North

Greenwich and *(a)* Stratford *(b)* London Bridge *(c)* Waterloo *(d)* Westminster *(e)* Green Park and *(f)* Baker Street, are as follows:

Station	*To*	*From*
(a) Stratford	4,028	3,663
(b) London Bridge	6,863	2,260
(c) Waterloo	4,890	1,679
(d) Westminster	4,200	1,298
(e) Green Park	3,461	1,145
(f) Baker Street	858	537

The figures quoted above are the number of passenger journeys made directly between North Greenwich and the named station, other than those visiting the Millennium Dome, i.e. on a daily basis, 4,028 passengers will travel to Stratford from North Greenwich and 3,663 will travel from Stratford to North Greenwich.

Mr. Ottaway: To ask the Secretary of State for the Environment, Transport and the Regions what plans have been made for the provision of car-parking for non-local commuters using the Jubilee Line. [82421]

Ms Glenda Jackson: No special provision has been made for car-parking spaces for non-local commuters using the Jubilee Line. However, there are car parks on the Jubilee Line at Stanmore, Canons Park, Wembley Park, Queensway and North Greenwich stations.

GM Crops

Ms Drown: To ask the Secretary of State for the Environment, Transport and the Regions how much public money will be spent on trial sites for genetically modified crops in 1999. [83258]

Mr. Meacher: The Department of the Environment, Transport and the Regions is not spending any public money on the provision of trial sites of genetically modified crops. The Department is however funding two research programmes that are conducted on such trial sites.

The farm-scale evaluations investigating the effect of GM crop management on farmland wildlife are being conducted on sites provided by the industry group SCIMAC (Supply Chain Initiative for Modified Agricultural Crops). The research, costing £233,000 in 1999, is being paid for by DETR with contributions from MAFF and the Scottish Office. Another project, costing £46,353 in 1999, is monitoring for gene flow from GM crops in field trials.

Mr. Stinchcombe: To ask the Secretary of State for the Environment, Transport and the Regions how many separate trial sites there will be for genetically modified crops in the United Kingdom in 1999. [83284]

Mr. Meacher: I refer my hon. Friend to the answer I gave to the right hon. Member for Penrith and The Border (Mr. Maclean) on 27 April 1999, *Official Report*, column *88*.

Mr. Stinchcombe: To ask the Secretary of State for the Environment, Transport and the Regions when the scientific design of the field-scale evaluations of the ecological effects of genetically modified crops will be finalised; and if he will make a statement. [83260]

Mr. Meacher: The successful contractors for the research have proposed a methodology for the ecological studies and this will be reviewed by the scientific steering committee. Fieldwork carried out this year will further help the contractors and steering committee to refine the methods to be used for subsequent years. It is envisaged that a provisional methodology will be made publicly available by the contractors and the steering committee soon after the steering group has met in early June. The final agreed methodology will be made available in the Autumn following the results of the first year's studies.

Railtrack

Ms Keeble: To ask the Secretary of State for the Environment, Transport and the Regions what discussions he has had about the ability of Railtrack to demonstrate the practicality of its timetable for trains on the slow lines after the Passenger Upgrade II. [83695]

Ms Glenda Jackson: Railtrack has given an undertaking to the Rail Regulator on the capacity that it is committed to provide following the implementation of the Passenger Upgrade II project. I expect the Rail Regulator to ensure that this undertaking is met.

West Coast Mainline

Ms Keeble: To ask the Secretary of State for the Environment, Transport and the Regions what discussions he has had with Railtrack about its ability to demonstrate that it can meet the requirement set by the regulator to provide an extra 42 paths of the slow line of the West Coast Mainline after Passenger Upgrade II. [83694]

Ms Glenda Jackson: The Rail Regulator is discussing with Railtrack what it needs to do to demonstrate that it can meet its commitment to provide the extra 42 paths.

Ms Keeble: To ask the Secretary of State for the Environment, Transport and the Regions what discussions he has had with Railtrack about its statements relating to the needs of people travelling on the Euston to Rugby stretch of the West Coast Mainline in the company's network management statement and its capacity study. [83693]

Ms Glenda Jackson: The Rail Regulator is considering whether the plans in Railtrack's 1999 Network Management Statement adequately reflect the reasonable requirements of train operators and funding bodies, including train operators serving the Euston to Rugby route. In addition, the Franchising Director has launched an extensive consultation exercise with local authorities and other bodies on the level and type of services which the rail network should provide. This will assist the Shadow Strategic Rail Authority in forming a view on how the network should be developed, including the route between Euston and Rugby.

Ms Keeble: To ask the Secretary of State for the Environment, Transport and the Regions what progress is being made on the West Coast Mainline upgrade; and if the programme is progressing *(a)* to schedule and *(b)* to budget. [83696]

Ms Glenda Jackson: The Passenger Upgrade II project is a commercial agreement between Railtrack and West Coast Trains Ltd., and as such is a matter for the parties.

However, the Rail Regulator is monitoring Railtrack's compliance with undertakings it has given as to capacity for other train operators and funding bodies.

Ms Keeble: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to publish the timetable for the proposed development of the West Coast Mainline. [83698]

Ms Glenda Jackson: The Shadow Strategic Rail Authority will monitor Railtrack's progress with the modernisation of the West Coast Mainline, and the Rail Regulator will monitor compliance by Railtrack with its undertakings to the Regulator on additional capacity and related issues.

Ms Keeble: To ask the Secretary of State for the Environment, Transport and the Regions what steps he is taking to ensure that Railtrack considers the reasonable requirements of train operators for growth on the West Coast Mainline. [83697]

Ms Glenda Jackson: Railtrack has a licence obligation, which is enforced by the Rail Regulator, to meet the reasonable requirements of train operators and funding bodies to the extent reasonably practicable, including those requirements which relate to growth on the West Coast Mainline. I understand that the Rail Regulator is considering whether the plans set out in Railtrack's 1999 Network Management Statement demonstrate compliance with this obligation.

Climate Change Levy

Mr. Nicholas Winterton: To ask the Secretary of State for the Environment, Transport and the Regions what proportion of the proposed climate change levy he plans to redirect to develop energy efficiency measures with particular emphasis on small to medium sized enterprises; and what plans he has to extend the option for negotiating tradeable permits. [83704]

Mr. Meale: In his Budget Statement on 9 March 1999, *Official Report*, columns 173–190, the Chancellor announced as part of the climate change levy £50 million per annum package to fund schemes aimed at promoting energy efficiency directly including energy efficiency audits/advice, mechanisms to promote low carbon technologies, and additional support for renewable sources of energy. Further details will be set out in the draft UK climate change programme later this year.

The Government recognise that SMEs are a key part of the economy with special needs. They have already therefore designed specific schemes and programmes to help them save energy and money and, importantly from our point of view, do their bit to reduce greenhouse gas emissions. My Department's Energy Efficiency Best Practice programme provides independent advice and information on energy efficiency and support for RD&D projects. Non-domestic energy users including SMEs are an important target audience for the programme. The Department also funds grant schemes specifically for SMEs delivered through the Energy Saving Trust. The experience gained from the Energy Efficiency Best practice programme will provide a good basis for developing further energy efficiency schemes as part of the £50 million per annum package.

On tradeable carbon permits, the Government fully recognise the potential benefits of a carbon emissions trading scheme, particularly in allowing business to deliver greenhouse gas reductions in a cost effective way, and in preparing business and the City for the international emissions trading scheme to be established under the Kyoto Protocol. We also see carbon emissions trading as potentially having a complementary role alongside the climate change levy. We are therefore taking forward the recommendation made by Lord Marshall in his report on "Economic Instruments and the Business Use of Energy", by working with the CBI and ACBE (the Government's Advisory Committee on Business and the Environment) to develop a pilot trading scheme.

Mr. Nicholas Winterton: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the long-term objectives of the proposed climate change levy; and what assessment he has made of the effect the climate change levy will have on non-intensive energy users. [83705]

Mr. Meale: The climate change levy is intended to make a significant contribution to meeting our greenhouse gas targets—an estimated 1.5 million tonnes of carbon per annum. It is one of a number of measures being developed as part of a substantial package to help the UK achieve its climate change objectives and enable the Government to continue to play a leading role in international efforts to tackle climate change.

The climate change levy has been designed to be revenue neutral across the business economy as a whole. Non-intensive energy users will be expected to pay the full rate of climate change levy but, like all sectors of business, they will receive a reduction of 0.5 percentage points in their National Insurance Contributions. In line with the recommendations made by Lord Marshall in his report on "Economic Instruments and the Business Use of Energy", the Government intend to retain an incentive for all users to save energy at the margin. Firms which are non-intensive users of energy but which are labour intensive will tend to be net gainers from the budget package. The accompanying cut in employer National Insurance contributions will encourage employment opportunities, while the additional support for energy efficiency measures will help stimulate the development of new technologies.

The latest forecasts from the Meteorological Office's Hadley Centre estimate that average temperatures will rise by up to 3.5 per cent. by the end of the next century. As part of the international effort to tackle climate change, the UK has signed up to a legally binding target of 12.5 per cent. reduction in greenhouse gas emissions on 1990 levels by 2008–12. The Government propose to go further than this and have set a domestic goal of a 20 per cent. reduction in emissions of carbon dioxide—the most significant greenhouse gas—by 2010.

London Underground

Dr. Stoate: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 13 January 1999, *Official Report*, column *212*, what has been spent to date on consultancy costs for the London Underground public-private partnership. [84207]

Ms Glenda Jackson: I understand from London Transport that their expenditure on external consultants, from 20 March 1998 (the date of the Government's announcement) to 31 March 1999, for work on the PPP and restructuring London Underground was £18.5 million.

HOME DEPARTMENT

Prisoners (Self-harm)

Mr. Allan: To ask the Secretary of State for the Home Department what criteria he uses to record incidents of self-harm in prison. [83593]

Mr. George Howarth: Incidents of self-harm are recorded when prisoners in Prison Service establishments require treatment in a health care centre, and are assessed by the clinician to have deliberately injured themselves.

Kosovo Refugees

Mr. Beith: To ask the Secretary of State for the Home Department what steps he has taken to respond to UNHCR's request that national Governments keep formalities to a minimum to speed up the evacuation of refugees from Kosovo; and if he will make a statement. [83802]

Mr. Straw: The Government's priority, along with that of our European partners, remains to ensure that as far as possible, Kosovan refugees are cared for within the region so that they can return home when it is safe for them to do so. This is the refugees' overwhelming wish. We have also long made it clear that the United Kingdom stands ready to receive some thousands of refugees from the region on humanitarian grounds and on the basis of criteria agreed with the United Nations High Commissioner for Refugees (UNHCR). We received the first formal request from the UNHCR to take refugees on 20 April and agreed it within one hour. I announced in the reply I gave to the right hon. Member for Sutton Coldfield (Sir N. Fowler) on 5 May 1999, *Official Report*, columns 943–52, that we will be building up to taking around 1,000 refugees a week in the next few weeks.

Mr. Beith: To ask the Secretary of State for the Home Department what arrangements are in place to assist local authorities and other organisations with the funding of services required in relation to the evacuation of refugees from Kosovo to the United Kingdom; and if he will make a statement. [83801]

Mr. Straw: I made clear in the reply I gave to the right hon. Member for Sutton Coldfield (Sir N. Fowler) on 5 May 1999, *Official Report*, columns 943–52, that local authorities and the voluntary sector will be reimbursed the additional costs that they incur. The details of that reimbursement are currently being worked out.

Mrs. Golding: To ask the Secretary of State for the Home Department what arrangements are in place for the reception and care of unaccompanied refugee children from Kosovo who arrive in the UK. [83588]

Mr. Straw: Unaccompanied minor children are being looked after in the region as far as possible to facilitate family reunion.

Children who have become separated from their parents have arrived in the United Kingdom in the company of a guardian or close adult relative. Every assistance is given in these cases to trace family in the United Kingdom, and this has been successful in at least one case.

Criminal Records Bureau

Mr. Beith: To ask the Secretary of State for the Home Department if he will make a statement on the consultation process in place in relation to the establishment of the Criminal Records Bureau; what representations he has received concerning the establishment of the Bureau; and when the Bureau will be operational. [83709]

Mr. Boateng: A User Group will be established to enable the views of the users of the Criminal Records Bureau's services to be taken into account in its detailed implementation. Wider consultation on, for example, the content of the Code of Practice for bodies to be registered with the Bureau will also be undertaken.

Since the Home Secretary announced the establishment of the Criminal Records Bureau in December 1998 we have received a number of representations. We estimated at that time that it would take some two years to establish the Bureau.

Ms Kingham: To ask the Secretary of State for the Home Department what is his current estimate of the impact on the voluntary sector of the proposed charges for criminal record checks at the Criminal Records Bureau. [83572]

Mr. Boateng: I refer my hon. Friend to the answer I gave to the right hon. Member for Berwick-upon-Tweed (Mr. Beith) on 22 February 1999, *Official Report*, column *103*.

Private Finance Initiative

Mr. Beith: To ask the Secretary of State for the Home Department if he will list each private finance initiative undertaken with his Department; if he will give the date the initiative started, the companies involved and whether any payments have been reduced to reflect performance against the contract; and if he will make a statement. [83707]

Mr. Straw: The available information is as follows:

Description	*Start Date (Contract award date)*	*Company*	*Reductions in payment*
IND Casework Programme	Spring 1996	Siemens Business Services	Yes
Medway Secure Training Centre (STC)	3 March 1997	Rebound ECD Limited	Yes
Rainsbrook STC	3 July 1998	Rebound ECD Limited	No
Hassockfield STC	12 November 1998	Medomsley Training Services Ltd	No
Data Capture (United Kingdom Passport Agency)	July 1997	Siemens Business Services	Yes

Description	Start Date (Contract award date)	Company	Reductions in payment
Manufacture of Digital Passports (United Kingdom Passport Agency)	July 1997	Stationery Office Ltd. (now Security Printing Systems)	Yes
Gatwick Detention Facilities (Tinsley House) Immigration Centre	May 1996	BAA	No
Altcourse Prison	20 December 1995	Fazakerley Prison Services Ltd	Yes
Lowdham Grange Prison	7 November 1996	Lowdham Grange Prison Services Ltd.	Yes
Parc Prison	4 January 1996	Bridgend Custodial Services Ltd.	Yes
Coldingley Prison Industries Workshop	1 November 1997	Wackenhut UK Ltd.	No
Prison PABX System	December 1995	Racal Telecommunications Network Ltd.	Yes
Forest Bank Prison	June 1998	UKDS	No
Ashfield Prison	June 1998	PPS	No

contract terminated from 31 January 1999

My Department is also supporting a number of Local Authority Private Finance Initiative Projects as follows:

Description	Start Date (Contract award date)	Company	Reductions in payment
Derbyshire Ilkeston Police Station	13 February 1998	Perveril Securities	No
Derbyshire: Divisional Headquarters and City Section Police Station	26 February 1999	Derby SPV Ltd.	No
Northumbria Police: Mounted Section	15 May 1998	Bowey PFI Ltd.	No
Thames Valley Police: Divisional Headquarters	8 December 1998	Babcock and Brown Properties Ltd.	No
Wiltshire Police: Air Support	18 December 1997	Police Aviation Services	No
Stretford Divisional Headquarters and Fire Station	4 December 1998	PFF (Stretford Ltd.)	No

Criminal Conviction Certificates

Mr. Cohen: To ask the Secretary of State for the Home Department what plans he has to restrict the use of the criminal conviction certificate to employment purposes; and if he will make a statement on the steps that he is taking to ensure that the availability of criminal conviction certificates will not increase recidivism. [83795]

Mr. Boateng: Criminal conviction certificates will be available to individuals only on application and it will be for the individual concerned to decide to whom to provide the information contained in them. Criminal conviction certificates will give details only of unspent convictions. This is information which applicants can be asked to disclose at the moment. The criminal conviction certificate will allow employers to be sure that the information they have been given is full and accurate. We shall be consulting about guidance on the use of the certificates.

Personal Data

Mr. Cohen: To ask the Secretary of State for the Home Department if *(a)* the Security Service has taken over the responsibility of promoting the risk analysis methodology CRAMM from the CCTA and *(b)* personal data are required to be processed in order to promote the software; and if he will make a statement on how his Department will apply to provisions of the Data Protection Acts to such processing. [83798]

Mr. Straw: In 1997, the Security Service took over the management of CRAMM, but the promotion and marketing of the associated software package was undertaken by commercial organisations on its behalf. The Security Service is currently engaged in the transfer of the management responsibilities too, under Government licence, to a commercial consortium. Consequently, the Security Service holds no personal data in connection with the promotion of CRAMM.

Mr. Cohen: To ask the Secretary of State for the Home Department what representations he has received from the Data Protection Registrar *(a)* on the application of Sections 28 and 29 of the Data Protection Act 1998 to the Security Service and *(b)* on provisions in Clauses 11 and 12 of the Immigration and Asylum Bill. [83791]

Mr. Straw: The Data Protection Registrar wrote to me, in February this year, concerning the application of the Data Protection Act 1998 to the security and intelligence agencies when it comes into force. I replied that this was still under consideration and that no decision had been made. I said the same to my hon. Friend in my letter of 31 March. This remains the position although useful discussions between the Registrar's officials and mine have taken place.

On *(b)*, the Data Protection Registrar has been consulted about clauses 11 and 12 of the Immigration and Asylum Bill. In the light of discussions with her Office, some additional safeguards have been provided.

Mr. Colvin: To ask the Secretary of State for the Home Department what representations he has received on the effect of the Data Protection Act 1998 and the Human Rights Act 1998 on the automatic right of access on request to any recorded material taped in a public place by CCTV. [83570]

Mr. George Howarth: We have not received any representations on this issues.

The Data Protection Act 1998 provides a framework for the statutory regulation of public space Close Circuit Television (CCTV) systems. The Act builds upon the regime of the Data Protection Act 1984 but goes further in a number of respects. In particular, it provides enhanced rights for individuals in respect of personal data held about them by data controllers, including rights of subject access.

The Data Protection Registrar has started to develop a code of practice, to be issued under her new powers as Data Protection Commissioner. This code will provide guidance to CCTV operators on how to comply with the Act's requirement.

Paedophilia File

Mr. Cox: To ask the Secretary of State for the Home Department how many *(a)* men and *(b)* women were listed on his Department's paedophilia file on the latest date for which figures are available. [83586]

Mr. Boateng: The Home Office does not maintain a "paedophilia file".

However, the Sex Offenders Act 1997 requires offenders cautioned or convicted of certain sexual offences, including certain sexual offences against children, to notify the police of their name, address and date of birth within 14 days of caution/conviction. The information is provided to the local police and stored in the Police National Computer.

I understand that, as at 28 February 1999, 8,161 individuals were recorded on the Police National Computer as having notified the police in England and Wales of their details, in accordance with the 1997 Act. A breakdown of the sex of those who have notified the police of their details could, at present, be obtained only at disproportionate cost.

Tote

Mr. Cunliffe: To ask the Secretary of State for the Home Department if he will make a statement about the review of the Tote. [84050]

Mr. Straw: The Review of the Tote has been completed. I have considered the Report of the Steering Group which conducted the Review and have accepted the recommendations in it. I am most grateful to Peter Jones, the Chairman of the Tote, who chaired the Steering Group, for his skilful handling of this task. Copies of the Report have been placed in the Library.

The Tote's status as a non-departmental public body has served it well in the past but has become increasingly anomalous as the Tote has become a more commercial operation and developed its non-pool betting activities through acquisition of licensed betting offices. The Review, therefore, concluded that the commercial freedom now required by the Tote would be best provided by transfer to the private sector. This will require legislation and, in view of the time this is likely to take, the Review has made no recommendation as to the precise method of sale. That will need to be determined at the time.

Further work will now need to be undertaken on the various sale options, including the possibility of a sale to racing, in consultation with the Tote, the racing industry and others. The Review also recognised the need to have regard to the interests of the taxpayer, as well as other stakeholders. This means that the Government have rejected the possibility of the tote being transferred to racing without consideration.

Although the Tote's new status will now need to be worked out in detail, the Review has marked out the future path for the Tote which will enable it to develop and operate in a fully commercial way.

INTERNATIONAL DEVELOPMENT

Drugs

9. **Mrs. Ann Winterton:** To ask the Secretary of State for International Development what role her Department is taking in encouraging developing countries to reduce the production and supply of illegal drugs. [82958]

Clare Short: We recently published a strategy paper on illicit drugs and the development assistance programme. It stresses the need to provide effective support to poor communities that grow narcotics so that other crops offer a better life than the proceeds of narcotic production. I have placed a copy in the Library of the House and will send one to the hon. Member.

Development Projects

10. **Mrs. Humble:** To ask the Secretary of State for International Development when she last met representatives of UK non-governmental organisations to discuss development projects in the poorest countries. [82959]

Clare Short: I met representatives of UK non-governmental organisations (NGO) on 29 April to discuss our proposals for new funding arrangements for UK organisations working to support development. There was a strong welcome for our new proposals which are designed to strengthen support for the development of civil society in the poorest countries, the details of which will be published by the summer.

Balkans Aid

12. **Mr. Mackinlay:** To ask the Secretary of State for International Development what proposals she is evaluating for a reconstruction and development package for Balkan countries following the cessation of hostilities. [82961]

Clare Short: I refer my hon. Friend to the answer I gave earlier this afternoon to my hon. Friend the Member for Linlithgow (Mr. Dalyell), *Official Report*, column 303.

18. **Mr. Barnes:** To ask the Secretary of State for International Development if she will make a statement concerning UK assistance to Kosovar refugees. [82968]

25. **Mr. Lock:** To ask the Secretary of State for International Development if she will make a statement on the provision of emergency aid to Kosovo. [82975]

Clare Short: On his recent visit to Macedonia, the Prime Minister announced an increase in British humanitarian assistance to £40 million. This is being spent on relief supplies, logistics, humanitarian experts, medical care, shelter and services in camps, information provision, and family reunification. UK objectives remain to save lives, protect the rights of refugees, encourage tolerance

in host countries towards refugees, to plan for new contingencies, including access to Kosovo when the security situation allows, and to plan for refugee return.

22. **Kali Mountford:** To ask the Secretary of State for International Development if she will make a statement on her Department's response to the needs of Kosovar refugees in *(a)* Macedonia, *(b)* Albania and *(c)* Montenegro. [82972]

Clare Short: We have allocated £40 million since March in response to the needs of Kosovar refugees on relief supplies, logistics, humanitarian experts, medical care, shelter and services in camps, information provision, and family reunification.

Our objectives are to save lives and reduce suffering, protect the rights of refugees, encourage tolerance in host countries, and to plan for new contingencies, including the return of the refugees to Kosovo.

Mr. Lansley: To ask the Secretary of State for International Development if she will make a statement on the preparations being made to provide assistance to Kosovar refugees over the winter. [82965]

Clare Short: Shelter and heating will be key issues for refugees during the cold weather, after their return to Kosovo and also for those who remain in neighbouring states. The United Nations High Commissioner for Refugees (UNHCR) is responsible for refugee care in this and other areas. We have offered assistance to UNHCR to help make contingency preparation for future refugee needs, and are ready to respond to requests.

Currency Speculation (Taxation)

13. **Helen Jones:** To ask the Secretary of State for International Development if she will assess the benefits for the world's poorest people of the introduction of a tax on currency speculation. [82962]

Clare Short: The proposal to tax currency transactions is of considerable interest. It could bring benefits in two ways. It could help reduce short term currency speculation, and it could raise significant resources to reduce poverty. Unfortunately, there are serious practical difficulties which stand in the way of implementation: it is difficult to distinguish between currency speculation and necessary currency transactions, and it would be difficult to agree on a satisfactory distribution of revenues. We will continue to study this and related proposals.

Amazonian Rain Forest

14. **Mr. Gray:** To ask the Secretary of State for International Development what support her Department provides for research into the Amazonian rain forest. [82963]

Clare Short: We are currently supporting ten projects in the Amazon basin with a significant research component. These cover research into ecosystems, biodiversity, silviculture, forest management, harvesting for timber and non-wood products, and environmental policy.

The ten projects are:

Bionte biomass and nutrient research project

Rain forest silviculture research project

Central Amazonia flora and vegetation project

Lake Mamiraua ecological station

Piper Hispidervium development project

G7 Pilot Program(G7PP): Science centres of excellence project

G7PP: Natural resources policy project

G7PP: Sustainable management of the varzea (flooded forests)

Ecology and silviculture of Swietenia macrophylla King (mahogany)

Integrated approach to managing Amazon forest biodiversity.

The total committed to these projects is some £22.4 million. The amount being spent on research within the projects cannot easily be disaggregated from other expenditure.

United Nations

15. **Mrs. Heal:** To ask the Secretary of State for International Development what plans she has to strengthen the role of the United Nations in development. [82964]

Clare Short: Our plans are set out in a recently published paper *"Working with the United Nations for International Development: Institutional Strategy Paper"*, a copy of which I have placed in the Library of the House and which I have sent to my hon. Friend.

MISC 6 Cabinet Committee

16. **Mr. Baker:** To ask the Secretary of State for International Development what mechanism exists to ensure that the views of her Department are represented within the MISC 6 Cabinet Committee. [82966]

Clare Short: This matter is currently under consideration. I shall write to the hon. Member.

Regional Development Banks

17. **Mrs. McKenna:** To ask the Secretary of State for International Development what plans her Department has to strengthen the work of regional development banks. [82967]

Clare Short: We are working to ensure that the focus of the work of the Regional Development Banks is on poverty reduction, and we welcome recent progress on this in the Asian and African Development Banks. We are also urging increased effectiveness in the design, implementation and evaluation of their projects and programmes, and the adoption of appropriate pro-poor and financial strategies. We seek to exert influence at all levels including through contact with the Presidents of these institutions, other members of Bank management and country programme managers and their advisers.

Sustainable Development

19. **Mr. Jenkins:** To ask the Secretary of State for International Development what steps her Department is taking to involve the private sector in the promotion of sustainable development. [82969]

Clare Short: Globalisation is creating great wealth but its benefits are unevenly spread. The growing gap between rich and poor can create instability which increases risks for us all. It is both morally right and in business' interests that this wealth is spread more fairly.

Business has a key role to play in helping developing countries achieve the economic growth they need through investment and training. We are working with the private sector to promote a fair and stable operating environment necessary to achieve this. We are also working to promote socially responsible business practice.

Debt Relief

20. **Mr. Luff:** To ask the Secretary of State for International Development what recent representations she has received from supporters of the Jubilee 2000 campaign on the relief of international debt. [82970]

Clare Short: We are in regular contact with Jubilee 2000. I admire the role the churches and NGOs are playing in raising awareness among the public of the effects of high levels of indebtedness on some of the world's poorest people and building support for more debt relief in the run-up to Cologne Summit in June. I receive many letters from members of the public, directly and through their Members of Parliament, indicating their support for cancelling the unpayable debt of the poorest countries.

Multinationals

21. **Mr. Clapham:** To ask the Secretary of State for International Development when she last met representatives of multinational companies to discuss the work of her Department. [82971]

Clare Short: We are developing working relationships with a wide range of businesses in pursuit of our poverty elimination objectives. On 20 April I spoke at a Symposium organised by the Prince of Wales Business Leaders Forum and Business in the Community on "Responsible Business in the Global Economy". The Symposium was sponsored by Diageo and BP-Amoco and was attended by over a hundred representatives from blue chip companies and non-governmental organisations. I will send a copy of the speech to my hon. Friend.

Burma

23. **Mr. Miller:** To ask the Secretary of State for International Development if she will make a statement on the Government's policy towards aid to internally displaced persons in Burma. [82973]

Clare Short: Since 1996, we have provided almost £1 million of humanitarian assistance for Civil Society and UN agencies working with refugees and internally displaced people along the Burma-Thailand border, the Burma-China border and the Burma-Bangladesh border. We shall continue to respond to appeals for humanitarian assistance where safe and transparent delivery systems are available to ensure that assistance reaches the intended beneficiaries.

Cuba

24. **Mr. Pickthall:** To ask the Secretary of State for International Development if she will provide assistance towards sustaining the Cuban health and education systems. [82974]

Clare Short: We contribute to Cuba through the European Commission whose humanitarian office (ECHO), focuses on the health and social sectors.

We have no plans to introduce a bilateral aid programme.

Africa

26. **Mr. Llwyd:** To ask the Secretary of State for International Development how many projects are being financed in African countries; and if she will make a statement. [82976]

Clare Short: We are currently spending £406 million in African countries. We also contribute to Africa through our work in the World Bank, EU, UN and other multilateral agencies. Our country strategy papers for Ghana, Kenya, Malawi, Mozambique, South Africa, Tanzania, Uganda and Zimbabwe have been placed in the Library of the House.

Education

Mr. MacShane: To ask the Secretary of State for International Development what steps she is taking to press developing countries to increase spending on education, with particular reference to girls. [82960]

Clare Short: World Bank analysis demonstrates clearly that educating girls has major development impact. Our White Paper commits us to work to ensure that the international community achieves its agreed objective of securing quality primary education for all girls and boys by 2015. We have committed over £250 million to primary education partnerships with developing countries since 1997. These are designed to support and encourage these governments in prioritising spending on primary education.

Displaced Persons (Former Yugoslavia)

Mr. Gapes: To ask the Secretary of State for International Development how many refugees and displaced persons have been driven from their homes in (i) Serbia, (ii) Kosovo, (iii) Croatia, (iv) Macedonia, (v) Montenegro, (vi) Bosnia and (vii) Slovenia since 1990 as a result of the civil wars and conflicts in former Yugoslavia; and how much development assistance and humanitarian support has been made available by the British Government to the countries of the regions. [82956]

Clare Short: About 2½ million people have been driven from their homes in the former Yugoslavia as a result of the conflicts since 1991 and an additional 800,000 since March this year. In response, the UK Government have provided over £247 million in humanitarian, reconstruction and development support. We have committed £40 million since March for refugees from Kosovo.

East Timor

Mr. Gapes: To ask the Secretary of State for International Development how her Department intends to respond to the signing on 5 May of a tripartite agreement on East Timor by Indonesia, Portugal and the United Nations Organisation. [84031]

Clare Short: We will contribute $1 million to the Trust Fund established to enable the United Nations to conduct a popular consultation and ensure an orderly transition to autonomy or independence. We will support a co-ordinated international effort led by the United Nations, and are exploring how we might also help develop capacity in civil society.

AGRICULTURE, FISHERIES AND FOOD

Departmental Staff

Mr. Rowe: To ask the Minister of Agriculture, Fisheries and Food how many staff work for his Department and its agencies; and how many did so in 1990. [82554]

Mr. Morley: On 1 April 1990, there were 10,495 staff working in my Department and its agencies. On 1 October 1998 (the latest information available) there were 9,702 staff working in MAFF and its agencies undertaking broadly comparable functions. In addition, there are 1,549 staff working for the Meat Hygiene Service who undertake functions which were the responsibility of local authorities in 1990.

Common Fisheries Policy

Mr. Bercow: To ask the Minister of Agriculture, Fisheries and Food what assessment he has made of the compatibility of the UN Code of Conduct for Responsible Fisheries (1995) with the provisions of the Common Fisheries Policy; and if he will make a statement. [83400]

Mr. Morley: The UN Food and Agriculture Organisation's Code of Conduct for Responsible Fisheries is a voluntary instrument which sets out a general framework of principles and standards aimed at ensuring the responsible conservation, management and development of fisheries. It is a wide-ranging document covering the capture, processing and marketing of fish and fish products, aquaculture, fisheries research and the integration of fisheries into coastal state management. The European Community is committed to ensuring that the Common Fisheries Policy, which aims to promote responsible fisheries management and the conservation of fish stocks, is fully compatible with the relevant provisions of the Code.

Open Government

Dr. David Clark: To ask the Minister of Agriculture, Fisheries and Food how many applications for information he received under the Open Government: Code of Practice on Access to Government Information in the last parliamentary session; and how many of these applications were granted. [83119]

Mr. Morley *[holding answer 10 May 1999]:* For monitoring purposes, this information is collected on a calendar year basis. Information for 1997 was published last year in the Open Government: Code of Practice on Access to Government Information 1997 Report. In the year ended 31 December 1998 MAFF and its agencies received 41 applications for information under the Code and granted 32 of them.

TREASURY

Tax Avoidance

Dr. Cable: To ask the Chancellor of the Exchequer in what form he proposes to implement his proposals on tax avoidance set out in Inland Revenue Press Release 35. [83371]

Dawn Primarolo: The proposals will be legislated in the Finance Bill 2000. They will provide a mechanism for looking through a contractual relationship, where services are provided through an intermediary, such as a company, but the underlying relationship between the worker and the client has the characteristics of employment. In those circumstances, the engagement will be treated as employment for the purpose of tax and National Insurance.

The Inland Revenue is presently working with interested parties on details of the practical application of the proposals.

Third World Debt

Mr. Laurence Robertson: To ask the Chancellor of the Exchequer how much third world debt the UK has written off since May 1997; how much remains due to the UK; to whom this is owed; and if he will make a statement. [82957]

Ms Hewitt: The UK has been at the forefront of efforts to improve existing debt relief mechanisms since May 1997. The Chancellor has called on his international colleagues to implement faster, wider and deeper debt relief.

Since 1997, HM Government have written off or committed under existing debt relief mechanisms to write-off around £400 million of debt from developing countries.

The total developing country debt outstanding under current debt agreements is just under £9 billion.

ECOFIN Council

Mr. Jim Marshall: To ask the Chancellor of the Exchequer what was the outcome of the ECOFIN Council held in Brussels on 10 May; and if he will make a statement. [83973]

Ms Hewitt: I attended the Economic and Finance Council—ECOFIN—of the European Union in Brussels on 10 May 1999.

There was an orientation debate on the Commission's draft 1999 Broad Economic Policy Guidelines. The draft was broadly welcomed. ECOFIN will agree a text at the 25 May ECOFIN after further discussion at official level.

The Presidency's draft European Employment Pact was discussed. The Pact will be discussed further at official level before being adopted by the joint meeting of

ECOFIN and the Social Affairs Council on 25 May. The Employment Pact was also discussed informally over lunch with the Social Partners.

The Commission presented to ECOFIN its preliminary draft budget for 2000, which it had adopted on 28 April. Discussion emphasised the need for budget discipline.

The President of the Economic and Financial Committee proposed a procedure for involving ECOFIN in the formulation of Common Strategies. The proposals were agreed.

I urged the Commission to speed up the disbursement of already agreed funds for the Federal Yugoslav Republic of Macedonia and Albania.

EDUCATION AND EMPLOYMENT

National Curriculum

Mr. Efford: To ask the Secretary of State for Education and Employment when the consultation on the national curriculum review will be launched; and if he will make a statement. [84079]

Mr. Blunkett: The Qualifications and Curriculum Authority will be carrying out the consultation on the proposed revisions to the national curriculum on my behalf. Sir William Stubbs and I will jointly launch the consultation tomorrow, 13 May. The Consultation will last for ten weeks. All schools will receive information about the consultation, and the full consultation package will also be available on the Internet, at http://qca.org.uk/ncr/ from tomorrow morning. Paper copies will also be placed in the Library tomorrow.

CULTURE, MEDIA AND SPORT

Arts Council

Mr. Peter Ainsworth: To ask the Secretary of State for Culture, Media and Sport what discussions he has had with the Arts Council of England regarding the future of its commissioning budget; and if he will make a statement. [83046]

Mr. Chris Smith: I have regular discussions with the Arts Council of England on a wide range of issues. In the case of new music, I understand that the Arts Council and regional arts boards provided £74,000 and £262,515 respectively in 1998–99 for new music commissions. The Arts Council also funds a number of organisations which support new music (the Society for the Promotion of New Music, Sonic Arts Network, London Sinfonietta and the British Music Information centre) adding a further £619,200 to the above figures. Other regularly funded organisations support new music within their grant in aid allocations, and performing groups and composers have also received support through the Arts For Everyone schemes.

Museums

Mr. Denis Murphy: To ask the Secretary of State for Culture, Media and Sport what assistance his Department is providing for local authority administered museums which are seeking to increase and improve their visitor attractions whilst retaining free admission. [83720]

Mr. Alan Howarth: For the first time, my Department is spreading its financial support to museums beyond those which it directly funds by means of a £15 million challenge fund for Designated museums. Of the 43 Designated museums services eligible to apply, 17 are local authority managed. The first awards have also been made from the Heritage Lottery Fund's new £7 million Museums and Galleries Access Fund established to assist Museums and Galleries Commission registered museums with touring exhibitions, transport costs, and other audience development approaches. In addition, a £½ million IT Challenge Fund and a £½ million Education Challenge Fund will be available to Commission registered museums this year and next year to support access, lifelong learning and educational projects.

NORTHERN IRELAND

Planning

Mr. Hume: To ask the Secretary of State for Northern Ireland how many non-determination appeals have been made to the Planning Appeals Commission for each district in Northern Ireland; how many were upheld; and in how many cases the Commission disagreed with the main recommendations of the commissioner hearing the appeal in each of the last five years for which figures are available. [82904]

Mr. Paul Murphy: The information requested in relation to non-determination appeals is included in the table. The table covers the last five years, and provides information in the format requested.

Article 33 (Non-determination) appeal statistics—1994–95 to 1998–99

District council	*AL*	*DS*	*W/D*	*N/D*	*T*	*C*
1994–95						
Armagh	—	—	—	—	—	—
Belfast	—	—	—	—	—	—
Carrickfergus	—	—	—	—	—	—
Castlereagh	—	—	—	—	—	—
Cookstown	—	—	—	—	—	—
Craigavon	—	—	—	—	—	—
Coleraine	—	—	—	—	—	—
Derry	—	—	1	—	1	—
Down	—	—	—	—	—	—
Dungannon	—	—	—	—	—	—
Larne	—	—	—	—	—	—
Limavady	—	—	—	—	—	—
Lisburn	—	—	—	—	—	—
Magherafelt	—	—	—	—	—	—
Newtownabbey	—	—	—	—	—	—
North Down	—	—	—	—	—	—
Omagh	—	—	—	—	—	—
Strabane	—	—	—	—	—	—
Total	—	—	1	—	1	—

District council	AL	DS	W/D	N/D	T	C
1995–96						
Armagh	—	—	—	—	—	—
Belfast	—	1	2	—	3	—
Carrickfergus	—	—	—	—	—	—
Castlereagh	—	—	—	—	—	—
Cookstown	—	—	—	—	—	—
Craigavon	—	—	—	—	—	—
Coleraine	—	—	—	—	—	—
Derry	2	—	—	—	2	1
Down	—	—	—	—	—	—
Dungannon	1	—	—	—	1	—
Larne	—	—	—	—	—	—
Limavady	—	—	—	—	—	—
Lisburn	—	—	—	—	—	—
Magherafelt	—	1	—	—	1	—
Newtownabbey	—	—	1	—	1	—
North Down	—	1	—	—	1	1
Omagh	—	—	1	—	1	—
Strabane	—	1	—	—	1	1
Total	3	4	4	—	11	3

District council	AL	DS	W/D	N/D	T	C
1996–97						
Armagh	—	—	—	—	—	—
Belfast	2	—	—	—	2	—
Carrickfergus	1	—	—	—	1	—
Castlereagh	—	1	1	—	2	—
Cookstown	—	—	—	—	—	—
Craigavon	—	1	—	—	1	1
Coleraine	—	—	—	—	—	—
Derry	3	—	2	—	5	—
Down	1	—	—	—	1	—
Dungannon	—	—	—	—	—	—
Larne	—	—	—	—	—	—
Limavady	—	—	—	—	—	—
Lisburn	1	1	—	—	2	1
Magherafelt	—	—	—	—	—	—
Newtownabbey	—	—	—	—	—	—
North Down	—	—	—	—	—	—
Omagh	—	—	1	—	1	—
Strabane	—	1	—	—	1	—
Total	8	4	4	—	16	2

District council	AL	DS	W/D	N/D	T	C
1997–98						
Armagh	—	—	—	—	—	—
Belfast	1	—	—	—	1	—
Carrickfergus	—	—	—	—	—	—
Castlereagh	—	—	—	—	—	—
Cookstown	—	—	—	—	—	—
Craigavon	—	—	—	—	—	—
Coleraine	—	—	—	—	—	—
Derry	3	—	—	—	3	1
Down	—	—	—	—	—	—
Dungannon	—	—	—	—	—	—
Larne	1	—	—	—	1	—
Limavady	—	—	—	—	—	—
Lisburn	3	1	—	—	4	1
Magherafelt	—	—	—	—	—	—
Newtownabbey	—	—	—	—	—	—
North Down	—	—	1	—	1	—
Omagh	—	—	—	—	—	—
Strabane	—	—	—	—	—	—
Total	8	1	1	—	10	2

District council	AL	DS	W/D	N/D	T	C
1998–99						
Armagh	1	—	—	1	2	—
Belfast	3	—	3	—	6	—
Carrickfergus	—	—	—	—	—	—
Castlereagh	—	—	—	—	—	—
Cookstown	—	—	—	1	1	—
Craigavon	4	—	2	—	6	1
Coleraine	—	1	1	—	2	—
Derry	2	—	—	2	4	—
Down	—	—	—	—	—	—
Dungannon	—	—	—	—	—	—
Larne	—	—	—	—	—	—
Limavady	—	1	—	—	1	—
Lisburn	2	1	1	1	5	—
Magherafelt	—	1	—	1	2	—
Newtownabbey	1	—	—	—	1	—
North Down	4	—	—	2	6	—
Omagh	—	—	—	—	—	—
Strabane	—	—	—	—	—	—
Total	17	4	7	8	36	1

Key:

AL = Allow, DS = Dismiss, W/D = Withdrawn/Invalid, N/D = Not Decided, T = Total, C = Decision different from Member's Recommendation

Police Ombudsman

Mr. McNamara: To ask the Secretary of State for Northern Ireland when she expects to make the appointment of the police ombudsman. [81607]

Mr. Ingram *[holding answer 29 April 1999]:* We intend to re-advertise the post nationally very soon. We hope to appoint a Police Ombudsman designate in late July/early August. Much will depend, however, on the number of applicants, the availability of candidates for interview and the date on which the successful candidate is available to take up post, by Royal Appointment.

Green Transport Plan

Mr. Baker: To ask the Secretary of State for Northern Ireland if she will make a statement on the introduction of a green transport plan for her Department. [82843]

Mr. Paul Murphy *[holding answer 11 May 1999]:* Since last July's Integrated Transport White Paper, which set targets for the introduction of Green Transport Plans for Government Departments, we are working to complete shortly plans covering all our headquarters and main buildings.

We are developing plans for all other key buildings in line with the target for March 2000 set in the Integrated Transport White Paper.

Police Interview Recordings

Mr. McNamara: To ask the Secretary of State for Northern Ireland what powers she has to accede to requests from persons interrogated at a holding centre that she listen to RUC recordings of their interrogations; what representations she has received in relation to four men arrested at Drumintee on 13 April; and if she will list the classes of person who may have access to interview recordings, indicating in each case the permission required to effect such access. [83383]

Mr. Ingram *[holding answer 11 May 1999]:* The audio recording of police interviews with terrorist suspects is governed by a Code of Practice, laid in Parliament in draft on 23 February 1999 and on course to become operational on 24 May 1999. The Code of Practice makes no provision for the Secretary of State to listen to the audio recordings; nor does the Secretary of State consider it appropriate that she should intervene in any ongoing police investigation.

On 15 April 1999, representations were received from a firm of solicitors on behalf of three persons arrested on 13 April 1999 under section 14 of the Prevention of Terrorism (Temporary Provisions) Act 1989 that there was no basis for their detention. The representations included a request that the Secretary of State should listen to the audio recordings of the interviews as a means of confirming this. The Minister of State, my right hon. Friend the Member for Torfaen (Mr. Murphy), acting on behalf of the Secretary of State and in accordance with S14(5) of the PTA, had earlier approved an application from the police for a two day extension of detention in respect of the persons detained. In light of the solicitors' representations, the Minister further considered the police application and upheld his decision to approve it.

Access to audio recording is as follows:

(i) the detained person may listen to the audio recording, on the authority of the Sub-Divisional Commander;

(ii) a solicitor may listen to the audio recording, on the authority of the Sub-Divisional Commander;

(iii) if a person is charged or informed that he or she will be prosecuted, a solicitor acting for that person may apply to the Sub-Divisional Commander for a copy of the audio recording;

(iv) the Director of Public Prosecutions may listen to the audio recording, on his own authority;

(v) a court may listen to the audio recording, on its own authority;

(vi) the audio recording may constitute evidence on behalf of a party to civil proceedings, if relevant.

Forest Service

Mr. Levitt: To ask the Secretary of State for Northern Ireland what performance targets have been set for the Forest Service for the financial year 1999–2000. [84080]

Marjorie Mowlam: The following Key targets have been set for the Forest Service for 1999–2000.

To achieve 800 hectares of new planting in public and private sectors combined.

To offer for sale 325,000 m^3 of timber.

To maintain visitor numbers in charged areas at above 90 per cent. of the average level achieved over the last 5 years.

To maintain the area of forest under sustainable management.

To respond to 100 per cent. of written correspondence within 15 working days.

To approve (or reject) 90 per cent. of applications under the Woodland Grant Scheme and Farm Woodland Premium Scheme within 8 weeks of receipt of a properly completed application form.

To pay, following planting, 90 per cent. of grant claims within 8 weeks of receipt of a properly completed claim form.

To determine the way forward for long-term partnerships with the wood processing industry (as recommended by the PFI study).

To market test/contract out 15 per cent. of direct costs of forest operations.

To achieve an outturn which meets the targeted net cost of the forestry programme.

To achieve at least 3 per cent. efficiency savings.

To control DRC and programme expenditure to within 1 per cent. of the final control totals.

The Forest Service Business Plan for 1999–2000 will be placed in the Libraries of both Houses of Parliament at a later date.

Rivers Agency

Ms Corston: To ask the Secretary of State for Northern Ireland what performance targets have been set for the Rivers Agency for the financial year 1999–2000. [84081]

Marjorie Mowlam: The following Key Targets have been set for the Rivers Agency for 1999–2000.

To construct or refurbish 0.63 km of urban flood defences.

To increase the length of designated sea defences having appropriate standards of protection to 32.5 per cent.

To accommodate increased storm run-off from 126.5 hectares of development land.

To replace/refurbish 1.616 km of dangerous culverts.

To complete maintenance work on 265 km of urban watercourses and 1,203 km of rural watercourses.

To issue substantive replies to 80 per cent. of written inquiries within 15 working days of receipt.

To respond to 98 per cent. of Schedule 6 applications within 3 months.

To control programme expenditure to within 0.5 per cent. shortfall of the final control total.

To control DRC expenditure to within 1 per cent. shortfall of the final control total.

To achieve 3 per cent. efficiency gains in the 1999–2000 financial year.

The Rivers Agency Business Plan for 1999–2000 will be placed in the Libraries of both Houses of Parliament at a later date.

Social Security Agency

Mrs. Ellman: To ask the Secretary of State for Northern Ireland what performance targets have been set for the Social Security Agency for the current financial year. [84082]

Mr. McFall: The following targets have been set with the objective of improving the service provided to customers. I am satisfied that the targets represent a demanding challenge for the Agency. The targets will be included in the Agency's 1999–2002 Strategic and Business plan, which is due for publication this month. A copy of the plan will be placed in the Library. The targets are as follows:

1. Benefit Accuracy

Disability Living Allowance
to pay the correct amount in at least 87 per cent. of cases.

Incapacity Benefit
to pay the correct amount in at least 94 per cent. of cases.

Income Support
to pay the correct amount in at least 88 per cent. of cases.

Jobseeker's Allowance
to pay the correct amount in at least 90 per cent. of cases.

2. Customer Satisfaction

90 per cent. of customers to regard the Agency's service as satisfactory or better.

3. Financial Recovery

recovery of overpayments—£3.2 million.

benefit savings from detection and prevention of fraud—£22.0 million.

4. Resource Management

to achieve cash efficiency savings of the order of £1.1 million.

The customer satisfaction target is presently measured by independent survey and usually covers a two year period, in this case 1999–2000 and 2000–01. As such it will be measured again early in the year 2001.

PRIME MINISTER

Engagements

Sir Peter Tapsell: To ask the Prime Minister if he will list his official engagements for Wednesday 12 May. [83630]

The Prime Minister: This morning, I had meetings with ministerial colleagues and others and gave a speech in memory of John Smith, my predecessor as leader of the Labour party. In addition to my duties in the House, I have further such meetings later today.

CABINET OFFICE

Government Car and Despatch Agency

Mr. Geraint Davies: To ask the Minister for the Cabinet Office what targets he has set the Government Car and Despatch Agency for 1999–2000. [84172]

Mr. Kilfoyle: I have set the agency the following targets:

Financial

to break even on an accruals basis;

to achieve a sales turnover of £11 million;

to maintain expenditure and receipts within voted provision;

Efficiency

to maintain the gross contribution as a percentage of sales at 1998–99 outturn;

to increase the income per pound for labour cost to £2.04;

Quality

to improve customer satisfaction by 2 per cent.

Environmental

to convert to alternative environmentally friendly fuels 50 per cent. of the cars purchased and capable of such conversion.

Written Answers to Questions

Thursday 13 May 1999

NORTHERN IRELAND

Health and Social Services Estates Agency

Mr. Coleman: To ask the Secretary of State for Northern Ireland what performance targets have been set for 1999–2000 for the Northern Ireland Health and Social Services Estates Agency. [84333]

Marjorie Mowlam: The targets, which have been set for 1999–2000, are based on the corporate aims and objectives of the Agency as set out in section 5 of its Corporate and Business Plan and reflect in part a refinement of the previously set targets. The targets are in line with the Government's policy of seeking to improve the service provided to clients in terms of both quality and value for money and I am satisfied that they present a demanding challenge for the Agency. A copy of the Corporate and Business plan will be placed in the Library.

The targets are as follows:

Delivery of Services

1. Provide a regional support service to the HSSE and the Department on embedded systems and medical devices in relation to the Y2K problem in the HPSS estate. As a central part to this support service, obtain the compliance status of Northern Ireland utilities (electricity, water etc.) and provide guidance on the required level of contingency planning recommended for these utility services.
2. Provide the consultation draft of the Review of the Key Management Document in the Firecode suite "Policy and Principles", by March 2000.
3. Provide and Energy/Environment Report for the Minister on the progress of the DHSS and the HPSS is making towards meeting the Government's targets on green issues by November 1999.
4. Assess and advise the HSSE on 60 per cent. of capital investment business case submissions within 20 working days, subject to a maximum 24 business cases per annum.
5. Provide the HSSE with a Defects Centre in relation to the HPSS estate. Investigate and clear (60 per cent.) of all adverse incidents within six months (and 90 per cent. within two years) of notification to Health Estates subject to a maximum of 120 adverse incidents per annum.
6. 80 per cent. of clients to regard the Directorate's Client Support and Project Management Services as satisfactory or better in respect of:

   Two projects being procured by the PFI/PP process with an estimated capital value of £2.6 million.

   Preparation and completion of 5 Outline Business Cases with an estimate capital value of £15.35 million.

   The completion of the tendering and contract award stages of 4 projects with an estimated capital value of £12.25 million.

   Nine projects during the construction/completion stages with an estimated capital value of £134.85 million.
7. Complete 90 per cent. of periodic specialist sterilizer equipment tests by the programmed dates and 100 per cent. within 6 weeks of that date subject to a maximum client request for this service of 500 man days.
8. Complete 95 per cent. of diagnostic equipment and laboratory equipment acceptance tests, and other tests within 4 weeks of receipt of written request and the remainder within 10 weeks.
9. Complete 95 per cent. of the initial evaluations for Diagnostic Imaging Equipment Projects within 4 weeks of receipt of written request and the remainder within 10 weeks. Complete Diagnostic Imaging Equipment Projects within 10 months of clients providing their instruction to proceed.

Financial Management

10. Ensure that the Agency lives within its running cost allocation and demonstrates that its full costs are recovered, on a notional basis, through Service Level Agreements with clients.

Emergency Provisions Legislation

Mr. McNulty: To ask the Secretary of State for Northern Ireland when she intends to publish the report by Mr. J. J. Rowe QC on the operation during 1998 of the Northern Ireland (Emergency Provisions) Act 1996. [84334]

Marjorie Mowlam: Mr. Rowe's Report is being published today and copies are being placed in the Library. I note that Mr. Rowe recommends that the legislation be renewed.

The UK's counter terrorism legislation is currently under review. The Government intend to bring forward, as soon as possible, new UK-wide legislation to replace the existing temporary provisions.

In December last year, the Government published a consultation paper entitled, "Legislation Against Terrorism". Around eighty responses have been received. The process of examining each contribution and preparing the Government's legislative response is well underway. The Government have made clear that during the period the new legislation is being prepared it will not leave the people of Northern Ireland without the protection of necessary counter-terrorism measures. For that reason I propose to continue the EPA in force for a temporary period and I shall lay before the House as soon as possible a draft Order for consideration which would have that effect.

The Government are committed to steadily transforming the security environment in Northern Ireland and achieving complete normalisation as part of the implementation of the Good Friday Agreement as a whole. In such circumstances, the Government's position is that there will be no need for any temporary Northern Ireland specific powers. The Government will make a judgment about that nearer the time the new UK-wide legislation is introduced.

Valuation and Lands Agency

Mr. Pound: To ask the Secretary of State for Northern Ireland if she will make a statement on the Review of the Valuation and Lands Agency. [84335]

Mr. Paul Murphy: On 27 February 1998, *Official Report*, columns *413–14*, I announced to the House the Review of the Valuation and Lands Agency. Each Agency undergoes a periodic review to evaluate performance and to reconsider whether agency status is the best way of doing the job.

I am pleased to announce that this Review is now complete. It has found that there have been substantial improvements in productivity and efficiency, and in the

overall quality of service to customers. The Review recommends that the Valuation and Lands Agency should remain an Agency within the Department of Finance and Personnel.

The Review goes on to recommend that a feasibility study should be carried out into the possibility of a merger with the Rate Collection Agency. The decision, under devolved arrangements, to transfer the Rate Collection Agency to the Department of Finance and Personnel should facilitate such a study and I have commended the findings in the Review Report to the First Minister (Designate) and deputy First Minister (Designate).

I am placing a copy of the Report in the Library today. Work will continue on a revised Framework Document and this will become a matter for the devolved administration in Northern Ireland to approve in due course.

PRIME MINISTER

Devolution

Mr. Corbett: To ask the Prime Minister what plans he has to amend the Civil Service Code to take account of devolution for Scotland and Wales. [84171]

The Prime Minister: There will continue, under the Devolution settlements, to be a unified Home Civil Service whose members will serve their respective Administrations in accordance with the well-established principles of integrity, honesty, impartiality and objectivity. A revised Civil Service Code is being issued to all civil servants to reflect the changes brought about by devolution to Scotland and Wales. Copies of the Code have been placed in the Libraries of both Houses.

Sierra Leone

Mr. Gapes: To ask the Prime Minister if the Intelligence and Security Committee has reported to him on Sierra Leone; and if he will publish the report. [84486]

The Prime Minister: The Intelligence and Security Committee sent a Report examining the intelligence aspects of the counter-coup in Sierra Leone to me in February. Following discussions about which parts of the Report must be withheld for security reasons, the Report is being published today. The Government intend to publish a formal response to the Report in due course.

ENVIRONMENT, TRANSPORT AND THE REGIONS

M11

Mr. Cohen: To ask the Secretary of State for the Environment, Transport and the Regions what estimate he has made of the eventual total cost of the M11 Link Road; and on what date it is expected to be fully completed. [83598]

Ms Glenda Jackson: I have asked the Chief Executive of the Highways Agency, Mr. Lawrie Haynes, to write to my hon. Friend.

Letter from Lawrie Haynes to Mr. Harry Cohen, dated 13 May 1999:

The Parliamentary Under Secretary of State for the Environment, Transport and the Regions has asked me to reply to your recent Parliamentary Question about the A12 Hackney to M11 Link Road.

The current estimated total out turn cost of the scheme is £360 million.

We anticipate opening the road to traffic in phases, starting next month. The whole scheme should be open later this Summer, although finishing works will carry on until the Autumn.

Driving Licences

Mr. Matthew Taylor: To ask the Secretary of State for the Environment, Transport and the Regions in how many instances in each of the last five years for which figures are available, a request for change of the sex recorded on a driving licence was *(a)* received and *(b)* acted upon. [83571]

Ms Glenda Jackson: No separate record is kept of applications. Provided the application is supported by appropriate documentation, the Driver and Vehicle Licensing Agency will accept the request.

M6 Corridor

Ms Walley: To ask the Secretary of State for the Environment, Transport and the Regions what progress he has made in commissioning the M6 corridor transport study; and what timetable he has agreed. [83743]

Ms Glenda Jackson: Lord Whitty announced on 23 March 1999 the start dates for the programme of multimodal and roads based studies. The West Midlands to North West Conurbation Study will begin in Summer 1999. Consultation with the Regional Planning Conferences in both the West Midlands and the North West will start before then, initially on the preparation of the consultants' brief, and will continue throughout the life of the study. As part of the multimodal study, consultants will develop a full range of options to tackle the traffic problems of the corridor, including the possibility of modal shift.

Multimodal Transport Studies

Ms Walley: To ask the Secretary of State for the Environment, Transport and the Regions what guidance he has issued to prospective consultants in respect of consultation with the public as part of the proposed multimodal transport studies. [83746]

Ms Glenda Jackson: The Department is currently preparing guidance on the methodology for the multimodal studies. The guidance will be aimed at consultants undertaking work on the studies and will cover the role of consultation in the study process.

Ms Walley: To ask the Secretary of State for the Environment, Transport and the Regions what opportunities there will be for local stakeholders to be involved in drawing up the terms of reference for the proposed multimodal transport studies. [83745]

Ms Glenda Jackson: The Government Offices responsible for taking forward the multimodal studies will draw up terms of reference in consultation with the local Regional Planning Bodies and agree them with the study steering group.

Ms Walley: To ask the Secretary of State for the Environment, Transport and the Regions what guidance he has issued in respect of the geographical scope of multimodal studies; what area the proposed M6 corridor transport study will cover; and which major routes will be included other than the M6. [83744]

Ms Glenda Jackson: The geographical scope of each multimodal study will be set out in its terms of reference, which will be drawn up by Government Offices in consultation with the Regional Planning Bodies.

The terms of reference for the West Midlands to North West Conurbation study have not yet been agreed, but the geographical scope is expected to be the broad corridor along the M6/west coast main line routes, including the A500, A50(M1), A34 and other possible rail and bus routes.

Genetically Modified Crops

Mr. Mitchell: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 20 April 1999, *Official Report*, column *473*, on genetically modified crops, if he will make a statement on the reasons for the delay between the holding reply and the final reply. [83820]

Mr. Meacher: The sudden upsurge in media and public interest in genetic modification technology earlier this year resulted in a very substantial increase in the volume of Ministerial correspondence, Parliamentary Questions and correspondence from members of the public needing to be handled by officials. My officials have also been required to handle significantly increased levels of briefing resulting from several Select Committee appearances and the general increase in Ministerial activity in this area. This increased level of activity coupled with the need to provide full and considered replies to the large number of sometimes detailed and complex Parliamentary Questions tabled has inevitably resulted in some increase in response time, which I regret.

Concessionary Bus Fares

Mr. O'Hara: To ask the Secretary of State for the Environment, Transport and the Regions what measures he plans to put in place to ensure that local authority transport schemes which currently exceed the proposed minimum standard of half price concessionary bus fares for older people do not reduce their benefits to older people when the proposed national scheme is implemented. [83845]

Ms Glenda Jackson: Beyond the terms of our national standard minimum for concessionary travel schemes for elderly people, local authorities will continue to have full discretion to decide on the terms of their concessionary travel schemes. Local authorities will therefore remain entirely free to provide concessionary fare schemes which are more generous than our proposed statutory minimum. We believe that it is right to maintain the principle that locally elected authorities should consider these matters in the light of local needs and circumstances and their overall financial priorities, and to be locally accountable for the decisions then made.

Mr. O'Hara: To ask the Secretary of State for the Environment, Transport and the Regions if his proposed minimum national concessionary bus fare scheme for older people will be applicable to all people aged over 60 years. [83844]

Ms Glenda Jackson: Our proposed national minimum for concessionary fares will be based on the present statutory position, whereby concessionary travel for older people is linked to the state pension age.

Waste

Mr. Jim Cunningham: To ask the Secretary of State for the Environment, Transport and the Regions what impact the landfill tax has had on reducing the proportion of total waste which is disposed of through landfill sites; and what proportion of United Kingdom waste has been recycled in each of the last 10 years. [83623]

Mr. Meale *[holding answer 11 May 1999]:* The information currently available suggests that the landfill tax has reduced the quantity of material going to licensed landfill sites, particularly construction and demolition waste. There is little statistical information at this stage to support any conclusions as to the extent to which this results from a reduction in the amount of waste generated as opposed to being diverted to different outlets.

The data available for municipal waste only are as follows:

Municipal waste recycling rate

Percentage

Year	*England and Wales*	*Scotland*	*Northern Ireland*
1998	[1]8	[2]—	[2]—
1997	[1]7	[2]—	3.4
1996	6.5	no data	no data
1995	no data	no data	no data
1994	no data	0.64	no data
1993	no data	0.66	no data
1992	no data	0.68	no data
1991	no data	0.61	no data
1990	no data	0.63	no data
1989	no data	no data	no data

[1] Data still to be fully verified

[2] Data still to be collected or processed

Single Vehicle Approvals

Mr. Pound: To ask the Secretary of State for the Environment, Transport and the Regions what progress is being made following his consultation on the system of single vehicle approvals. [84208]

Dr. Reid: Changes to the current limit on the number of commercially traded vehicles which can be approved into the UK each year under the Single Vehicle Approval Scheme (SVA) scheme will be introduced from March 2000. The main elements of the changes are:

Progressive lifting of limits on the total number of commercially traded vehicles which can be approved and registered under SVA, starting with 1,000 vehicles in March next year and increasing by 1,000 each month until the end of year 2000 when all limits will be lifted.

Introduction of enhanced technical standards for key environmental, safety and security (anti-theft) items to apply to commercially traded vehicles. The current SVA standards will continue to apply to amateur-built vehicles and genuine personal imports as redefined below.

Complete lifting of limits on vehicles which have been approved to equivalent standards to the enhanced SVA in other European member states.

Tightening of the rules for vehicles to qualify as "personal imports" by requiring importers to have lived abroad for at least 12 months and used their vehicles abroad for at least 6 months.

Transport (EU)

Mr. Bercow: To ask the Secretary of State for the Environment, Transport and the Regions what response his Department has made to the European Commission White Paper establishing a common transport infrastructure charging framework in the EU. [83941]

Ms Glenda Jackson: The Commission has not invited member states to comment on its White Paper and neither my right hon. Friend the Secretary of State nor I have made any formal response. However, as proposed in the White Paper, the Commission has established a committee of experts to develop guidance on methods to estimate the marginal costs of transport, and our officials are participating in that process.

Auditors

Mr. Hawkins: To ask the Secretary of State for the Environment, Transport and the Regions (1) what is the maximum period of time for which an auditor may be appointed by the Audit Commission; [84044]

(2) what powers the Audit Commission has to terminate the appointment of an appointed auditor *(a)* in general and *(b)* for professional incompetence; [84045]

(3) what powers the Audit Commission has to vary the personal fee levels of appointed auditors. [84046]

Ms Armstrong: Section 3 of the Audit Commission Act 1998 makes provision for the appointment of auditors by the Audit Commission. There is no prescribed maximum period, but it is the commission's general policy, in accordance with good professional practice, to change a council's auditor at least once every seven years. The Audit Commission may terminate an appointment where the auditor fails to comply with the statutory Code of Audit Practice, or other statutory obligations. Where an auditor is not a Commission employee, section 3(8) provides for the appointment to be on such terms and for such period as the Commission may determine. Such terms include the personal fees payable by the commission to the individual auditor or the firm of individuals.

District Auditor's Inquiry (Westminster)

Mr. Gerald Howarth: To ask the Secretary of State for the Environment, Transport and the Regions what representations he has received on the impact on Westminster City Council's fulfilment of its statutory functions of the reimbursement of legal costs associated with councillors and officers in connection with the District Auditor's inquiry into designated sales. [84065]

Ms Armstrong: My right hon. Friend the Deputy Prime Minister is not aware of any such representations.

Mr. Gerald Howarth: To ask the Secretary of State for the Environment, Transport and the Regions what action he proposes to take, in relation to the work of the auditor involved in the inquiry, following the Court of Appeal's judgment reducing the Westminster auditor's calculation of loss in connection with the inquiry into designated sales. [84064]

Ms Armstrong: My right hon. Friend the Deputy Prime Minister has no function in relation to the work of auditors appointed by the independent Audit Commission.

Planning Inquiries

Mrs. Organ: To ask the Secretary of State for the Environment, Transport and the Regions what is the average time taken between the completion of a planning inquiry and the announcement of the inspector's decision within the south-west region. [84220]

Mr. Caborn: Such information is available only for Planning Appeals made under S78 of the Town and Country Planning Act 1990. In the last year April 1998 to March 1999 the average time taken for cases in the south-west region decided by the Secretary of State was 27 weeks compared with a national average of 34 weeks.

Rents

Mr. Rendel: To ask the Secretary of State for the Environment, Transport and the Regions what were the average rents in each year since 1989 for *(a)* local authority properties, *(b)* housing association properties and *(c)* private properties. [84047]

Mr. Raynsford: The average weekly rents for England are as set out. These averages take no account of differences in the size, age or location of dwellings covered under the three tenures.

£

Year	*Local authority*	*Housing association*[1]	*Private*
1989–90	20.86	n/a	n/a
1990–91	23.92	n/a	40
1991–92	27.59	29.62	n/a
1992–93	30.84	34.34	n/a
1993–94	33.70	38.17	61
1994–95	35.79	40.71	65
1995–96	38.41	44.00	70
1996–97	40.17	46.74	76
1997–98	41.18	49.71	79

[1] Housing association rents are at 31 March in each year. The series above runs from 31/3/92–31/3/98.

Source:

LA: DETR Housing Subsidy claim forms.

HA: annual Housing Corporation HAR 10/1 and RSR.

Private: 1990, Survey of Private Renters. Other years, DETR Survey of English Housing—like all estimates from sample surveys, these figures are subject to sampling variability.

LORD CHANCELLOR'S DEPARTMENT

Community Legal Service

Mr. Garnier: To ask the Minister of State, Lord Chancellor's Department when he proposes to publish the Community Legal Service consultation document. [83822]

Mr. Hoon: I expect to publish the document shortly.

ATTORNEY-GENERAL

Serious Fraud Office

Mr. Cohen: To ask the Attorney-General if he will make a statement on the current caseload of the Serious Fraud Office. [83889]

The Solicitor-General: The current caseload of the Serious Fraud Office is 66 active cases. Caseload figures for the three previous financial years, as set out in the SFO Annual Reports, are as follows: 70, 82 and 78 (for 1995–96, 1996–97 and 1997–98 respectively).

FOREIGN AND COMMONWEALTH AFFAIRS

EU Fraud

Mr. Grieve: To ask the Secretary of State for Foreign and Commonwealth Affairs what *(a)* discussions he has had and *(b)* proposals his Department has put forward at Council of Ministers' meetings in respect of EU fraud; and if he will make a statement. [77775]

Ms Quin: *[holding answer 19 March 1999]:* I refer the hon. Member to the answer given by my right hon. Friend the Minister for the Treasury on 19 March 1999, *Official Report,* column *858–59.*

European Commission

Mr. Gill: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his answer of 20 January 1999, *Official Report*, column *505*, for what reason he has not received from the European Commission the information requested by the hon. Member for Ludlow on 13 January. [81980]

Mr. Maclean: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his answer of 20 January 1999, *Official Report*, column *505*, on the European Commission, what steps he has taken to secure the information requested from the European Commission. [82179]

Ms Quin: I have written to the right hon. and hon. Members. A copy of these letters has been placed in the Library of the House.

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list the proposals which he has made at the Council of Ministers for the reform of the European Commission. [82482]

Ms Quin: The UK has shared with partners a number of specific reform ideas aimed at making the Commission more efficient, transparent and accountable. These include changes to Commission internal management structures, personnel policy and financial control. Some progress has already been made. For example, the Council is expected shortly to approve plans for an independent fraud investigation office within the Commission, the make-up of which will owe much to UK ideas.

EU Council Meetings

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will estimate the average proportion of the agenda for European Union Council meetings attended by his Ministers which change in the period between his monthly announcement of the proposed agenda and the actual meeting. [82296]

Ms Quin: The agendas for EU General Affairs Councils (GACs) are subject to changes in the run-up to the meetings: Ministers often need to react quickly to events. Over the last six months, I estimate that the agendas for the GACs have changed by up to 50 per cent. between the monthly announcements and the actual meetings.

As part of the Parliamentary process, my department provides the Scrutiny Committees with updated agendas for the GACs two weeks in advance of the meetings, which are updated thereafter if there are further significant changes.

EU Treaties

Mr. Mitchell: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will publish as a single paper the texts of the revised Treaties on European Union and the European Community as coming into effect on 1 May together with all the protocols and declarations contained in their component treaties and showing for each article therein references to earlier numbered Articles related to those now current. [83819]

Ms Quin: I refer my hon. Friend to Command Paper CM 3780, presented to Parliament by my right hon. Friend the Foreign Secretary in October 1997. The consolidated version of the Treaty on European Union begins on page 110, that of the Treaty establishing the European Community on page 130. This text also includes references to the previous numbering of articles.

Peacekeeping (UN)

Mr. Mackinlay: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his answer of 5 May 1999, *Official Report*, column *421*, on UN peacekeeping, if he will list the cases which have arisen, other than in Kosovo, when in the light of all the circumstances a limited use of force has been deemed justifiable under international law in support of purposes laid down by the Security Council. [84066]

Mr. Tony Lloyd: A limited use of force was deemed justifiable in support of the purposes laid down by the Security Council but without the council's express authorisation in order to avert a humanitarian catastrophe in Iraq shortly after the Gulf War. The No Fly Zones were established in 1991 (northern Iraq) and 1992 (southern Iraq) in support of UNSCR 688 which called on Iraq to end its brutal repression of the civilian population: coalition aircraft help protect the interests of the Shias in

the south and the Kurds and other minorities in the north by ensuring Iraqi aircraft cannot fly below the 33rd or above the 36th parallel.

Military Exports (Yugoslavia)

Mr. Llew Smith: To ask the Secretary of State for Foreign and Commonwealth Affairs what assessment he has made of the impact of British military equipment exported to Yugoslavia since 1989 on the present conflict. [80160]

Mr. George Robertson: I have been asked to reply.

Since the introduction of UN and EU arms embargoes in 1991 we have no evidence of UK companies, either directly or through intermediaries, supplying the Federal Republic of Yugoslavia with any military equipment prohibited by the embargoes. Details of military equipment exports during the period 1 January 1989 to July 1991, when the EU embargo was applied, were published on 16 February 1993, *Official Report*, columns *124–32*, in reply to my hon. Friend the Member for Blaenau Gwent (Mr. Smith). These included military aircraft component spares, which were short term consumable items and are unlikely to still be in service. We assess that they have had little direct impact on operations.

Radar equipment and spare parts to support the civil/military radar system were also supplied. Many of these assets have been attacked and damaged or destroyed by NATO air-strikes. We believe that some UK supplied equipment is continuing to contribute to Serbia's remaining air surveillance capability.

EDUCATION AND EMPLOYMENT

SOLOTEC (Chief Executive)

Mr. Ottaway: To ask the Secretary of State for Education and Employment if he will make a statement on the reasons for the financial compensation package paid on the resignation of the Chief Executive of SOLOTEC. [83377]

Mr. Mudie: The Board of SOLOTEC is responsible for setting the terms and conditions of SOLOTEC's staff. I understand that the Board decided last summer to vary the then Chief Executive's terms of employment to incorporate the severance payment he has since received. I further understand that the Board at the time believed that the financial compensation package was necessary to retain the services of the Chief Executive. When the Board subsequently decided to part with the Chief Executive, they decide to make the payment in full.

The compensation package was agreed and paid without the knowledge of the Department. My right hon. Friend the Secretary of State has made clear our view that there are no circumstances in which a payment of this size could be justified for any TEC employee.

Latin American Students

Mr. Cox: To ask the Secretary of State for Education and Employment if he will list the *(a)* number of and *(b)* origin of students studying at British universities from the countries of Latin America. [83369]

Mr. Mudie: The latest available data are given in the following table:

Number of higher education students from Latin American countries studying in higher education institutions in Great Britain 1998–99

Country	*Number of students* [1]
Argentina	365
Bolivia	35
Brazil	1,046
Chile	202
Colombia	475
Costa Rica	25
Cuba	10
Ecuador	50
El Salvador	15
Guatemala	12
Honduras	6
Mexico	1,056
Nicaragua	8
Panama	27
Paraguay	15
Peru	120
Uruguay	43
Venezuela	279
Total	3,789

[1] Full-time, part-time, undergraduates and postgraduates

Mature Students

Mr. Willis: To ask the Secretary of State for Education and Employment if he will publish figures from the Higher Education Statistics Agency showing the numbers of part-time and full-time mature students who entered higher education in (i) 1996, (ii) 1997 and (iii) 1998. [83590]

Mr. Mudie: Information for the three years requested is given in the table.

Mature [1] *entrants to UK higher education institutions*

Year	*Full-time*	*Part-time*	*Total*
1996–97	172,100	226,000	398,100
1997–98	170,400	230,800	401,200
1998–99	168,700	250,100	418,700

[1] Mature entrants are defined as students in their first year of study aged 25 and over on postgraduate courses and aged 21 and over on undergraduate courses. The numbers cover home and overseas domiciled students and are taken from HESA December Student Record datasets.

Note:

Comparisons between 1997–98 and 1998–99 are affected by a change in the basis for identifying first year students used by the Higher Education Statistics Agency (HESA). Adjusting for this change gives a growth rate of -4 per cent. in full-time entrants (rather than -1 per cent. suggested by the unadjusted numbers) and +5 per cent. in part-time (rather than +8 per cent. suggested by the unadjusted numbers).

The figures show that the numbers of mature students have increased since the introduction of tuition fees. The tendency for more mature students to opt for part-time rather than full-time study began before tuition fees were introduced for all categories of student and has continued since.

Brain Drain

Mr. Öpik: To ask the Secretary of State for Education and Employment what estimate he has made of the proportion of UK citizens with post-graduate degrees

obtained at British universities who have subsequently taken up employment abroad; and if he will make a statement. [83356]

Mr. Mudie: The available information relates only to the destinations of individual cohorts of postgraduate qualifiers six months after qualification.

The latest figures relating to 1996–97 show that of the 17,367 UK domiciled full-time postgraduate qualifiers from GB higher education institutions for whom we have destination information, 1,100 (or 6 per cent.) are reported to have taken up employment overseas.

Wirral Metropolitan College

Mr. Ben Chapman: To ask the Secretary of State for Education and Employment (1) if he will call for a report from the FEFC on the decision of the previous directors of Wirral Metropolitan College to award an enhancement of eligible service to the recently retired Principal of Wirral Metropolitan College; [83689]

(2) what external advice he *(a)* sought and *(b)* received about the appropriateness of the retirement package of the recently retired principal of Wirral Metropolitan College. [83691]

Mr. Mudie: The retirement package was a decision made by the previous governors of Wirral Metropolitan College. The decision was made in line with guidance provided by the FEFC in its financial memorandum to colleges. My right hon. Friend the Secretary of State has asked the FEFC to review the advice it gives to colleges to ensure that careful consideration is given to the guidance so that it is appropriate in different circumstances.

INTERNATIONAL DEVELOPMENT

Romania

Mr. Streeter: To ask the Secretary of State for International Development if she will set out her Department's planned financial assistance towards orphanages in Romania in the financial year 1999–2000. [83965]

Clare Short: We have no plans to provide financial assistance for orphanages in Romania for the financial year 1999–2000. We are considering a request from the Romanian Department for Child Protection which may include support for orphanages.

HOME DEPARTMENT

Macpherson Report

Mr. Efford: To ask the Secretary of State for the Home Department if he has received the findings of the independent investigation into the leak of material relating to the report by Sir William Macpherson into the death of Stephen Lawrence. [84332]

Mr. Straw: I have now received from my Permanent Secretary the report of the independent investigation into the leak, carried out following longstanding practice by a member of the panel maintained by the Cabinet Office. The summary findings of the report are as follows:

Information deriving from the draft report of the Judicial Inquiry was leaked to the *Sunday Telegraph* on 21 February. The most likely route for the leak was not the draft Report itself but a summary of its findings and associated commentary which were internal to Government. The leak is not, therefore, thought to have come from the Inquiry team or from the printers.

Appropriate security arrangements were instituted by the Home Office to control tightly the handling of the draft Report and related papers. They excluded advance briefing of the media. The handling procedures and the restriction on briefing of the media were observed. All copies of the relevant papers were accounted for. No-one was found who had had unauthorised access to the material. Despite intensive investigation, it has not been possible to establish who deliberately leaked the story to the *Sunday Telegraph*.

I regret that it has not been possible to trace the originator of this deplorable leak. I had access myself to the papers, and I have already given in my Statement to the House on 22 February 1999, *Official Report*, columns 21–34, my personal word that I was not responsible. The only other Minister with relevant access was my hon. Friend the Minister of State, Home Office, the hon. Member for Brent, South (Mr. Boateng) who has asked me to relay to the House a similar absolute assurance which he has given me and which I fully accept. The number of officials and advisers who also had access to the relevant papers is small, and I do not intend therefore, to publish their names which would only serve to throw suspicion unfairly on them as a group when there is no evidence that identifies any individual as responsible.

Cigarette Lighters

Mrs. Gordon: To ask the Secretary of State for the Home Department what estimate his Department has made of the number of house fires which are caused each year by faulty cigarette lighters; and if he will make a statement. [83813]

Mr. George Howarth: In 1997, there were 527 fires caused by cigarette lighters which resulted in 10 fatal and 265 non-fatal casualties. The statistics do not specify whether or not the cigarette lighter in question was faulty.

Metropolitan Police

Mr. Gardiner: To ask the Secretary of State for the Home Department what assessment he has made of the financial costs to the Metropolitan Police of the additional security arrangements in London in response to the recent nail bomb attacks; and what additional financial provision he proposes to make to cover these costs. [83888]

Kate Hoey: The Commissioner of Police of the Metropolis tells me that the estimated cost of the enhanced high visibility policing provided to reassure the public, in particular, in policing in areas populated or frequented by all known minority groups, as part of the measures to combat the recent nail bombings, is £1,435,144. The figures do not include policing of the bomb scenes themselves.

These policing operations were of the character for which the funding of the Metropolitan Police already provides.

CCTV

Mr. Gardiner: To ask the Secretary of State for the Home Department if he will assess the benefits of compulsory registration of privately operated CCTV systems with the local police. [83886]

Mr. Boateng: There is no requirement for owners of privately operated Closed Circuit Television (CCTV) systems to register with the local police, nor are there any plans to assess the benefits of requiring them to do so.

The Data Protection Act 1998 provides a framework for the statutory regulation of CCTV systems. Their controllers will be required to notify details of their processing of personal data to the Data Protection Commissioner who will make them publicly available in a register. They will also have to comply with a set of enforceable principles of good data handling practice.

Our recently published White Paper on the statutory regulation of the private security industry would require those operating CCTV systems to be licensed.

Case Allocation Unit

Mr. Clappison: To ask the Secretary of State for the Home Department what was the throughput of files achieved by the case allocation unit for the latest available period. [83954]

Mr. Mike O'Brien: During the week ending 8 May, the case allocation unit allocated a total of 3,563 files to Case Management Units. A further 1,545 files were sent to other locations.

Prison Visitors

Mr. Jim Cunningham: To ask the Secretary of State for the Home Department (1) what discussions he has had with the National Association for lay visiting about custody suites at police stations regarding *(a)* length of service of lay visitors, *(b)* retirement age of lay visitors and *(c)* the future of the lay visitors scheme; [83967]

(2) what representations he has received from *(a)* the West Midlands Police and *(b)* other organisations regarding proposed changes by the West Midlands Police Authority to the lay visitors scheme; [83969]

(3) what role he has in approving changes in the operation of the West Midlands lay visitors scheme; [83971]

(4) what discussions he has had with the police authorities regarding the National Association for Lay Visiting schemes for custody suites at police stations with reference to *(a)* length of service, *(b)* retirement age and *(c)* the future of the lay visitors scheme; [83968]

(5) what proposed changes to lay visitors schemes have been notified to him by the West Midlands Police Authority. [83970]

Mr. Boateng: Lay visiting to police stations is a non-statutory function which is the responsibility of police authorities. The National Association for Lay Visiting (NALV) is an independent voluntary organisation which works to support and promote lay visiting to police stations. The Home Office has issued guidance to police authorities on the operation of lay visiting schemes.

This guidance states that visitors should be independent persons of good character, able to make informed judgments which the community and the police will accept, and that as far as possible they should be representative of the community in terms of age, gender, race and so on.

The Home Office guidance makes no reference to any age limits for the appointment of lay visitors. However, the separate guidance issued for the Metropolitan Police area currently states that persons who are under the age of eighteen or over the age of seventy will not normally be appointed. This guidance is shortly to be reviewed and the upper age limit likely to be removed.

Although the guidance for police authorities outside London does not mention age limits, it suggests that lay visitors should be appointed for a fixed term. The reason for this is the desirability of lay visitors not becoming too closely associated or over familiar with their local police stations. On the other hand, it is necessary to take into account the need for lay visitors to gain sufficient experience to make an effective contribution. By way of example, the guidance mentions that in London, lay visitors are appointed for a three-year term of office, with the possibility of renewal for a further final three-year term.

The implementation and interpretation of guidance issued by the Home Office is a matter for individual police authorities. In practice, it has been recognised from the earliest days of lay visiting that individual schemes must evolve to suit local circumstances.

There have been no recent discussions between the Home Office, NALV and police authorities regarding lay visiting, but the Home Office shortly expects to discuss with NALV the recommendations arising from research commissioned by the Home Office on lay visiting. The Home Office will then consider the issue of fresh guidance to police authorities. The research report has already been copied to police authorities.

The Home Office has become aware of proposed changes to the lay visiting scheme operated by the West Midlands Police Authority through correspondence from Members of Parliament.

DEFENCE

Animal Experiments

Mr. Hancock: To ask the Secretary of State for Defence when live firing experiments using animals were last carried out *(a)* in the UK and *(b)* involving UK personnel. [82521]

Mr. Spellar: This is a matter for the Chief Executive of the Defence Evaluation and Research Agency. I have asked the Chief Executive to write to the hon. Member.

Letter from John Chisholm to Mr. Michael Hancock, dated 13 May 1999:

I have been asked to reply to your parliamentary question about live firing experiments using animals. My reply refers to the arrangements at DERA as we undertake, on behalf of MOD, the majority of work involving the use of animals.

DERA, or one of its predecessors, has conducted research into the prevention and treatment of physical injuries certainly since the mid 1970s. Over the course of the last year live firing experiments using anaesthetised animals were carried out in the UK involving UK personnel during May, June, July, September and November 1998 and February 1999.

Recent areas of research include:

the use of anaesthetised pigs to develop enhanced blast protection for military personnel and to validate physical and computer models of chest injury from blast waves.

work on anaesthetised rats to determine the pathophysiology of abdominal and thoracic injury from blast waves and the development of treatment strategies for injured military personnel.

I hope the above is helpful.

Research Spending

Dr. Cable: To ask the Secretary of State for Defence what is his Department's planned spending on research broken down by category in *(a)* 1999–2000, *(b)* 2001–02 and *(c)* 2002–03; and what was actual spending in 1998–99. [83473]

Mr. Spellar: Planned defence expenditure on major customers' research budgets for 1999–2000 is £453 million as set out in the Government's Expenditure Plans 1999–2000 to 2000–01, Cmnd. 4208, published in March 1999. Actual spending in 1998–99 is estimated at £460 million. The main categories within this expenditure are the Applied Research Programme, about £325 million in 1998–99, and the Corporate Research Programme, about £120 million. A similar breakdown is expected to apply in 1999–2000. Total figures for subsequent years will be published in subsequent editions of Government Expenditure Plans.

Territorial Army

Mr. Menzies Campbell: To ask the Secretary of State for Defence how many individual members of the Territorial Army are currently serving with British forces in the Kosovo theatre; and with which units they are serving. [83627]

Mr. George Robertson *[holding answer 12 May 1999]:* 19 individual members of the TA are serving in Macedonia with the following units:

HQ 4 Armd Bde: 9

2 Sqn RAF: 1

HQ UK NSE: 3

21 Engr Regt: 4

28 Engr Regt: 1

23 Para Fd Amb: 1.

Mr. Bercow: To ask the Secretary of State for Defence if it is departmental policy to refer to the "New Territorial Army" in official communications or publications. [84098]

Mr. Spellar: No.

SCOTLAND

Census Records

Sir Brian Mawhinney: To ask the Secretary of State for Scotland what are *(a)* the storage space occupied by the enumerators' books for the post-1920 decennial censuses for Scotland and *(b)* the estimated costs of micro-filming each of these census records. [83772]

Mr. McLeish *[holding answer 10 May 1999]: (a)* The census returns for Scotland which remain closed to the public occupy approximately the following amounts of shelving in secure storage belonging to the Registrar General for Scotland.

		Linear metres
1901 Census	776 volumes	18.3
1911 Census	1,225 volumes	38.3
1921 Census	1,720 volumes	39.2
1931 Census	1,175 volumes	34.8
1939 National Registration[1]	2,087 volumes	91.0
1951 Census	3,720 binders	247.1
1961 Census	10,800 binders	591.1
1966 Sample Census	3,528 binders	146.2
1971 Census	19,279 boxes	1,290.2
1981 Census	19,150 boxes	1,666.1
1991 Census	12,852 boxes	1,863.5
All closed censuses		6,025.8

[1] No census of the population of Scotland was taken in 1941. Instead, shortly after the outbreak of World War II in September 1939, the Registrar General undertook 'national registration', which amounted to a census of the population for the purposes of conscription and the rationing of food etc. The original paper volumes remain in the ownership of the Registrar General and are treated essentially as if they were closed census returns.

(b) No estimates are available of the costs of either photographic microfilming or digital imaging of these closed records. Since closure is for 100 years it is likely that, with changing technologies, such estimates would be out of date before the need to release the records to the public made their imaging necessary. A pilot exercise has however begun to provide information about the most appropriate methods, and the costs, of imaging the 1901 closed census returns. This set of census returns is due for release to the public on 1 January 2002.

From 1 July 1999 this will be a matter for the Scottish Parliament.

TRADE AND INDUSTRY

Vaux Brewery

Mr. Mullin: To ask the Secretary of State for Trade and Industry if he will commission an independent assessment of the advice given to Swallow plc regarding the asset value of Vaux brewery. [79361]

Mr. Byers *[holding answer 30 March 1999]:* I refer my hon. Friend to the comments I made during his Adjournment debate on this on 29 April 1999, *Official Report*, columns 596–600.

Law Commission Report (No. 227)

Mr. Garnier: To ask the Secretary of State for Trade and Industry if he will make a statement on his Department's policy with regard to the report from the Law Commission (1994 No. 227), entitled "Restitution: Mistakes of Law and ultra vires Public Authority Receipts and Payments". [82307]

Mr. Byers: This is primarily a matter for the Lord Chancellor's Department, and I refer the hon and learned Member to the reply given by the Minister of State, Lord Chancellor's Department on 29 April 1999, *Official Report*, column *245*.

Oil and Gas Industry (Wales)

Mr. Barry Jones: To ask the Secretary of State for Trade and Industry what assessment he has made of the prospects for the oil and gas industry in Wales; and if he will make a statement. [82728]

Mr. Battle: Work is being carried out or is planned to be carried out under landward licences held over acreage in North and South Wales.

I expect to be able to offer further licensing opportunities for onshore areas in due course which will allow further appraisal of the hydrocarbon potential in and around Wales, including coal gas related prospects.

Industry Council (Luxembourg)

Mr. Hood: To ask the Secretary of State for Trade and Industry what was the outcome of the Industry Council held in Luxembourg on 29 April; and if he will make a statement. [83263]

Mr. Byers: My noble Friend the Minister for Trade and Competitiveness in Europe represented the UK at the EU Industry Council held on 29 April.

The Council reached political agreement on a common position on a late payments directive. The purpose of this directive is to deter late payment by giving all businesses a right to statutory interest on debt not paid on time, regardless of where the debtor is based in the EU. Now that Ministers have reached a political agreement, a common position will be finalised for communication to the European Parliament for the Directives second reading.

Council conclusions were agreed on shipbuilding which sent a strong message of support to the European shipbuilding industry, given the lack of orders for European yards so far this year. In particular, the Conclusions provided a mandate for Commissioner Bangemann's forthcoming discussions with South Korea. The Commission also presented the third monitoring report on aid to German and Spanish shipyards.

The Council had an open debate on globalisation and competitiveness. Ministers spoke on a wide range of themes. The Presidency summed up by identifying the key themes arising from the discussions: venture capital, take-up of university research, intellectual property, strengthening the internal market to create the framework conditions for the information society training and the global context of competition policy and liberalisation. The Presidency concluded that the Council saw itself as having a co-ordinating role in updating EU industrial policy, and there was a need for further rationalisation of Council structures.

The Council adopted a Resolution settling the outstanding issue of ownership and administration of the assets of the ECSC after the expiry of the Treaty in 2002. The Resolution reflects agreement reached by member states by which the assets will be transferred to the ownership of the remaining Communities, while being ring-fenced from other Community funds. The Commission also presented the latest monitoring report on past steel aid cases and noted that there were no particular problems.

A lunchtime discussion was held on industrial aspects of enlargement of the EU. There was agreement that enlargement should not lead to competitive distortions, that effective implementation of the EU acquis was essential, and that restructuring would be needed in several sectors. A meeting of representatives of such sectors and Ministers from candidate countries would be held in Estonia in the autumn, to help them learn from EU experience.

Agreement was reached on two amending regulations which would allow the Commission to bring forward a new block exemption policy for dealing with vertical agreements between companies. The Presidency also noted agreement of a Council declaration on the essential elements that the new block exemption should contain. The Commission undertook to take on board the content of the Council declaration and made its own declaration to this effect.

The Presidency withdrew its proposed Council Conclusions which encouraged the Commission to bring forward and adopt its White Paper on the Modernisation of Competition Policy, following the Commission's adoption of the White Paper on 28 April. The White Paper is intended to bring about debate on the future implementation of Articles 85 and 86.

The Council also adopted Conclusions on benchmarking, sustainable development, the Business Environment Simplification Task Force (BEST) Report and the Commission's White Paper on Commerce.

The Commission gave presentations on the economic situation in the EU and its Communication on Tourism and Employment.

Competitiveness

Mrs. Curtis-Thomas: To ask the Secretary of State for Trade and Industry, pursuant to his answer of 26 March 1999, *Official Report*, column *444*, on competitiveness, on what basis he has defined productivity performance. [83316]

Mr. Byers *[holding answer 5 May 1999]:* Labour productivity can be measured by value added per worker or by value added per hour worked. Irrespective of the measure chosen, the UK's productivity performance is disappointing. The Analysis and Background document, which was published along with recent Competitiveness White Paper (Cm 4176), showed that only Japan has lower productivity as measured by value added per hour worked, and that the UK lags all of the G7 on a per worker basis. Both documents are in the Library of the House.

Assisted Areas Map

Mr. Redwood: To ask the Secretary of State for Trade and Industry what joint meetings he has attended with the Secretaries of State for Scotland and Wales and the Deputy Prime Minister to discuss the Assisted Areas Map. [83619]

Mr. Byers *[holding answer 10 May 1999]:* I meet my right hon. Friends the Secretaries of State for Scotland and Wales and my right hon. Friend the Deputy Prime Minister on a regular basis to discuss a range of issues including the Assisted Areas Map.

European Space Agency

Mr. Kemp: To ask the Secretary of State for Trade and Industry if he will make a statement on the outcome of the recent Ministerial Council of the European Space Agency. [84387]

Mr. Byers: My noble Friend the Minister for Science and Space was invited to chair the Ministerial meeting held in Brussels. At the meeting the UK led its partners in the European Space Agency (ESA) to embark on a new £400 million programme of environmental research. The "Living Planet" programme will help scientists to understand and predict the Earth's environment and humankind's effects upon it. For example, it will monitor the effect of global warming on the polar ice caps and measure soil moisture and other factors that are essential to the accurate modelling of climate systems.

We have announced £67 million investment in the programme by the British National Space Centre (BNSC). The UK has taken a strong lead in devising this programme. Our scientific community has worked closely with the BNSC in identifying how to deliver a challenging value-for-money initiative, using state of the art equipment and know-how. The agreement we secured is the first step towards providing an assured long-term programme of scientific research which looks at the Earth and its environment from space. We are putting Earth sciences on an equal footing with ESA's traditional areas of scientific research—astronomy and planetary exploration.

We also announced further commitments of around £40 million to other new ESA programmes in satellite multimedia and global navigation satellites. These were coupled with renewed commitments of around £46 million per year to existing science and facility investment programmes.

The Government's support for space has allowed the UK to make major commitments not only to science, where the substantial increase in funding in the recent Comprehensive Spending Review is already bearing fruit, but also to the continued health of the UK space industry. Our subscriptions to the satellite multimedia and navigation programmes will position our companies at the forefront of the knowledge-driven economy and give them the opportunity to maximise their share in global markets that will be worth around £65 billion a year within the next decade.

I am confident that, with the current spirit of co-operation between the member states of ESA, we will now be able to press ahead with the exciting missions of ESA's Horizons 2000 programme, such as Planck/FIRST, and that we will be able to include the unique Mars Express mission. This is a new chapter, opening a period of great potential for European space.

Export Licensing

Mr. Kemp: To ask the Secretary of State for Trade and Industry if errors have been identified in the information on export licensing decisions included in Part II of the Government's Annual Report on Strategic Export Controls; and if he will make a statement. [84388]

Dr. Howells: Regrettably, a small number of recording errors and omissions have been identified. These errors were identified in the course of work carried out to compile certain information requested by the quadripartite committee established to carry out a joint inquiry into the Government's first Annual Report on Strategic Export Controls. As was noted in the Report, human error cannot be eliminated altogether in the compilation of such a large body of data.

The recording errors identified are as follows:

Eleven refused applications were omitted from the data published in the Report. These did not cover goods specified as subject to control in the relevant legislation but goods subject to the end-use control because of concern about their use in weapons of mass destruction programmes.

One licence, covering military imaging equipment, was described as covering exports to China but should have been described as covering exports to Taiwan.

Two items for which a licence was refused were in error included in the list of military equipment licensed for export to Turkey.

There was some duplication in a Table in the Report giving information on the coverage of Open Individual Export Licences issued during the period. The final, correct ratings of the goods concerned were given in the Table, but the original, incorrect ratings were not removed.

Some destinations excluded from the coverage of 2 Open Individual Export Licences during the period were omitted from the relevant Table in the Report, as were some of the ratings of the goods covered by 1 such licence.

Errata sheets will be placed in the Library of the House, and arrangements are being made to ensure that these sheets accompany all copies of the Report disseminated in future. The procedures for recording export licensing information and checking such records prior to publication are being reviewed with the aim of ensuring that these errors do not occur in future.

Sub-postmasters (Remuneration)

Mr. Boswell: To ask the Secretary of State for Trade and Industry what proportion of sub-postmasters' remuneration is accounted for by *(a)* sale of postal services and *(b)* payment of benefits. [84058]

Mr. Ian McCartney: I understand from the Post Office that around 25 per cent. of sub-postmasters' remuneration is accounted for by the sale of postal services and around 35 per cent. is accounted for by the payment of benefits. The remainder of their post office remuneration derives from banking, bill payment and other financial and licensing transactions.

Mr. Boswell: To ask the Secretary of State for Trade and Industry what is the current hourly target rate of remuneration for sub-postmasters. [84057]

Mr. Ian McCartney: Sub-postmasters are not employees of the Post Office but are independent business people who provide post office service on an agency basis.

The Post Office makes payments to sub-postmasters based on the amount of transactions they perform, plus some core payments and allowances. The concept of an hourly rate of remuneration is therefore not applicable.

Because of their contractual position, sub-postmasters are able to—and typically do—operate a private retail business from the same premises as the sub post office. This enables them to gain income from the private business as well as from the post office, whilst sharing overheads.

Working Time Directive

Mr. Boswell: To ask the Secretary of State for Trade and Industry which employment sectors are currently excluded from the 48-hour week provision of the Working Time Directive; for which of them Her Majesty's Government have tabled alternative proposals; and what maximum hours respectively are suggested in these proposals. [83839]

Mr. Ian McCartney: The employment sectors currently excluded from the Working Time Directive are air, rail, road, sea, inland waterway and lake transport, sea fishing, other work at sea (essentially the offshore oil and gas industry) and doctors in training.

It would not be appropriate for the Government to discuss specific details of its negotiating position. However, the Government are not opposed to the extension of working time in principle, although we want to ensure the new measures accommodate our concerns and do not adversely affect the competitiveness of industry or the delivery of healthcare within the NHS.

Mr. Boswell: To ask the Secretary of State for Trade and Industry if he will modify the Working Time Regulations to take into account hours at work spent not continually working on account of machine breakdown, supply difficulties or for other reasons beyond the direct control of management. [83840]

Mr. Ian McCartney: There are no plans to amend the definition of working time in the Working Time Regulations. Under the Regulations working time is defined as time when a worker is 'working, at his employer's disposal and carrying out his activities or duties'. For time to be working time all three elements must be satisfied.

Post Office

Mr. Boswell: To ask the Secretary of State for Trade and Industry what plans he has to *(a)* introduce and *(b)* modify minimum standards of service for the Post Office, with particular reference to deliveries. [83841]

Mr. Ian McCartney: The targets for the percentages of first class mail delivered the next working day after posting and second class mail delivered within three working days of posting are set by the Post Office in consultation with the Post Office Users' National Council. The targets to achieve first delivery in urban areas by 9.30am and to achieve delivery in rural areas by 2.00pm are set internally by the Post Office.

A key element of the package of Post Office reforms announced last December is the creation of an independent regulator to protect consumers' interests including standards of service. It is also planned to give the Post Office Users' National Council a more central role and increased powers. Together with the other elements of the reform package these changes will ensure that service standards will improve over time. Further details will be set out in a White Paper shortly.

Mr. Boswell: To ask the Secretary of State for Trade and Industry when he proposes to publish the Post Office White Paper. [83842]

Mr. Ian McCartney: It remains my expectation, as I told the Trade and Industry Select Committee on 9 December, that the White Paper will be published in the first half of the year.

Mr. Boswell: To ask the Secretary of State for Trade and Industry how many *(a)* Crown post offices and *(b)* sub-post offices have shut during the last 12 months. [84055]

Mr. Ian McCartney: I understand from the Post Office that there has been a net reduction of one Crown post office and 232 sub post offices in the 12 months to the end of March 1999.

The Crown office reduction was the net result of merging two nearby offices in London when the opportunity was taken to open a new flagship Crown office in their place.

Mr. Boswell: To ask the Secretary of State for Trade and Industry what proportion of sub-post offices is located in rural areas. [84053]

Mr. Ian McCartney: The Post Office classify approximately 50 per cent. of sub-post offices as being in rural areas.

SOCIAL SECURITY

Correspondence

Mr. Waterson: To ask the Secretary of State for Social Security when the Under-Secretary of State for Social Security, the hon. Member for Wallasey (Angela Eagle), will respond to the letters from Mr. P. Pritchard of Eastbourne dated 21 January and 5 March. [83159]

Angela Eagle: We can find no record of Mr. Pritchard's correspondence from January and March. The last recorded correspondence for Mr. Pritchard was in November 1998 in response to a letter from the hon. Member. If the hon. Member could forward copies of Mr. Pritchard's correspondence we will reply urgently to his concerns.

Ancillary Workers

Mr. Gerrard: To ask the Secretary of State for Social Security what guidance has been issued to Benefits Agency Offices on the payment of those ancillary workers affected by the Social Security Commissioner's decision CIS/14661/1996 of December 1997, who had been advised not to sign on with the Employment Service for the period of their unpaid leave. [83903]

Angela Eagle: Since Social Security Commissioner's Decision CIS/14661/1996 was made on 21 August 1997 (received by the Department on 13 September 1997), guidance has been issued to Benefits Agency and

Employment Services staff explaining that Jobseeker's Allowance cannot be paid under normal rules to those who did not claim at the relevant time.

It is, however, sometimes possible for ex-gratia payments to be made to people in these circumstances. Agency staff have been asked to keep a note of those ancillary workers who have inquired about such payments so that consideration can be given to their requests.

Incapacity Benefit

Mr. Field: To ask the Secretary of State for Social Security if, under the proposed reforms to Incapacity Benefit, persons who have their entitlement reduced to zero by their level of pension will continue to receive national insurance credits. [83721]

Mr. Bayley: People who have their entitlement to Incapacity Benefit reduced to nil under the proposed reforms will qualify for national insurance credits for each week they remain incapable of work.

Fraud

Mr. Field: To ask the Secretary of State for Social Security for what reason the Green Paper, "Beating Fraud is Everyone's Business: Securing the Future", is no longer available on his Department's website. [84042]

Mr. Timms: Following the wide endorsement of the proposals in the Green Paper, we have set out how we are putting our plans into action in "A New Contract for Welfare: Safeguarding Social Security" which is available on the website.

Housing Benefit

Mr. Rendel: To ask the Secretary of State for Social Security what percentage of housing benefit claimants are unemployed. [84048]

Angela Eagle: About 12 per cent. of Housing Benefit recipients are unemployed and claiming Jobseeker's Allowance.

Notes:

1. Data used to calculate the answer is provisional.
2. The data refers to benefit units and has been rounded to the nearest whole percent.
3. The data is for those Housing Benefit claimants who are unemployed and claim Jobseeker's Allowance.

Source:

Housing Benefit Management Information System Annual 1 per cent. sample taken May 1998.

HEALTH

Testicular Cancer

Mr. Cohen: To ask the Secretary of State for Health what plans he has for improving public awareness amongst men of the benefits of self-testing for testicular cancer, with particular reference to the highest-risk age group; and if he will make a statement. [83597]

Ms Jowell: The Department encourages men to consult their doctor as soon as they notice any unusual changes in their testicles.

Leaflets produced by the Department and by the Health Education Authority draw attention to testicular cancer, particularly for men in the 20 to 35 year age group who are potentially most at risk, provide advice on self-examination and re-emphasise the importance of early reporting of possible signs of cancer to a general practitioner. GPs are bound by their terms of service to carry out all appropriate health promotion and prevention activities and are generally well aware of this risk to health in young men.

The "Our Healthier Nation" health strategy is designed to improve the health of the whole population, including men. The strategy highlights cancer prevention as one of the main areas for action.

Medicinal Products (Registration)

Mr. Love: To ask the Secretary of State for Health what progress is being made with plans to hold an international conference for the Harmonisation of Technical Standards for the Registration of Medicinal Products. [83789]

Ms Jowell: The International Conference on Harmonisation of Technical Requirements for the Registration of Pharmaceuticals for Human Use (ICH) was established in 1990 as a joint regulatory/industry project. The aim of the project is to improve, through harmonisation of the regulatory requirements, the efficiency of the process for developing and registering new medicinal products in Europe, Japan and the United States, in order to make these products available to patients with a minimum of delay.

The Fourth International Conference on Harmonisation (ICH 4) was held in Brussels, 16–18 July 1997. Plans for a fifth phase are currently under discussion.

Licensed Medicines (Children)

Mr. Love: To ask the Secretary of State for Health (1) what steps he is taking to ensure that the issue of establishing a proper licensing system for medicines used in the treatment of children is given the highest priority at a European level; [83788]

(2) what steps he plans to take to examine the experience of the United States in the licensing and regulation of medicines used on children; and if he will make a statement; [83790]

(3) what steps he is taking to press the European Commission to monitor the implementation of EU guidance on the licensing of medicines used in the treatment of children. [83787]

Mr. Hutton: The United Kingdom took the lead in revising the European guideline and is committed to working closely with the European Commission and other Member States to monitor the effectiveness of its operation. The Government are committed to ensuring that the regulatory system within Europe effectively addresses the licensing of medicines for use in children. We will work with other Member States to press the Commission to take further action should this prove necessary.

We intend to monitor closely the combination of financial incentives and legislation which has now been introduced in the United States. We will keep the

Commission informed of the effectiveness of the US initiative, and its suitability or otherwise for replication within the European Union.

Iophendalyte

Fiona Mactaggart: To ask the Secretary of State for Health how much iophendalyte was purchased by the National Health Service in each financial year from 1969–70 until 1987–88. [83793]

Ms Jowell: As with other pharmaceutical products purchased by National Health Service trusts this information is not available centrally.

Cigarette Lighters

Mrs. Gordon: To ask the Secretary of State for Health if the forthcoming White Paper, Our Healthier Nation, will include measures aimed at preventing injury from accidents caused by unsafe cigarette lighters; and if he will make a statement. [83814]

Ms Jowell: Accidental injury was one of the four national priority areas in the "Our Healthier Nation" Green Paper, published last year. It set out the framework for a range of measures to be carried out by the many Departments and agencies with a role to play in reducing death and injury from accidents. Although product safety and fire safety issues are integral to this overall effort, the White Paper, to be published later this month, will not include an exhaustive list of measures relating to the safety of specific product types, such as cigarette lighters.

Beta Interferon

Mr. Gordon Prentice: To ask the Secretary of State for Health if he will issue new guidelines on the use of beta interferon in the NHS. [80174]

Dr. Cable: To ask the Secretary of State for Health what plans he has to make beta interferon universally available on the NHS. [78995]

Mr. Denham *[pursuant to his reply, 11 May 1999, c. 131]:* I regret that the reply I gave was misleading. It should read:

The Department will shortly be consulting interested parties on a draft health service circular on the prescribing of beta-interferon for people with secondary progressive multiple sclerosis.

CABINET OFFICE

Ministerial Meetings (US)

Mr. Matthew Taylor: To ask the Minister for the Cabinet Office how many times Ministers in his Department have met their counterparts in the US Government since 1 June 1998; and if he will list the dates and locations of each meeting, the Ministers involved on each occasion and the name of the US counterpart at each meeting. [82266]

Mr. Kilfoyle: Ministers have had the following meetings with members of the US Government:

Minister	*Date*	*Location*	*Counterpart*
Minister for the Cabinet Office	14 January 1999	Washington	Al Gore: Vice President
Minister for the Cabinet Office	28 November–2 December 1998	Washington	Al Gore: Vice President
			Janet Reno: Attorney General plus senior officials including General Barry McCaffrey: Director, Office National Drug Control Policy
Chancellor of the Duchy of Lancaster	21–24 June 1998	Washington	Senior officials only

WALES

New Deal

Mr. Rowlands: To ask the Secretary of State for Wales what is his latest estimate of the number of 18 to 24-year-olds who have entered *(a)* further education, *(b)* training and *(c)* employment programmes under the New Deal in Wales. [83767]

Mr. Hain: The latest information from the Department for Education and Employment indicates that, by the end of February 1999:

just under 2,200 young people had entered the Full-time Education and Training Option of the New Deal for 18–24s in Wales (separate totals are not available to show numbers entering Education or Training);

almost 1,500 young people had entered subsidised jobs under the Employer Option of the New Deal for 18–24s in Wales.

A further 1,900 young people had entered a period of work experience with either the Environment Task Force or the Voluntary Sector.

Rail Services

Mr. Barry Jones: To ask the Secretary of State for Wales what plans he has in respect of the improvement of North-South rail services; and if he will make a statement. [84296]

Mr. Hain: I consider that a better rail service between North and South Wales is essential for the economic and social cohesion of Wales. The Welsh Office is now working in partnership with the North Wales Economic Forum to secure two return services a day via Wrexham, and to reduce the fastest journey time between Bangor and Cardiff by half an hour. I expect to see the new services in place by the summer timetable next year.

Following the transfer of functions, the National Assembly will take a close interest in rail services in Wales. Responsibility for the regulation and financial support of the railways will remain with the Secretary of State for the Environment, Transport and the Regions.

Owen-Corning

Mr. Barry Jones: To ask the Secretary of State for Wales what assessment he has made of the effect on employment at Pentre, Deeside, of the decision not to allow Rockwool to take over the Owen-Corning's plant. [83982]

Mr. Hain: My hon. Friend, the Minister for Competition and Consumer Affairs published the report of the Competition Commission, 'Rockwool Ltd. and Owen-Corning Building Products (UK) Ltd.; a report on the proposed merger' on 7 May, and a copy is in the Library of the House.

As part of the report, the Commission considered that the most likely outcome of prohibiting the merger would be that Owen-Corning would sell the Queensferry plant to another party.

TREASURY

Road Fuel Duty

13. **Mr. Brady:** To ask the Chancellor of the Exchequer what is the level of road fuel duty per litre of diesel in *(a)* the UK and *(b)* other EU member states in 1999–2000. [83201]

Ms Hewitt: The rate of duty on ultra low sulphur diesel in the United Kingdom is 47.21 per litre and on standard diesel the rate is 50.21 per litre.

The latest available rates of duty in the other member states range from about 18 per litre in Luxembourg and Greece to 28 per litre in Italy.

Pension Funds

14. **Dr. George Turner:** To ask the Chancellor of the Exchequer what assessment he has made of the impact of Government economic policy on the overall value of UK pension funds. [83202]

Ms Hewitt: The Government are pursuing policies to promote economic stability and raise productivity, and so enhancing the worth of pension fund investments.

Financial Support (Families)

15. **Mr. Healey:** To ask the Chancellor of the Exchequer if he will list the measures he is taking to increase financial support to families. [83203]

Mr. Gordon Brown: All families will have benefited from the increase in child benefit for the eldest child which came into force in April and from the above-inflation increases announced for next April. Following the introduction of the new children's tax credit in April 2000 a family with one child receiving this and child benefit will get double the support for their child, £23 a week, compared with their position in May 1997 when they would have received £11.40 a week.

In addition, the working families tax credit will be introduced in October this year and will benefit 1.5 million families. It will provide a guaranteed minimum income of £200 for a family with someone in full-time work on the national minimum wage.

The WFTC and related increases to the child premia in income related benefits will ensure that all low-income families benefit from the increased support for children. Overall, as a result of the last two budgets, families with children will, on average, be £740 a year better off. As a result of the budget measures, 700,000 children will be lifted out of poverty. The tax rate for a family on average earnings with two children will be cut to its lowest level since 1972.

FTSE Index

16. **Dr. Gibson:** To ask the Chancellor of the Exchequer what account he takes of the level of the FTSE index in devising economic policy; and if he will assess its accuracy. [83204]

Mr. Milburn: The Government take account of all relevant economic and financial information in devising economic policy, including the level of stock market indices.

National Insurance

17. **Mr. Syms:** To ask the Chancellor of the Exchequer what estimate he has made of the change in levels of national insurance paid by the self-employed in 2001–02 as a result of the March Budget. [83205]

Dawn Primarolo: It is estimated that the self-employed will pay about £420 million less in National Insurance contributions in 2000–01, but £520 million more in 2001–02 as a result of the March 1999 Budget.

19. **Mr. Mackinlay:** To ask the Chancellor of the Exchequer what discussions his Department has had with the Department of Social Security in respect of practices adopted by some companies to avoid paying national insurance contributions. [83207]

Dawn Primarolo: One of the benefits of transferring the Contributions Agency and policy responsibility for National Insurance to the Inland Revenue is that the Departments will be able to combine their efforts in detecting and preventing artificial avoidance of National Insurance which cost the National Insurance Fund hundreds of millions of pounds a year in lost revenue.

In my right hon. Friend the Chancellor's Budget we announced a further move. We shall be bringing forward legislation shortly to counter avoidance in personal service provision.

Ms Stuart: To ask the Chancellor of the Exchequer if he will make a statement on his reform of national insurance contributions. [83197]

Mr. Milburn: In March 1998 the Chancellor announced the most radical restructuring of the National Insurance system for 20 years, in line with the recommendations of the Taylor Report, 'The Modernisation of Britain's Tax and Benefits System'.

These reforms will improve work incentives by reducing burdens on the lower paid thereby encouraging people to move from welfare to work and simplify the structure of the National Insurance contribution scheme for both employees and employers.

Debt Relief (Poor Countries)

18. **Ms Drown:** To ask the Chancellor of the Exchequer if he will report on progress made on debt relief for poor countries at the International Monetary Fund and World Bank spring meetings. [83206]

28. **Mr. Stinchcombe:** To ask the Chancellor of the Exchequer if he will report on progress made on debt relief for poor countries at the International Monetary Fund and World Bank spring meetings. [83216]

Mr. Gordon Brown: At the Spring meetings of the IMF/World Bank last month I took forward proposals for faster, deeper and wider debt relief. There was general consensus on the need for an enhanced initiative.

I am now hopeful that we can resolve to:

cut the burden of unpayable debt by at least 50 billion dollars in the year 2000;

sell IMF gold to help pay for this;

increase the aid for health, education and economic development;

give a billion through our own charitable giving.

Duty-free Sales

21. **Fiona Mactaggart:** To ask the Chancellor of the Exchequer if he will make a statement on the future of duty-free sales. [83209]

Dawn Primarolo: Duty free sales on journeys made wholly with the European Union are due to end from 30 June as a result of a decision taken by the Council of Finance Ministers in 1991. The Government are pressing for an extension to allow time to work out better duty paid arrangements. However, we have never underestimated the difficulty of this task as it requires unanimity among member states. The Government will continue to press for the best and most sensible deal possible for the UK. Duty free sales on journeys made to countries outside the EU will continue unaffected after 30 June 1999.

Objective 1 Projects

22. **Mr. John Smith:** To ask the Chancellor of the Exchequer what plans he has to provide funding to allow objective 1 EU projects to proceed. [83210]

Mr. Milburn: The funding arrangements for EU projects are a matter for the Departments, and devolved administrations, which administer the Structural Funds programmes as well as the individual project applicants. Departments' and devolved administrations' overall expenditure is decided in the Comprehensive Spending Review.

Business Taxation

23. **Mr. Chope:** To ask the Chancellor of the Exchequer what estimate he has made of the effect on the level of tax paid by business from 1999–2000 to 2001–02 of the March 1999 Budget. [83211]

Mrs. Roche: All companies who pay tax will benefit from the cuts in Corporation Tax that were announced in this year's Budget and in previous Budgets.

Intrastat Returns

24. **Mr. Chaytor:** To ask the Chancellor of the Exchequer what plans he has to enable companies to make Intrastat returns electronically. [83212]

Dawn Primarolo: Companies have been able to submit Intrastat returns using Electronic Data Interchange (EDI) since the start of the Single Market on 1 January 1993. This allowed companies to send in their data on floppy disk, tape or via the Value Added Network.

In December 1998 two further methods of submitting Intrastat data electronically were introduced using the internet. A third method of submitting data via the internet, of particular benefit to smaller companies, will be considered later this year.

Savings Ratio

25. **Mr. Norman:** To ask the Chancellor of the Exchequer if he will make a statement on his projections for the saving ratio in 2001–02. [83213]

Mr. Milburn: The Government's forecast for the saving ratio is set out in the March 1999 Financial Statement and Budget Report. This shows the saving ratio rising from 7 per cent. in 1998 to 7½ per cent. in 1999 and beyond.

Single Currency

26. **Dr. Julian Lewis:** To ask the Chancellor of the Exchequer what assessment he made of the prospects for the UK joining the single currency *(a)* at the time of the announcement of the five tests and *(b)* at the most recent date. [83214]

Ms Hewitt: In his statement to the House of Commons on 27 October 1997, *Official Report*, columns 584–88, the Chancellor of the Exchequer said that, barring some fundamental and unforeseen change in economic circumstances, making a decision, during the lifetime of this Parliament, to join the single currency was not realistic. But preparations should be made so that Britain would be in a position to join a successful single currency early in the next Parliament, should Government, Parliament and the British people agree. This position was restated by the Prime Minister in his statement to the House of Commons on 23 February 1999, *Official Report*, columns 179–83.

Sixth VAT Directive

27. **Miss McIntosh:** To ask the Chancellor of the Exchequer when he last met EU Finance Ministers to discuss the sixth VAT directive. [83215]

Dawn Primarolo: The last occasion was at a meeting of ECOFIN on 15 March, when a European Commission proposal for the introduction of an experimental reduced VAT rate on labour intensive services was briefly considered.

Household Incomes

29. **Mr. Goggins:** To ask the Chancellor of the Exchequer what estimate he has made of the number of *(a)* children and *(b)* adults in households whose income

will increase to above half average income in each of the next three years as a result of measures introduced in each of his Budget statements. [83217]

Ms Hewitt: As a result of tax and benefit measures announced in the last two Budgets, 1¼ million people—700,000 of them children—will no longer be living in households below half the average equivalised income after allowing for housing costs.

Company Values

30. **Mr. Cousins:** To ask the Chancellor of the Exchequer what assessment he has made of the effect of the Government's monetary policies on the value of companies quoted on the London stock exchange. [83218]

Mr. Milburn: Maintaining low and stable inflation is the best contribution monetary policy can make to the Government's goal of high and stable levels of growth and employment. Economic stability is good for companies' performance and may be one of several factors behind recent equity market valuations.

Global Economic System

31. **Mr. Gapes:** To ask the Chancellor of the Exchequer when he next plans to meet European Finance Ministers to discuss the global economic system. [83219]

Ms Hewitt: ECOFIN was asked by the Vienna European Council to produce a report on reform of the international financial architecture for the Cologne European Council starting on 3 June. The draft report is expected to be discussed by EU Finance and Economic Ministers at the 25 May ECOFIN.

Taxation Changes

32. **Mr. Ruffley:** To ask the Chancellor of the Exchequer what estimate he has made of the changes in taxation paid in 2001–02 as a result of Budgets since July 1997. [83220]

Dawn Primarolo: Costings of the measures in the July 1997, March 1998 and March 1999 Budgets can be found in tables 2.2, 1.3 and 1.3 of the respective Financial Statement and Budget Reports.

Work Incentives

33. **Mr. Dobbin:** To ask the Chancellor of the Exchequer if he will make a statement on his measures to increase the financial incentive to work. [83221]

Dawn Primarolo: The Government are determined to make work pay through reforms to the tax and benefit system aimed at alleviating both the poverty and unemployment traps. From April this year a new 10p rate of income tax was introduced, this will halve the tax bill for 1.5 million low-paid workers. It will be complemented by a series of reforms to National Insurance Contributions which will take 900,000 low-paid workers out of NICs altogether and reduce burdens on employers and employees alike. The Working Families Tax Credit will be introduced in October 1999. It will increase the return to work for at least 1.5 million people. In combination with the National Minimum Wage and other tax and benefit reforms the WFTC will provide a minimum income guarantee for families with someone in full-time work at the national minimum wage of £200 a week.

Financial Services and Markets Bill

34. **Mr. Swayne:** To ask the Chancellor of the Exchequer if he will make a statement on the report of the Joint Committee on the draft Financial Services and Markets Bill. [83222]

Ms Hewitt: We commend the Committee for a very thorough inquiry, and are grateful to the many organisations which gave evidence. The Committee has broadly endorsed the approach to reform set out in the draft bill published last year, and the improvements announced in the light of public consultation. They have also made constructive recommendations for further improvements, which we will consider carefully before responding.

Married Couple's Allowance

35. **Miss Kirkbride:** To ask the Chancellor of the Exchequer how many people aged 55 to 63 are eligible for the married couple's allowance in 1999–2000. [83223]

Dawn Primarolo: We estimate that there will be 1.8 million claims to the married couple's allowance from people aged 55–63 for 1999–2000. Around 200,000 of these claimants will not have sufficient income to be able to benefit from the allowance.

Individual Savings Accounts

36. **Mr. Loughton:** To ask the Chancellor of the Exchequer what estimate he has made of the number of new savers who will open individual savings accounts in the current year. [83225]

Ms Hewitt: I refer the hon. Gentleman to the answer I gave him on 3 March 1999, *Official Report*, column *810*.

Vehicle Excise Duty

37. **Mr. Nicholas Winterton:** To ask the Chancellor of the Exchequer what recent representations he has received from the road haulage industry on *(a)* vehicle excise duty and *(b)* duty on diesel. [83226]

Ms Hewitt: The Government have received a number of representations in writing from the road haulage industry about vehicle excise duty and fuel tax.

Representations are also being made through the new Road Haulage Industry Forum which had its first meeting on 8 April and which brings together Transport, Treasury and Trade and Industry Ministers with industry and union representatives. The Government hope that the Forum will provide a helpful dialogue on the issues facing the haulage industry and give hauliers an opportunity to put across their concerns in a constructive way.

Working Families Tax Credit

38. **Mr. Clifton-Brown:** To ask the Chancellor of the Exchequer for what reasons *(a)* working families tax credit is classified as negative income tax and *(b)* mortgage interest tax relief at source is not so classified. [83227]

Dawn Primarolo: The Working Families' Tax Credit will be paid by the Inland Revenue through pay packets as an income tax credit, and will be regarded as such by families. Mortgage interest tax relief is officially classified by the Office for National Statistics as public spending.

Ms Kelly: To ask the Chancellor of the Exchequer what is his estimate of the numbers of households which will be eligible for the working families tax credit which are *(a)* single parent families, with the woman the sole earner, *(b)* single parent families, with the man the sole earner, *(c)* couples, where the male is the sole earner, *(d)* couples, where the female is the sole earner and *(e)* dual-income families. [83807]

Dawn Primarolo *[holding answer 10 May 1999]:* Estimates for 2000–01, the first full year of the Working Families Tax Credit, are given in the table:

Family Type	*Number of recipients*
Lone Parent	
Female	580,000
Male	30,000
Couples	
Male sole earner	480,000
Female sole earner	100,000
Dual-earners	210,000
Total	1,400,000

Euro

Mr. Bercow: To ask the Chancellor of the Exchequer if he will make a statement on the difference in the estimate between the number of euro coins required for UK participation in the single currency set out in the Outline National Changeover Plan and that indicated in his answer of 18 June 1997, *Official Report*, column *239*, on the Euro. [83734]

Ms Hewitt: The estimated coin requirement set out in the Outline National Changeover Plan relates to the initial quantities needed to launch euro coins on the first day of their circulation, should the UK decide to join the single currency. The higher figure quoted in 1997 was the estimated total needed to replace all the coins in circulation. The preferred timing for the introduction of euro coins would be when coin demand is seasonally low, and for up to six months euro coins would be circulating in parallel with sterling coins.

The estimates for both the initial launch quantities and the ultimate total coin requirement are subject to ongoing review with the banks and other interested parties.

ECOFIN Council

Mr. Maclean: To ask the Chancellor of the Exchequer if he will publish the agenda for the ECOFIN Council of 10 May. [83817]

Ms Hewitt: The agenda for the 10 May ECOFIN, as finalised by Coreper on 6 May, listed the following substantive items for discussion:

(a) the European Commission's recommendations for the 1999 Broad Economic Policy Guidelines;

(b) the Presidency's draft for an European Employment Pact;

(c) the Preliminary Draft Budget for the financial year 2000;

(d) European Union common strategy on Russia: Economic and Financial aspects.

ECOFIN Ministers also had lunch with the Social Partners.

European Community Pension Scheme

Mr. Bercow: To ask the Chancellor of the Exchequer if the new European Community pension scheme will be privately funded; what liabilities currently exist; and if he will make a statement. [83931]

Mr. Milburn: There is no new European Community pension scheme. Any changes to the pension arrangements for the staff of the European Community institutions would need to be proposed by the European Commission, and they have not made any proposals for a new pension scheme.

Income Tax

Mr. Field: To ask the Chancellor of the Exchequer if he will give for the current tax year *(a)* the number of people in work whose marginal income tax rate will be 10 per cent., *(b)* the number of people in work whose marginal income tax rate will be 23 per cent. and *(c)* the proportion of group (b) whose marginal income tax rate would have been 20 per cent. had the income tax rates remained the same and the thresholds been increased in line with statutory indexation only. [83761]

Dawn Primarolo: Estimated numbers of people in work with 10 per cent. and 23 per cent. marginal tax rates in 1999–2000 are shown in the table.

	Marginal rate (%)	*Numbers (million)*
(a)	10	1.4
(b)	23	18.4

Around 3.3 million of those with a 23 per cent. marginal rate would have had a marginal rate of 20 per cent. had income tax rates remained the same as in 1998–99. However, these are people with taxable incomes of between £1,500 and £4,500 and overall they will pay between £150 and £60 less income tax per year as a result of the introduction of the 10p starting rate.

Low-income Families

Mr. Field: To ask the Chancellor of the Exchequer if he will estimate the gain from work for a one-earner couple on £200 per week with two children under 11 years *(a)* previous to the 1998 Budget, *(b)* after the 1998 Budget and *(c)* after the 1999 Budget. [83762]

Dawn Primarolo: The data requested is given in the table:

Gain from work for a one-earner couple on £200 per week with two children under 11 years

£ per week

	1997–98	*1998–99*	*1999–2000*
Gross earnings	200.00	200.00	200.00
Net earnings after FC/WFTC	185.65	189.29	232.90
JSA	110.95	113.60	121.05
Gain from work	74.70	75.69	111.85

Notes:

1. Net earnings are gross earnings minus income tax and National Insurance plus Family Credit/Working Families Tax Credit.
2. Income tax payments are calculated on the basis that the household receives no tax relief other than the standard allowances and only have income from employment.
3. All earners are assumed to pay Class 1 national insurance contributions at the contracted-in rate.
4. 1999 net earnings assume all tax and NIC measures announced in the 1999 Budget and due to be introduced after 1999–2000 are already in place.
5. For the calculation of JSA both members of the couple are assumed to be 18 years or over.
6. Net income is before housing costs.

AGRICULTURE, FISHERIES AND FOOD

Agricultural Research

Ms Drown: To ask the Minister of Agriculture, Fisheries and Food how much the Government spent on research and development relating to *(a)* organic farming, *(b)* genetic engineering biotechnology and *(c)* agricultural biotechnology at 1999 prices, in each of the most recent 10 years for which figures are available. [83241]

Mr. Rooker: Details of how much Government spent on the research and development of *(a)* organic farming, *(b)* agricultural genetic engineering and *(c)* agricultural biotechnology are shown in the tables. All the figures are given at 1999 prices.

(a) Organic farming

£000

Year	*MAFF*	*SOAEFD*	*BBSRC*	*Total*
1994–95	1,030	161	42	1,233
1995–96	950	178	14	1,142
1996–97	1,173	183	0	1,356
1997–98	954	192	0	1,146
1998–99	1,576	240	0	1,816

(b) Agricultural genetic engineering (including risk assessment research)

£000

Year	*MAFF*	*DETR*	*SOAEFD*	*Total*
1994–95	377	531	183	1,091
1995–96	1,827	419	625	2,871
1996–97	1,769	371	1,045	3,185
1997–98	1,876	647	1,618	4,141
1998–99	2,718	856	2,230	5,804

BBSRC could not provide figures for agricultural genetic engineering because it proved too difficult for them to separate agricultural genetic engineering from biotechnology.

(c) Agricultural biotechnology (excluding agricultural genetic engineering)

£000

Year	*MAFF*	*SOAEFD*	*DANI*	*BBSRC*	*Total*
1994–95	17,347	4,002	unavailable	unavailable	21,349
1995–96	18,260	6,393	unavailable	unavailable	24,653
1996–97	21,173	6,805	1,000	unavailable	29,029
1997–98	23,339	7,429	1,000	[1]13,800	46,318
1998–99	26,191	5,729	1,200	[1]14,500	48,415

[1] As explained in *(b)*, the BBSRC figures do not distinguish between agricultural biotechnology and agricultural genetic engineering

Further information could be provided only at disproportionate cost.

BSE

Ms Walley: To ask the Minister of Agriculture, Fisheries and Food what research his Department has *(a)* commissioned and *(b)* evaluated on whether the rendering process carried out by approved rendering plants guarantees the denaturing of the prion thought to be responsible for BSE/nvCJD. [83741]

Mr. Rooker: MAFF commissioned two major studies on rendering processes. One examined the inactivation of the BSE agent by rendering procedures (see D. M. Taylor et al. Veterinary Record 1995. Vol. 137, 605–610) and the second examined the effects of rendering procedures on the scrapie agent (see D. M. Taylor et al. Veterinary Record 1997. Vol. 141, 643–649). The results of these experiments resulted in European Commission Decisions 94/382 and 96/449 being made, which set standards for the rendering of mammalian animal by-products throughout the European Union. This European legislation is currently implemented in the UK in the Specified Risk Material Regulations 1997 and the Animal By-Products Order 1999 and all approved UK rendering plants operate to these standards.

BSE is a notifiable disease in the UK. Cattle showing clinical signs suggestive of BSE are slaughtered on farm and sent for incineration. They are not rendered.

Correspondence

Sir Brian Mawhinney: To ask the Minister of Agriculture, Fisheries and Food when the right hon. Member for North-West Cambridgeshire can expect a reply to his letter of 18 March to the Minister of State on behalf of his constituent Mr. Marshall. [83751]

Mr. Rooker *[holding answer 10 May 1999]:* I received the right hon. Gentleman's letter on 23 April. I replied on Monday 10 May. This was well within the Department's published target for the return of replies.

Food (Supply and Demand)

Mr. Beard: To ask the Minister of Agriculture, Fisheries and Food what the current worldwide balance of supply and demand is for food; and what estimate he has made of what it would be if Northern American and Western European

agricultural demand switched to organic produce in the proportions *(a)* 5 per cent., *(b)* 10 per cent. and *(c)* 20 per cent. [83891]

Mr. Morley: Details of current and future trends in global production and consumption of agricultural commodities can be found in the OECD publication 'Agricultural Outlook 1999–2004'.

Aspects of possible futures for agriculture in 2020 and 2050, including different levels of low-input and organic farming, are being addressed as part of a project at Sussex University. The Department of the Environment, Transport and the Regions is funding the researchers to develop a number of socio-economic scenarios as an aid to climate change studies. The work is due to report by autumn this year.

Green Transport Plan

Mr. Baker: To ask the Minister of Agriculture, Fisheries and Food if he will make a statement on the introduction of a green transport plan for his Department. [82840]

Mr. Morley *[holding answer 11 May 1999]:* Since last July's Integrated Transport White Paper, which sets out targets for the introduction of green transport plans for Government Departments, my Department is finalising four plans covering all of our London headquarters buildings and our York building, which houses two of the Ministry's Executive Agencies. We are developing plans for our remaining 19 sites in line with the target for March 2000 set in the Integrated Transport White Paper.

GM Foods

Mr. Denis Murphy: To ask the Minister of Agriculture, Fisheries and Food what representations he has received from consumer groups and individuals in relation to the details of genetically modified flavourings and additives to be included on food labelling; and what actions are being taken by his Department in pursuance of this. [83783]

Mr. Rooker *[holding answer 12 May 1999]:* I have received a number of representations requesting that GM additives and flavourings be labelled. We are pressing the European Commission to bring forward proposals in this area as quickly as possible.

Meat and Bonemeal

Mr. Dawson: To ask the Minister of Agriculture, Fisheries and Food if he will make a statement on progress made in disposing of meat and bonemeal derived from the over thirty month scheme. [83781]

Mr. Rooker *[holding answer 11 May 1999]:* Over 27,000 tonnes of MBM from OTMS animals has now been burned in the high temperature waste incinerator at Fawley.

The Intervention Board announced the first contract for the large scale incineration of MBM with energy recovery in October 1998. Burning under the contract is subject to the company, Fibrogen Ltd. obtaining the necessary planning and environmental consents in accordance with normal procedures. Following a detailed technical assessment of, and extensive consultation on, Fibrogen's application, the Environment Agency granted an authorisation to burn waste MBM under Section 6 of the Environmental Protection Act 1990 on 26 April 1999. Fibrogen are considering whether to mount an appeal following the decision by North Lincolnshire Planning Committee on 12 March 1999 to refuse planning permission to change fuel from poultry litter to MBM, which has delayed tangible progress.

The Intervention Board has completed its evaluation of the costed proposals received for the balance of its OTMS MBM incineration requirement and contract negotiations are on-going. Details of the companies will be announced when contracts are signed. These companies will also need the necessary planning and environmental consents from the relevant authorities before the burning of MBM can commence.

Written Answers to Questions

Friday 14 May 1999

DEFENCE

Reservists

Mr. Brazier: To ask the Secretary of State for Defence what arrangements are in place for calling up regular reservists as individual reinforcements. [82345]

Mr. Doug Henderson *[holding answer 27 April 1999]:* Depending on the requirement for reservists in any particular operation, Personnel and Record Offices trawl the records of members of the ex-regular reserve forces. Those who are identified as qualified, and, in the case of a voluntary call out, who have also indicated their willingness to be called out, are served a call-out notice. This notice requires them to report to a mobilisation centre where they are accepted into service on completion of various administrative procedures. The call-out order made on 31 March 1999 under section 54 of the Reserve Forces Act 1996 allows the further call out of members of the ex-regular reserve forces as well as members of the volunteer reserve forces to support operations in the former republic of Yugoslavia and in the region of Iraq. During the year 1 April 1998 to 31 March 1999 some 30 per cent. (155) of the Army's reservists who were called out and accepted into service came from the Army's ex-Regular Reserve Force.

Porton Down

Mr. Key: To ask the Secretary of State for Defence on how many occasions the Minister for Defence Procurement has visited the Chemical and Biological Defence Unit at Porton Down; and when he will next visit the establishment. [84118]

Mr. Spellar: Once. My noble Friend the Minister for Defence Procurement has no immediate plans for a further visit.

INTERNATIONAL DEVELOPMENT

Kosovar Refugees

Mr. Streeter: To ask the Secretary of State for International Development what representations her Department has made in the past three weeks to the European Commission about its aid programme for Kosovar refugees. [83966]

Clare Short: We are in close contact with the Commission over its assistance programmes for the Kosovo refugees, both in Brussels and in the region. A Department for International Development representative attended the Humanitarian Aid Committee meeting on 7 May, which approved proposals from the EC Humanitarian Office for the allocation of a further 150 million euros of humanitarian assistance, in addition to the 32 million euros already allocated. We are pressing to ensure that those funds are disbursed quickly. We have also spoken with the Commission about the need to accelerate its planning for refugee return.

WALES

Air Services

Mr. Barry Jones: To ask the Secretary of State for Wales what plans he has to promote north-south air services; and if he will make a statement. [84355]

Mr. Hain: I am keen to improve public transport links between North and South Wales, including air services. Work is currently under way on an air services study for Wales, in line with the commitment which I gave in the Welsh transport policy statement 'Transporting Wales into the Future'. This study is focusing on the scope for new and enhanced services as well as the role of airports in economic development. It will be for the National Assembly, in collaboration with the Secretary of State for the Environment, Transport and the Regions, to decide how to take forward the findings of the study.

Road Traffic (Deeside)

Mr. Barry Jones: To ask the Secretary of State for Wales what assistance he has provided to the local highways authority to reduce road traffic on Deeside; and if he will make a statement. [84356]

Mr. Hain: Flintshire County Council is receiving Transport Grant support of £500,000 in 1999–2000 towards its Deeside Integrated Transport Strategy and has been provided with indicative allocations of £300,000 and £125,000 for 2000–01 and 2001–02 respectively. The Council has also been allocated £39,000 in 1999–2000 towards its Safe Routes to School project covering a number of schools in the Deeside area. This support builds on £480,000 that the Council was allocated towards its Integrated Transport Strategy in 1998–99.

Following the transfer of functions, future bids for Transport Grant support will be a matter for the National Assembly.

Job Creation

Mr. Barry Jones: To ask the Secretary of State for Wales what estimate he has made of the number of new jobs created since 1 May 1997; and if he will make a statement. [80846]

Mr. Hain *[pursuant to his reply, 20 April 1999, c. 502]:* I regret that there was a computer error at the Office for National Statistics. Revised figures are as follows: Seasonally adjusted figures show that between March 1997 and December 1998 the number of employee jobs in Wales increased by 16,000 to 997,000.

TRADE AND INDUSTRY

Export Licences

Dr. Ladyman: To ask the Secretary of State for Trade and Industry (1) what his estimate is of the current time

taken by his Department in considering export licences for goods with a possible military application; and what steps he is taking to speed the process up; [82439]

(2) in each of the last five years for which he has figures, *(a)* how many applications for export licences for goods with a possible military application his Department has considered and *(b)* what the average time was for considering each application. [82440]

Dr. Howells: The Export Control Organisation's computer databases have been interrogated and the following results were obtained for applications:

Year	*Standard or Open Individual Export Licences were received*
1994	17,187
1995	15,247
1996	14,153
1997	12,679
1998	11,799

This information should be considered in light of the answer given by the then Minister, my hon. Friend the Member for Hornsey and Wood Green (Mrs. Roche) to my hon. Friend the Member for Don Valley (Caroline Flint) on 30 October 1997, *Official Report*, columns *870–71*.

As regards the average time for considering an application I refer my hon. Friend to my answer given to the hon. Member for Portsmouth, South (Mr. Hancock) on 22 February 1999, *Official Report*, column *87*.

Finally, on 1 March 1999 the Export Control Organisation introduced the new ELATE database for Standard Individual Export Licence applications which should, among other advantages, improve the exchange of licensing information between Departments and is intended to enhance the effectiveness and efficiency of the licensing process.

Mr. Reed: To ask the Secretary of State for Trade and Industry, pursuant to his answer to the hon. Member for Cynon Valley (Ann Clwyd) of 1 February 1999, *Official Report*, columns *501–03*, if he will provide a detailed description of the military equipment licensed for export to Indonesia between 10 May 1998 and 31 December 1998 under ratings *(a)* ML4, *(b)* ML5, *(c)* ML6, *(d)* ML9, *(e)* ML10, *(f)* ML11, *(g)* ML14, *(h)* ML15, *(i)* ML21, *(j)* ML22 and *(k)* PL5017. [83024]

Dr. Howells: Inquiries are being made under the Code of Practice on Access to Government Information. As confidential information is involved, the parties concerned will be asked if they consent to its disclosure and this may take some time. I will write to my hon. Friend as soon as possible and place a copy of that letter in the Library of the House.

Military Exports (Yugoslavia)

Mr. Llew Smith: To ask the Secretary of State for Trade and Industry if he will place in the Library a list of the documents held by his Department on military exports to Yugoslavia. [83291]

Dr. Howells: While the DTI's Export Control Organisation maintains records of export licence applications, it does not compile records of licensed exports. I also refer my hon. Friend to my answer to my hon. Friend the Member for Cynon Valley (Ann Clwyd) on 5 May 1999, *Official Report*, column *414*.

Energy Council

Mr. Maclean: To ask the Secretary of State for Trade and Industry if he will publish the agenda for the Energy Council of 11 May. [83816]

Mr. Byers: I have today placed copies of the agenda for the 11 May Energy Council in the Libraries of the House. The agenda can also be found on the DTI in Europe page of the Department's website (www2.dti.gov.uk/).

EU Copyright Directive

Mr. Chope: To ask the Secretary of State for Trade and Industry if he will make a statement on the Government's policy on the implementation of the EU Copyright Directive. [83827]

Dr. Howells *[holding answer 11 May 1999]:* The draft EU Directive on copyright and related rights in the Information Society is still under discussion in a working group of the Council of Ministers. The Opinion of the European Parliament was given in February but the common position of the member states is not expected for some time owing to the complex and controversial nature of some of the proposals. Only when the Directive is finally adopted will we prepare the necessary implementing legislation for approval by Parliament, and we shall wish to consult widely before doing so.

The electronic environment necessitates international harmonisation of copyright laws and the Government have welcomed the broad thrust of the draft Directive. We are pressing for rapid adoption of the proposal, which will also enable the UK and the rest of the EU to ratify two new international treaties. However, there are concerns about certain aspects of the draft Directive including the treatment of temporary copies, the approach on exceptions to rights for a broad range of users, and provisions on technical measures. We are actively pursuing these issues in the Council and, in particular, continuing to press for more flexibility for member states in the area of exceptions. We are seeking to maintain a fair and reasonable balance between the interests of all the key players.

Owen-Corning

Mr. Barry Jones: To ask the Secretary of State for Trade and Industry if he will make a statement on his decision relating to the proposal by Rockwell to take over Owen-Corning's plant at Pentre, Deeside, Flintshire. [83981]

Dr. Howells *[holding answer 13 May 1999]:* On 7 May I announced that I had decided to prohibit the proposed acquisition by Rockwool Ltd. of the stone wool manufacturing business of Owens-Corning Building Products (UK) Ltd. My decision was in accordance with the recommendation of the Competition Commission and the advice of the Director General of Fair Trading.

Gas-fired Power Stations

Mr. David Taylor: To ask the Secretary of State for Trade and Industry when he will announce his decision on Michelin Tyre plc's application to build a new combined heat and power gas-fired power station at their Stoke-on-Trent tyre factory. [84622]

Mr. Battle: I have today granted consent under Section 36 of the Electricity Act 1989 to Michelin Tyre plc for construction of a 58 MW gas-fired Combined Heat and Power station at its tyre factory in Stoke-on-Trent Council. The station has also today been given clearance as a gas-fired station under Section 14 of the Energy Act 1976 and planning permission has been deemed to be granted, subject to 50 planning conditions agreed with the City of Stoke-on-Trent Council. The decisions have been taken in accordance with the policy set out in the White Paper entitled 'Conclusions of the Review of Energy sources for Power Generation and Government response to fourth and fifth Reports of the Trade and Industry Committee' (Cm 4071).

Copies of the Press Notice and decision letters are being placed in the Library of the House.

Mr. David Taylor: To ask the Secretary of State for Trade and Industry when he will announce his decision on Rolls-Royce Power Venture Ltd's notification to build an open cycle gas turbine power station at Croydon. [84621]

Mr. Byers: I have decided not to issue a direction under section 14(3) of the Energy Act 1976 to stop Rolls-Royce Power Ventures Ltd. building a new 49MW gas-fired power station at Croydon. In taking my decision I concluded that the contribution to providing future diversity of technology by allowing the commercial demonstration of this innovative development is such that it would have been inappropriate to issue such a direction.

Although new natural gas-fired generation would normally be inconsistent with the Government's energy policy concerns relating to diversity and security of supply, the Energy White Paper indicated that there may be a few exceptional examples which might merit support so as to help provide future diversity of technology. The White Paper also emphasises the importance of long term diversity of technology (together with diversity of fuels and sources of supply) in promoting flexibility and an ability to adapt to an uncertain future. I have concluded that the need for Rolls-Royce's Industrial Trent turbine to be commercially demonstrated, and so ensure the future diversity of technology, is such that it is appropriate for the proposal to be carried out.

Copies of this Press Notice and decision letter are being placed in the Library of the House.

ENVIRONMENT, TRANSPORT AND THE REGIONS

Heavy Goods Vehicles

Mr. Nicholas Winterton: To ask the Secretary of State for the Environment, Transport and the Regions how many heavy goods vehicles are receiving the reduction in vehicle excise duty announced in his Budget statement following a reduction in the amount of their exhaust emissions. [83823]

Ms Glenda Jackson: As of 30 April 1999, 120 heavy goods vehicles were licensed in the Reduced Pollution tax classes. This figure does not take into account any operators who obtained a Reduced Pollution Certificate in April and waited for the end of the month before relicensing at the lower rate.

A370

Mr. Cotter: To ask the Secretary of State for the Environment, Transport and the Regions what representations he has received calling for the installation of speed cameras on the A370 between Weston-super-Mare and Congresbury. [84181]

Ms Glenda Jackson: No representations have been received calling for the installation of speed cameras. The installation of speed cameras on the A370 is for North Somerset Council to consider in its role as the local highway authority. The Secretary of State's consent is not required.

Mr. Cotter: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has for new safety measures on the A370 between Weston-super-Mare and Congresbury. [84182]

Ms Glenda Jackson: The A370 is a local road for which North Somerset Council is the local highway authority. It is for the local authority to determine the need for new safety measures on this road.

Water Charges

Mr. Lidington: To ask the Secretary of State for the Environment, Transport and the Regions what his definition is of homes which have been substantially altered, as it relates to his Department's report, Water Charging in England and Wales: Government Decisions Following Consultation, page 7, paragraph 24. [84224]

Mr. Meale: I will write to the hon. Member.

Westminster City Council Inquiry (Fees)

Mr. Syms: To ask the Secretary of State for the Environment, Transport and the Regions (1) how much the Audit Commission has paid to Mr. Tony Childs, the Westminster Auditor's legal representative, for his professional fees incurred over the period 18 July 1989 to 30 April 1999 in connection with the Auditor's inquiry into Westminster City Council's designated sales policy; [84119]

(2) how much the Audit Commission has paid to Mr. John Magill, the Westminster Auditor, in professional fees over the period 18 July 1989 to 30 April 1999 in connection with his inquiry into Westminster City Council's designated sales policy; [84120]

(3) how much the Audit Commission has paid to Mr. John Howell QC, for his professional fees incurred in representing Westminster City Council's appointed Auditor at *(a)* the Divisional Court hearing in 1997, *(b)* the Appeal Court hearing in 1999 and *(c)* since he

was first consulted in connection with the Auditor's inquiry into Westminster City Council's designated sales policy. [84121]

Ms Armstrong: The cost of investigations carried out by auditors appointed by The Audit Commission are borne by the authority concerned. The Commission indemnifies the auditor for the cost of any court proceedings resulting from such investigations. Under the indemnity the Commission has met, in relation to the Westminster designated sales inquiry, costs of £2,997,000 incurred by the auditor in respect of his costs, and those of his solicitor and barrister.

Strategy for Sustainable Development

Mr. Patrick Hall: To ask the Secretary of State for the Environment, Transport and the Regions when he expects to publish the revised UK Strategy for Sustainable Development. [84538]

Mr. Prescott: "A better quality of life—a Strategy for sustainable development for the UK" will be published on Monday 17 May. Copies will be placed in the House Libraries. It will also be available on my Department's website at www.detr.gov.uk.

The aim of sustainable development is to deliver a better quality of life for everyone, now and for generations to come. That means building economic prosperity in a way that protects our environment and shares that prosperity more widely. It means creating "livability"—towns, cities and rural areas which are based on sustainable communities, offering a better quality of life for all. The Sustainable Development Strategy will provide the framework for meeting those objectives, by tackling problems in a co-ordinated way and by linking local, national and international action. The Strategy will look at the overlapping themes of a sustainable economy, sustainable communities and managing the environment and resources, with the challenges and opportunities each represents. It will include indicators as a means to measure progress, including a set of headline indicators.

The Government will lead in putting the Strategy into practice. But it will be important for each sector—and all of us as individuals—to pull in the same direction. The Strategy is therefore being supported by the launch of the next phase of the "Are you doing your bit?" advertising campaign, to communicate key elements of sustainable development to everyone.

Smoke Alarms

Dr. Brand: To ask the Secretary of State for the Environment, Transport and the Regions what estimate he has made of the number of lives that would be saved each year if every local authority dwelling in England was fitted with a smoke alarm. [79606]

Mr. George Howarth *[pursuant to the reply, 13 April 1999, c. 62]:* I have been asked to reply.

The previous reply provided figures for fire casualties in all households in England; a separate estimate is not available for local authority dwellings. Fire statistics do not reveal whether the dwelling in which the fire occurred was owned or rented in the private or public sector, although it is known that 17 per cent. of all households in England are in the ownership of local authorities.

SOCIAL SECURITY

Incapacity Benefit

Mr. Field: To ask the Secretary of State for Social Security what additional costs there will be for the pensions schemes for the Police and Fire Services as a result of the changes contained in the Welfare Reform and Pensions Bill to incapacity benefit for claimants with occupational pensions; and what other public service schemes will be similarly affected. [84043]

Mr. Bayley *[holding answer 13 May 1999]:* Currently Police, Fire and other public service pensions awarded on injury grounds are abated to take account of benefits. The Regulatory Impact Assessment published with the Welfare Reform and Pensions Bill made it clear that there may be some additional costs for such schemes from the proposal to take pension income over £50 a week into account for future Incapacity Benefit claims. But until the schemes consider the implications in detail, the scale of these costs cannot be assessed.

ICL Pathway Project

Mr. Rendel: To ask the Secretary of State for Social Security (1) what compensation his Department has *(a)* sought and *(b)* received as a result of the delays to the ICL Pathway Project; [84250]

(2) what the original timetable was for automation of post offices for computerised delivery of social security payments under the ICL Pathway Project; and what delays are now forecast; [84252]

(3) what savings have occurred under the pilot scheme for the ICL Pathway Project; [84254]

(4) what estimate he has made of the savings as a result of the ICL Pathway Project once all post offices are automated as planned. [84251]

Angela Eagle: The Benefits Agency, Post Office Counters Ltd. and ICL Pathway continue to work together to progress the project. Contractual and commercial matters remain confidential to the parties.

When the project was let in May 1996, it was assumed that all post offices would be automated by the end of 1998. To date, 204 post offices have been automated in the North East and South West of England. On current plans, automation will be completed int he next two years.

The payment card is estimated to have resulted in £91,000 fraud savings up to the end of March 1999. The order book control service, which enables bar-coded order books to be identified by the system, has resulted in £1.6 million in fraud savings over the same period.

It is estimated that when paper based methods of payment are fully automated, £189 million savings per annum will be achieved.

NORTHERN IRELAND

Mr. Patrick Finucane

Mr. McNamara: To ask the Secretary of State for Northern Ireland if she will investigate the statements

made by her Department on the *(a)* extent and *(b)* thoroughness of the original inquiries of the RUC into Mr. Finucane's murder. [83405]

Marjorie Mowlam: A summary of Mr. Steven's first inquiry, indicating the extent and thoroughness of that inquiry, was published. In light of this, my hon. Friend may wish to direct my attention to any statements by my department which he thinks I should investigate.

Mr. McNamara: To ask the Secretary of State for Northern Ireland what discussions *(a)* she and *(b)* officials in her Department have had with the Chief Constable of the RUC concerning Mr. John Steven's statement on his authority in relation to investigating the murder of Mr. Patrick Finucane. [83406]

Marjorie Mowlam: Operational policing, including the request to Mr. Stevens to investigate the murder of Mr. Finucane, is a matter for the Chief Constable. The Chief Constable keeps me informed about important developments by discussions with me and with my officials.

TREASURY

Joint Cabinet Consultative Committee

Mr. Gordon Prentice: To ask the Chancellor of the Exchequer on how many occasions since 11 November 1998 he has met the hon. Member for Gordon (Mr. Bruce) to discuss matters within his remit which might be taken forward in policy development terms through the Joint Cabinet Consultative Committee mechanism. [69335]

Mr. Gordon Brown *[holding answer 4 February 1999]:* None.

Stamp Duty

Ms Lawrence: To ask the Chancellor of the Exchequer what changes are to take place in the treatment for stamp duty purposes of leases under which the rent is to be adjusted in the light of changes in the retail prices index; and if he will make a statement. [84623]

Ms Hewitt: In the light of recent legal advice given to the Inland Revenue, the treatment of these leases for Stamp Duty is to be changed.

When a new lease is taken out, Stamp Duty is charged by reference to both the premium and the rent under the lease. The premium attracts duty at the same rates as the selling price on the sale of a freehold interest. The premium gets the benefit of the £60,000 nil rate band provided that the rent does not exceed a ceiling, currently £600 per annum. The average annual rent is charged at rates of between one per cent. and 24 per cent., depending on the length of the lease.

Many leases provide that the rent is to increase by a fixed percentage at annual or other intervals—or they lay down the actual amounts of the increases. The average annual rent, and therefore the Stamp Duty, is straightforward to calculate in these cases. But if future rent levels are expressed in terms of future movements in an index, like the RPI, it is less clear how a figure for the average annual rent can be calculated at the time the lease is taken out. In the light of representations, the then Economic Secretary made a statement to this House by way of Written Answer on 6 November 1996, *Official Report*, columns *541–43*, setting out how the Stamp Office would apply Stamp Duty in such cases for the future, on the basis of legal advice. Broadly, where the rent under a lease was to be adjusted by reference to future changes in an index, Stamp Duty would be calculated by reference to changes in that index during the year ending with the date of execution of the lease.

However, the legal validity of this approach has been challenged. Further legal advice given to the Inland Revenue is that the current system of applying a formula to allow for increases in an index number after the date of execution of a lease is not appropriate. So this practice will cease.

In future, where there is a formula expressed in the lease for rent reviews based on the RPI, only any change in the RPI up to the date of its execution will be taken into account for Stamp Duty purposes. This is expected to result, in most cases, in the average rent being little more than the initial rent.

This change means that people who have paid Stamp Duty on this type of lease may have paid more duty than they should have done. The Inland Revenue will invite those who paid duty on a lease of this kind to contact the Stamp Office and claim any repayment due to them. Details of the arrangements for repayments are set out in an Inland Revenue Press Release and on the Inland Revenue website.

FOREIGN AND COMMONWEALTH AFFAIRS

"People in Britain"

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs what factors decided which Labour candidate's photograph to use as demonstrative of the UK electoral process in the section rights and responsibilities of his departmental publication "People in Britain". [83948]

Mr. Robin Cook: A picture researcher is appointed to find pictures to illustrate the text. A selection of suitable photographs is supplied to the designer who picks the best quality shots for reproduction. The only political consideration is balance. The booklet was produced in 1996.

Pre-Accession Advisers (EU)

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs what will be the *(a)* role, *(b)* budget and *(c)* fees for the pre-accession advisers funded under the EU twinning programme with candidate countries in central Europe; who will select them; on what criteria; and if he will make a statement. [83928]

Mr. Quin: The UK is actively involved in the European Commission's new twinning programme under which experts from Member States are seconded to Central European Candidate Country Ministries to help them prepare for accession to the EU.

The role of Pre-Accession Advisers (PAAs) is to help Central European (CE) Ministries adopt the legislative and administrative changes that are necessary in order to

join the EU. PAAs work full-time for at least one year within a CE Ministry to implement a twinning project. This includes the support and co-ordination of any short-term expert missions and training activities within the project.

Funding for PAAs is set as part of the individual budget for each twinning project. The Commission estimates an approximate budget of 200,000 euro per year for each PAA.

The Pre-Accession Adviser continues to be paid his/her normal civil service salary throughout the project. The Commission then reimburses the cost of the salary to the Member State Department concerned. The PAA receives a per diem allowance, as well as housing, removal costs and school fees, where appropriate. The remuneration of PAAs is similar to that of other Commission funded secondees such as Detached National Experts (DNEs).

PAAs are selected by the Member State Ministry or mandated body when preparing a bid to meet the requirements of a specific twinning project. The qualifications of the proposed PAA are an important factor in the final decision of the Central European Candidate Countries when they consider twinning bids from Member States. PAAs must therefore have the relevant skills to carry out the project. For example, the DTI have seconded the Deputy Head of their State Aid Policy Unit to help the Czechs on a State Aids project; and the Home Office are seconding the Head of International Section in Policing Organised Crime Unit to help Poland with an organised crime and border management project.

MEP Statute

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will place in the Library a copy of *(a)* the draft MEP statute agreed by the Council of Ministers, *(b)* the proposal from the European Parliament set before the Council and *(c)* the European Parliament Legal Affairs Committee report on the Council amendments; what assessment he has made of the prospects for agreement being reached on an MEP statute; what action his Department is taking to reach such an agreement; and if he will make a statement. [83944]

Ms Quin: The first two documents have already been sent to the House Scrutiny Committee. I shall arrange for further copies to be deposited in the Library. The European Parliament Legal Affairs Committee proposed a resolution which was adopted with some amendments by the plenary on 5 May. I will also arrange for the resolution to be deposited in the Library.

In the resolution, the European Parliament did not consider the draft Statute agreed by the Council and reaffirmed the Parliament's text on 3 December 1998. The Council is continuing to talk to the European Parliament to resolve outstanding issues. But in view of the imminence of the June European elections prospects for adoption of a Statute during this European Parliamentary term are uncertain. Agreement would have to be sought with the new Parliament. In the meantime, existing arrangements for MEPs would continue.

General Affairs Council

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the discussions at the General Affairs Council of 26 and 27 April concerning European Court of Justice preparations for implementation of the Amsterdam treaty. [83929]

Ms Quin: There was no substantive discussion on the European Court of Justice's (ECJ) preparations for the implementation of the Amsterdam Treaty at the General Affairs Council on 26 and 27 April. The Dutch delegation did, however stress the need for the ECJ to prepare for the extra workload.

The ECJ is expected to produce a review of its operation and procedures shortly.

East Timor

Mr. Harvey: To ask the Secretary of State for Foreign and Commonwealth Affairs what records his Department has *(a)* from August, September and October 1975 of communications between Britain and (i) Australia and (ii) Indonesia in those months, *(b)* from 1975 and 1976 of communications between Britain and (i) Australia, and (ii) Indonesia concerning the invasion of East Timor and *(c)* of the visits to his Department in London by (i) Jose Ramos-Horta in February 1976 and (ii) James Dunn in early 1977; when each of these sets of records was last consulted; and who has access to them. [83958]

Mr. Robin Cook: The information requested is not held centrally and to provide it would incur disproportionate cost.

Ilisu Dam (Turkey)

Mr. McNamara: To ask the Secretary of State for Foreign and Commonwealth Affairs if the proposal for Her Majesty's Government to support the construction of the Ilisu Dam in Turkey meets the criteria of the Government's ethical foreign policy. [83920]

Ms Quin: No decision has yet been taken on the provision of export credit cover for the Ilisu Dam project. In assessing the arguments whether or not to provide export credit cover, we and other Government Departments are examining carefully all aspects of the project's potential impact. We will examine in particular the likely environmental impact, the issue of resettlement of local communities, the riparian rights of neighbouring states, and the impact on the region's cultural heritage, as well as any likely economic and social benefits the project may bring about.

Mr. McNamara: To ask the Secretary of State for Foreign and Commonwealth Affairs when his Department was first informed by the Department of Trade and Industry of its proposal to support the construction of the Ilisu Dam in Turkey. [83945]

Ms Quin: The Export Credits Guarantee Department first informed the Foreign and Commonwealth Office of the application for export credit cover in respect of the proposed contract to build the Ilisu Dam on 12 January 1999.

Mr. McNamara: To ask the Secretary of State for Foreign and Commonwealth Affairs what discussions he has had with the Government of Syria and the Government of Jordan, representing Iraq, on the proposals of the Government of Turkey to construct the Ilisu Dam. [83921]

Ms Quin: The State Minister for Foreign Affairs of the Syrian Arab Republic raised the issue of the Ilisu Dam project with our Ambassador to Damascus on 4 March.

We have had no discussions with the Government of Jordan on this issue.

Child Soldiers (Ethiopia and Eritrea)

Dr. Tonge: To ask the Secretary of State for Foreign and Commonwealth Affairs what reports he has received on the use of child soldiers in *(a)* Ethiopia and *(b)* Eritrea. [83923]

Mr. Tony Lloyd: Both sides have alleged the other is using child soldiers, but we have seen no firm evidence to support these allegations. Both insist that their policy remains not to recruit anyone younger than 18.

We remain concerned and will continue to monitor the situation.

Overseas Territories (Homosexual Laws)

Dr. Tonge: To ask the Secretary of State for Foreign and Commonwealth Affairs what progress has been made in changing the laws on homosexual acts in the overseas territories since publication of the White Paper on dependent territories. [83940]

Mr. Tony Lloyd: The White Paper on Britain and the Overseas Territories makes clear, in keeping with our commitment to a modern relationship based on partnership and responsible self-government, that we would prefer for these reforms to be enacted by the Overseas Territories Governments themselves. Discussions with the Overseas Territories on a wide range of issues covered in the White paper are continuing.

Entry Clearance Refusals

Mr. Vaz: To ask the Secretary of State for Foreign and Commonwealth Affairs when he proposes to appoint a new Chairman of the Independent Monitor of Entry Clearance Refusals. [84269]

Mr. Robin Cook: The Independent Monitor's current contract expires in November this year. No decision has yet been taken on the appointment of a new Independent Monitor.

Canadian SFOR Armoured Vehicles

Mr. Alan Johnson: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement about the proposed export of spare parts for Canadian NATO Stabilisation Force (SFOR) armoured vehicles in Bosnia. [84546]

Mr. Tony Lloyd: The Government have granted a licence for the export to Bosnia of spare parts for armoured vehicles deployed by the Canadian NATO Stabilisation Force (SFOR). We were glad to approve this export licence in view of the need for SFOR to maintain its vehicles so that it can carry out its peace-keeping activities with the maximum degree of safety.

Falklands

Mrs. Gillan: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his answer to the hon. Member for Ilford, North (Ms Perham) of 28 April 1999, *Official Report*, column *180*, on the Falkland Islands, at what time and on what date he spoke to the Chilean Foreign Minister to disagree with the decree issued by that Government suspending Lan Chile's flights to the Falklands; and to whom the Minister of State reported on 19 April the issue of the decree. [84183]

Mr. Tony Lloyd: My right hon. Friend spoke to the Chilean Foreign Minister on the telephone on 27 April. I reported the issue of the decree in my reply to my hon. Friend the Member for Wirral, South (Mr. Chapman) on 19 April 1999, *Official Report*, column *406*.

Correspondence

Mrs. Gillan: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will place a copy of his letters to the hon. Member for Chesham and Amersham of 30 and 28 April in the Library. [84184]

Mr. Robin Cook: Copies have been placed in the Libraries of the House.

Al Shifa Plant

Mr. Trend: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his answer of 11 May 1999, *Official Report*, column *120*, on the Al Shifa plant, what steps Her Majesty's Government took to check the Americans' evidence that the plant was being used for the production of chemical weapons materials. [84223]

Mr. Robin Cook: It is established practice under Section 1(c) of the Code of Practice on Access to Government Information not to disclose or discuss information received in confidence from foreign governments.

HOME DEPARTMENT

Kosovo Refugees

Mr. Beith: To ask the Secretary of State for the Home Department how many staff at the Immigration and Nationality Directorate have been assigned to work on the evacuation of refugees from Kosovo to the United Kingdom. [83803]

Mr. Mike O'Brien: A unit has been set up within the Immigration and Nationality Directorate to facilitate the entry of persons coming to the United Kingdom under the United Nations High Commission for Refugees (UNHCR) humanitarian evacuation programme and to expedite the processing of asylum applications from nationals of the Federal Republic of Yugoslavia. At present, some 24 people are directly involved, with support from others when necessary. Immigration Service staff are also involved at the point when the evacuees arrive at United Kingdom airports.

Arrangements have been made to assist the UNHCR in its task of processing applications from Kosovars in the camps to come to the United Kingdom under the Humanitarian Evacuation Programme. The first team under the leadership of Richard Tilt, the recently retired Director General of the Prison Service, flew out to Macedonia on 9 May and further teams will be going out on a rolling basis.

Immigration Detention Centres

Mr. Cox: To ask the Secretary of State for the Home Department how many *(a)* men and *(b)* women were held in detention centres for immigration offences on 30 April. [83589]

Mr. Mike O'Brien: There were 418 males and 40 females detained solely under Immigration Act powers in immigration detention centres in the United Kingdom on 30 April 1999. These figures exclude persons detained in Prison Service establishments and, other than at Dover, in police cells.

Angela Smith: To ask the Secretary of State for the Home Department if he has reached a decision on the possible use of HMP Aldington and HMYOI Hatfield as immigration detention centres; and if he will make a statement. [84280]

Mr. George Howarth: Following a review of the projected future requirements of both the Prison Service and the Immigration Service, it has been agreed that Her Majesty's Prison Aldington should be closed by the end of August 1999 and the site handed over to the Immigration Service to pursue its development as an immigration detention centre. This will provide an opportunity to build a centre designed for the needs of immigration detainees as part of the Government's White Paper commitment to reducing the use of Prison Service accommodation. It is planned to re-deploy the staff of the prison elsewhere within the Service and no compulsory redundancies of mobile grades are envisaged as a result of this closure. We will also make every effort to avoid any redundancies for non-mobile grades. The Unions will be closely involved in those arrangements.

The future of Her Majesty's Young Offender Institution Hatfield is still being considered, but I expect to be in a position to announce a decision shortly.

Asylum Seekers (Yugoslavia)

Fiona Mactaggart: To ask the Secretary of State for the Home Department how many asylum seekers from the Federal Republic of Yugoslavia currently detained under Immigration Act powers have applied for asylum in the United Kingdom since 24 March. [83799]

Mr. Mike O'Brien: New data are currently being collated. I will write to my hon. Friend shortly.

UK Passport Agency

Mr. Beith: To ask the Secretary of State for the Home Department how many staff in each of the last three years *(a)* in total and *(b)* broken down by grade were employed in each office of the UK Passport Agency. [83917]

Mr. Mike O'Brien: The table shows the average staffing in each office of the UK Passport Agency for the last three years, in total and broken down by grade.

Average staffing levels—UK Passport Agency

	Total	*London*	*Liverpool*	*Peterborough*	*Newport*	*Glasgow*	*Belfast*	*HQ*
1998–99								
Senior Civil Servant	2	0	0	0	0	0	0	2
Grade 6	2	0	0	0	0	0	0	2
Grade 7	10	1	1	1	1	1	0	5
Senior Executive Officer	18	2	1	1	1	1	1	11
Higher Executive Officer	63	6	9	7	7	7	3	24
Executive Officer	185	33	37	31	27	34	12	11
Administrative Officer	755	120	158	169	119	120	59	10
R Examining	116	0	29	33	30	11	13	0
Administrative Assistant	541	34	112	159	87	120	24	5
Personal Secretary	7	0	1	1	1	1	0	3
Typing Manager	3	1	1	0	0	0	0	1
Typist	10	2	1	2	1	1	2	1
Support Grade Band 1	12	6	1	1	1	2	0	1
Support Grade Band 2	54	15	14	6	4	12	3	0
Total	1,778	220	365	411	279	310	117	76

	Total	*London*	*Liverpool*	*Peterborough*	*Newport*	*Glasgow*	*Belfast*	*HQ*
1997–98								
Senior Civil Servant	1	0	0	0	0	0	0	1
Grade 6	1	0	0	0	0	0	0	1
Grade 7	12	1	1	1	1	1	0	7
Senior Executive Officer	17	2	1	1	1	1	1	10
Higher Executive Officer	58	5	6	6	7	7	3	24
Executive Officer	189	27	41	30	38	31	12	10
Administrative Officer	678	108	145	147	127	101	39	11
R Examining	71	0	41	28	0	2	0	0
Administrative Assistant	545	21	145	116	142	77	41	3

	Total	London	Liverpool	Peterborough	Newport	Glasgow	Belfast	HQ
Personal Secretary	8	0	1	0	1	2	0	4
Typing Manager	3	1	1	1	0	0	0	0
Typist	16	2	3	5	1	2	2	1
Support Grade Band 1	16	6	2	4	1	2	0	1
Support Grade Band 2	71	12	18	18	12	9	2	0
Total	1,686	185	405	357	331	235	100	73

	Total	London	Liverpool	Peterborough	Newport	Glasgow	Belfast	Hayes	HQ
1996–97									
Grade 5	1	0	0	0	0	0	0	0	1
Grade 6	1	0	0	0	0	0	0	0	1
Grade 7	11	1	1	1	1	1	0	0	6
Senior Executive Officer	16	1	2	1	1	1	1	0	9
Higher Executive Officer	59	6	5	8	7	7	3	1	22
Executive Officer	200	32	42	30	38	28	12	3	15
Administrative Officer	747	93	147	173	149	123	43	7	12
R Examining	86	5	19	26	24	12	0	0	0
Administrative Assistant	633	40	129	112	164	123	34	26	5
Personal Secretary	9	0	1	1	1	2	0	0	4
Typing Manager	2	1	1	0	0	0	0	0	0
Typist	18	3	3	2	2	3	2	2	1
Support Manager 3	1	1	0	0	0	0	0	0	0
Support Grade Band 1	17	6	2	4	2	2	0	1	0
Support Grade Band 2	73	3	19	21	13	9	2	6	0
Total	1,874	192	371	379	402	311	97	46	76

Mr. Beith: To ask the Secretary of State for the Home Department how the UK Passport Agency performed against its targets in 1998–99; and what are the targets set for the Agency in 1999–2000. [83908]

Mr. Mike O'Brien: The UK Passport Agency's targets for 1998–99 and its performance against these targets were as follows:

Target

To process properly completed straightforward applications within a maximum of 15 working days in April, and 10 working days for the remainder of the year.

Performance

April: 15

May: 18

June: 26

July: 23

August: 22

September: 15

October: 18

November: 17

December: 25

January: 27

February: 26

March: 34.

Target

In seeking to meet this target, the Agency will give priority to customers' travel needs, aiming to meet declared travel dates for at least 99.99 per cent. of passports issued.

Mr. Beith: To ask the Secretary of State for the Home Department on how many occasions in each of the last three years for which figures are available the UK Passport Agency has not met the declared travel dates for issue of passports; and what is its current target for meeting declared travel dates. [83907]

Mr. Mike O'Brien: Figures are available only from 1998–99 when the UK Passport Agency's standard of service target first included meeting customers declared travel dates. Available information indicates that there were 95 cases in 1998–99 where the UK Passport Agency has been made aware that declared travel dates were not met.

The Agency's current target for meeting declared travel dates is to meet those dates for at least 99.99 per cent. of passports issued. This target was achieved in 1998–99.

Mr. Beith: To ask the Secretary of State for the Home Department how many restricted validity passports have been issued by the UK Passport Agency in each month for each of the last three years. [83918]

Mr. Mike O'Brien: The information requested on restricted validity passport issues is shown in the table.

Restricted validity passport issues

	1996	1997	1998
January	1,404	2,231	2,228
February	1,359	2,365	2,191
March	3,397	2,834	3,011
April	3,522	2,840	3,017
May	4,124	3,729	3,111
June	4,287	4,206	4,740
July	5,720	5,330	4,692
August	5,451	5,002	3,825
September	4,061	3,608	3,206
October	3,629	3,395	3,032
November	2,606	2,371	2,270
December	2,674	2,815	2,690
Total	42,234	40,726	37,513

Immoral Earnings (Imprisonment)

Mr. Cox: To ask the Secretary of State for the Home Department how many *(a)* men and *(b)* women were sentenced to imprisonment in 1998 for living on immoral earnings. [83912]

Mr. Boateng: Information for 1998 will not be available until the summer. The table gives equivalent data for 1997.

Number of persons sentenced to immediate custody at all courts for offences of living on immoral earnings of prostitution, by sex, England and Wales, 1997

Offence	*Males*	*Females*
Living on earnings of prostitution or exercising control over prostitute [Sexual Offences Act 1956 Sections 30 and 31]	23	1
Living wholly or in part on the earnings of male prostitution [Sexual Offences Act 1967 Section 5(1)]	1	—

Refugees

Mr. Cox: To ask the Secretary of State for the Home Department how many refugees have entered the United Kingdom since 1 January; and if he will make a statement. [83910]

Mr. Mike O'Brien: Between 1 January and 31 March 1999, 5,905 applications for asylum were made by persons arriving at ports in the United Kingdom. In addition to this, 8,035 applications were received from persons already within the United Kingdom making a total of 13,945 applications for asylum received in the first three months of 1999.

Asylum Support System

Mr. Clappison: To ask the Secretary of State for the Home Department if he will estimate the number of staff to be employed in the administrative machinery for the proposed Home Office asylum support system. [83955]

Mr. Mike O'Brien: Consultants, KPMG, have recommended that the Asylum Support Directorate should have 298 staff in 2000–01 and 323 staff in 2001–02. We are still considering this recommendation.

Asylum Seekers

Mr. Coleman: To ask the Secretary of State for the Home Department what research has been undertaken by his Department into the levels of support that will need to be available to dispersed asylum seekers; and if he will make a statement. [84040]

Mr. Mike O'Brien: The proposed levels of support we have announced are the result of detailed discussions with other Government Departments, the local authority associations, individual local authorities and the voluntary sector. No formal academic research has been undertaken.

Mr. Coleman: To ask the Secretary of State for the Home Department what transitional arrangements he will put in place under the Immigration and Asylum Bill to deal with existing asylum seekers who are waiting for their applications to be processed; and if he will make a statement. [84037]

Mr. Mike O'Brien: The Local Government Association and the Association of London Government are jointly developing new arrangements for supporting asylum seekers which mirror the support system which is due to come into operation on 1 April 2000 and which will, therefore, ease the transition to the new system. It is proposed that the Immigration and Asylum Bill will give statutory backing to these transitional arrangements with effect from Royal Assent.

Mr. Coleman: To ask the Secretary of State for the Home Department what representations he has received from *(a)* refugee organisations and *(b)* other agencies since the assessment of the level of cash support available to asylum seekers proposed under the Immigration and Asylum Bill; and if he will make a statement. [84039]

Mr. Mike O'Brien: A number of refugee organisations and other agencies have commented on the proposed cash allowances for asylum seekers. We are now considering these comments.

Mr. Coleman: To ask the Secretary of State for the Home Department what procedures he plans to introduce to allow asylum seekers of school age to claim free school meals; and if he will make a statement. [84036]

Mr. Mike O'Brien: If they are of compulsory school age, the children of asylum seekers who are being supported by the Home Office will, if eligible, be entitled to free school meals.

Immigration and Nationality Directorate

Mr. Norman: To ask the Secretary of State for the Home Department what the procedures are for informing applicants of exceptional delays in the Immigration and Nationality Directorate. [84270]

Mr. Mike O'Brien: The recent disruption to the Immigration and Nationality Directorate's (IND) caseworking operation has meant that some applications are taking longer to process than would normally be the case. A number of measures have been taken to alert applicants. Letters, warning of possible delays, together with an explanatory leaflet, are now enclosed with all application forms. Leaflets have also been distributed widely among representatives, user groups and agencies in order to publicise the changes in IND as widely as possible.

HM Inspectorate of Constabulary

Mr. Vaz: To ask the Secretary of State for the Home Department how many persons are employed in HM Inspectorate of Constabulary. [84268]

Mr. Boateng: As of 12 May 1999, 84 persons were employed at Her Majesty's Inspectorate of Constabulary.

The total number of current staff is as follows:

1 Chief Her Majesty's Inspector of Constabulary

5 Her Majesty's Inspector of Constabulary

2 Assistant Her Majesty's Inspector's (Police)

2 Assistant Her Majesty's Inspector's (Non Police)

32 Seconded Police Officers

4 Seconded Civilians

32 Home Office employees

6 Staff contracted to Home Office.

Additionally, there are currently seven vacancies in the group "Home Office employees" with these staff, there would be a total establishment of 91.

Mr. Tom Neil

Mr. Steen: To ask the Secretary of State for the Home Department for what reasons Mr. Tom Neil of Hillbrook Road, Totnes *(a)* has not received confirmation of his visa status in the United Kingdom and *(b)* has been informed that, should he leave the United Kingdom at any time, his application would be cancelled. [83900]

Mr. Mike O'Brien: Mr. Neil was granted an extension of stay in the United Kingdom and his passport returned to him on 12 May. I am sorry that this had been delayed. Under Paragraph 34 of House of Commons paper 395, Mr. Neil's application would have been treated as withdrawn had he requested the return of his passport before his application had been dealt with.

EDUCATION AND EMPLOYMENT

Schoolteachers

Mr. Ronnie Campbell: To ask the Secretary of State for Education and Employment what was the average annual cost of employing a schoolteacher in 1998–99 in *(a)* Northumberland and *(b)* Slough. [83543]

Ms Estelle Morris: The average cost of employing a schoolteacher in a Local Education Authority depends on the average salary levels of those teachers currently employed within that Authority.

The estimated average cost of employing a full-time teacher (including heads and deputies) in the maintained nursery, primary, secondary and special sector in Slough and Northumberland in 1998–99:

£

	Slough	*Northumberland*
Average salary[1]	23,800	24,000
Employer costs[2]	3,500	3,500
Total cost	27,300	27,500

[1] Average salaries at local education authority level are likely to vary for a number of reasons, including the grade structures required by the mix of school sizes, teachers average length of service and payment of recruitment and retention points. The estimate takes account of the staged pay award in 1998–99, 2.0 per cent. in April with the full 3.8 per cent. paid in December.

[2] Includes 7.6 per cent. National Insurance contributions and 7.2 per cent. pension costs.

Note:

All figures are rounded to the nearest hundred pounds.

CSE/GCSE Examinations

Sir Geoffrey JohnsonSmith: To ask the Secretary of State for Education and Employment how many pupils were entered for CSE/GCSE examination papers, in 1997–98; how many sat for only one subject paper and failed to pass it; and at what cost. [83281]

Ms Estelle Morris: The number of pupils in schools in England entered for CSE/GCSE examination papers in 1997–98 was 659,300. Of these 9,300 sat for only one subject paper and failed to pass it, with an estimated examination fee cost of £150,000.

Class Sizes

Mr. Paul Marsden: To ask the Secretary of State for Education and Employment how many classes for five to seven-year-olds in *(a)* Shrewsbury and Atcham and *(b)* Shropshire had over 30 pupils in each year from 1992 to date; and if he will make a statement. [83962]

Ms Estelle Morris: The available information is shown in the following table.

We have recently approved Shropshire Education Authority's class size implementation plan, which will mean that no infant pupils in Shropshire will be in classes of over 30 from September 2000. To support that plan in 1999–2000 we have allocated to Shropshire £540,000 for additional teachers and £249,000 for extra classrooms.

Number of Keystage 1 classes taught by one teacher with 31 or more pupils: England

January each year	*Shropshire*[1]	*Shropshire*[2]	*Telford and Wrekin*	*Constituency of Shrewsbury and Atcham*
1996	111	—	—	—
1997	109	—	—	—
1998	100	—	—	—
1999	—	34	17	9

[1] Before Local Government re-organisation of April 1998

[2] After Local Government re-organisation of April 1998

National Advisory Committee on Creative and Cultural Education

Mr. Coleman: To ask the Secretary of State for Education and Employment if he will publish the report of the National Advisory Committee on Creative and Cultural Education. [84620]

Mr. Blunkett: I am pleased to announce that today the National Advisory Committee on Creative and Cultural Education published their report "All our Futures: Creativity, Culture and Education". Copies have been placed in the Library and the report is also available on my Department's website, www.DfEE.gov.uk.

AGRICULTURE, FISHERIES AND FOOD

Research Spending

Dr. Cable: To ask the Minister of Agriculture, Fisheries and Food what is his Department's planned spending on research broken down by category in *(a)* 1999–2000, *(b)* 2001–02 and *(c)* 2002–03; and what was the actual spending in 1998–99. [83472]

Mr. Rooker: Our outturn spend on research and development in 1998–99 is estimated at £125 million. Following the Comprehensive Spending Review, we are examining the R and D programme spend for 1999–2000 to 2001–02 in the light of our new policy aim and objectives. An announcement will be made in due course.

GM Foods

Mr. Denis Murphy: To ask the Minister of Agriculture, Fisheries and Food what safety measures and regulations his Department has implemented in relation to genetically modified food products on sale in the UK; and what proposals he has to extend these regulations. [83784]

Mr. Rooker *[holding answer 14 May 1999]:* All GM foods for sale in the UK are first assessed for safety in accordance with the requirements of the EC Novel Foods Regulation (258/97). Those that are approved must then comply with the labelling requirements contained in this regulation and, where appropriate, the EC Regulation on the labelling of GM Soya and Maize (1139/98). The Government took steps in March to ensure that the provisions in the latter Regulation also applied to foods sold in catering establishments and similar premises. The UK is the only country in Europe to have done this so far.

HEALTH

Remand Fostering Schemes

Dr. Cable: To ask the Secretary of State for Health (1) what plans he has to change the funding mechanisms for remand fostering schemes; [83896]

(2) what studies he has commissioned into the relative cost and efficacy of *(a)* remand fostering schemes for juveniles and *(b)* remand in (i) secure units, (ii) young offender institutions and (iii) prisons; [83897]

(3) what plans he has to encourage wider use of remand fostering for juveniles. [83898]

Mr. Hutton: Every local authority determines its own need for remand fostering schemes. Funding for this and other special fostering schemes is found from within existing annual budgets. There are no plans to change this.

In 1994, the National Foster Care Association (NFCA) published a report "On Remand: Foster Care and the Youth Justice Service". This national survey of remand fostering provision identified 29 local authorities operating such schemes. A 1998 NFCA report "Focus on Teenage Fostering" found that provision for remand fostering has since increased.

The Government have not commissioned any relative cost and efficacy studies into the areas referred to. However, one of the objectives of the Quality Protects programme launched in September 1998 is to increase placement choice for all children in local authority care. This will include provision for remand fostering.

The Youth Justice Board (YJB) for England and Wales has a development fund of £85 million over the next three years. The YJB will make grants to local authorities and other agencies for the development of good practice in the provision of youth justice services and in other work to help prevent youth offending. £35 million has been earmarked for bail support and supervision schemes and for other remand-related initiatives, which could include the development of good practice in remand fostering work. The YJB would be interested to receive bids in this area.

Berkshire Health Authority

Mr. Rendel: To ask the Secretary of State for Health (1) when he expects the funding for Berkshire Health Authority to be fully on the basis of the weighted capitation formula for the first time; [84178]

(2) if he will estimate the accumulated difference between the funds which would have been provided to Berkshire Health Authority under the weighted capitation formula when the formula was introduced and the amount actually provided. [84179]

Mr. Denham: Allocations have been made directly to health authorities since 1996–97.

We remain committed to the principle of achieving equity in resource allocation based on weighted capitation as soon as practicable. Health authorities are brought closer to their target fair share by a process of levelling up. Under target health authorities such as Berkshire will therefore be brought to target over time. In 1999–2000 Berkshire Health Authority's allocation was £15.62 million or 3.50 per cent. below target.

It is possible hypothetically to calculate the additional resources Berkshire Health Authority would have received if they had been funded to target. This can be done by aggregating the health authority's distances from target of each of the years since 1996–97 which gives a cumulative total of £58 million.

Newbury Hospital

Mr. Rendel: To ask the Secretary of State for Health what further information he requires before he can authorise a start to the building of the new Newbury Hospital. [84180]

Mr. Denham: Following discussions about the legality and accounting correctness of the proposed arrangements, the South East Regional Office of the National Health Service Executive and trustees of the charity are currently preparing advice to Ministers.

Written Answers to Questions

Monday 17 May 1999

INTERNATIONAL DEVELOPMENT

Albania

Mr. Key: To ask the Secretary of State for International Development what is the budget for her Department's office in Tirana, Albania; how many staff are in post and at what grades; who is the budget holder in Tirana and what is his authorised level of expenditure; what is the role of the Crown Agents; and if she will make a statement. [84125]

Clare Short: Monthly running costs for the DFID Tirana office are £75,000 (inclusive of staffing, rent and utilities). There are currently 10 British recruited and one locally recruited members of staff: the head of office, specialists in camp planning and development, logistics, health, NGO liaison, and an administrator. The head of office holds an initial budget of £1 million for projects with delegated authority of up to £100,000. The Crown Agents are providing, under contract to DFID, the emergency logistics team who are managing the office. Crown Agents may also be used for procurement and other services.

FOREIGN AND COMMONWEALTH AFFAIRS

Schengen

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his answer of 4 May 1999, *Official Report*, columns *340–41*, if the letter from the Dutch Government of 16 July 1997 on the Amsterdam treaty negotiations was referred to during Council discussions on the Home Secretary's proposal to join elements of the Schengen system. [83963]

Ms Quin: No.

MEPs' Interests

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will place *(a)* the Register of MEPs' interests and *(b)* the guidelines for MEPs registering interests in the Library. [83942]

Ms Quin: The register of MEPs' interests is held by the European Parliament in Brussels and Strasbourg where it is available for inspection by the public.

The guidelines for MEPs registering interests are contained in Annex 1 of the European Parliament's Rules of Procedure, copies of which are available from the European Parliament or on the Internet (www.europarl.eu.int).

Kosovo (Ethnic Mix)

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs what assessment he has made of the pre-conflict Kosovan ethnic mix in *(a)* percentage and *(b)* numerical terms; and what measures he is planning to guarantee the security of non-Albanians in post-conflict Kosovo. [83926]

Mr. Tony Lloyd: Definitive statistics for Kosovo's pre-March 1999 ethnic make-up do not exist. On the available information, we estimate that Albanians represented between 70 per cent. and 90 per cent. of Kosovo's pre-March 1999 population (approximately 1.6 million). The remainder of the population consisted of Serbs and Montenegrins (perhaps 150,000), Muslims (up to 100,000), and Turks, Romanies and a group known as 'Egyptians' (probably less than 50,000).

Our aim is a post-conflict administration of Kosovo that safeguards the security of all its people, irrespective of ethnic origin. That can be achieved only by means of a strong international military presence with a NATO core.

Biological and Toxic Weapons

Joan Ruddock: To ask the Secretary of State for Foreign and Commonwealth Affairs what *(a)* progress has been made and *(b)* issues remain unresolved in the negotiations concerning a protocol to the Biological and Toxic Weapons Conventions. [84210]

Mr. Tony Lloyd: Since 1995 an Ad Hoc Group of States Parties has been meeting in Geneva to consider measures to strengthen the 1972 Biological Weapons Convention. The United Kingdom is responsible for the key sessions on compliance measures and is playing a leading role in the negotiations. The Ad Hoc Group has made considerable progress and is now working on the text of a draft Protocol to the Convention. 1999 has already seen a significant intensification of this work with a total of 16 weeks available for the negotiations, the largest ever number. Much detailed work remains to be done, primarily on the technical aspects of the Protocol, but the UK, together with its EU partners, believes that an effective package of measures can be agreed during 2000. As an indication of the priority the UK attaches to its early and successful completion, we have offered to host the signing ceremony of the Protocol in London.

Arms Sales

Ms Perham: To ask the Secretary of State for Foreign and Commonwealth Affairs if a country may be admitted to the European Union without becoming a signatory to the European Union code of conduct on arms sales. [84257]

Mr. Tony Lloyd: In practice we would expect all EU member states to adhere in full to the Code of Conduct, including through participation in the information exchange and consultation mechanism established in the operative provisions of the Code.

The Associated countries of Central and Eastern Europe, the Associated country Cyprus, and Iceland and

Norway have already aligned themselves with the criteria and the principles contained in the EU Code on Arms Exports.

Visa Applicants (Islamabad)

Mr. Stringer: To ask the Secretary of State for Foreign and Commonwealth Affairs how many visa applicants in 1998 were turned away from the Islamabad High Commission by the pre-sift process before their formal application had been considered. [84327]

Mr. Tony Lloyd: I refer my hon Friend to the reply I gave to my hon. Friend the Member for Slough (Fiona Mactaggart) on 26 April 1999, *Official Report*, columns *32–33*.

Sudan

Sir Teddy Taylor: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent contact there has been with the Government of Sudan about the bombing by the USA of the factory in Khartoum; and if he will make a statement. [84227]

Mr. Robin Cook: We have been in regular contact with the Government of Sudan since the withdrawal of staff from Khartoum last August. Discussions have covered a whole range of issues, including Al Shifa. We are hopeful of a return to normal relations with the Sudan.

Sir Teddy Taylor: To ask the Secretary of State for Foreign and Commonwealth Affairs if it remains the policy of Her Majesty's Government to support the action of the USA in bombing the factory in Khartoum, Sudan; and if he will make a statement. [84226]

Mr. Robin Cook: My right hon. Friend the Prime Minister gave his support to the US action last August as action against international terrorists. As Her Majesty's Government have said on many occasions since, the US told us at the time of the strike on Al Shifa that they had compelling evidence that the plant was being used for the production of chemical weapons materials.

CABINET OFFICE

Special Advisers

Mr. Tyrie: To ask the Minister for the Cabinet Office, pursuant to his answer of 31 March 1999, *Official Report*, column *709*, on Special Advisers, if he will give the total travel cost of each occasion when a Special Adviser travelled abroad in an official capacity since 2 May 1997 and the place visited. [82434]

Dr. Jack Cunningham: For the period 2 May 1997 to 31 March 1999, Special Advisers in this Department accompanied me or my predecessor overseas in an official capacity on six occasions to the USA, Canada, Australia, New Zealand and Italy. The cost of this travel was £19,091. In addition, the UK anti-drugs co-ordinator and his deputy have travelled overseas in an official capacity on eight occasions to the USA, Canada, Austria, Czech Republic, Saudi Arabia and Pakistan. The cost of this travel was £18,178. All travel complied with the requirements of the Ministerial Code and the Civil Service Management Code.

EDUCATION AND EMPLOYMENT

Further Education Colleges

Mr. Keetch: To ask the Secretary of State for Education and Employment what recent guidance has been given to colleges of further education concerning the attendance of members of the governing body; and if he will make a statement. [R] [84385]

Mr. Mudie: Further Education Corporations are required by their instrument of government to hold meetings at least once in each term. They may remove any governor from office who fails to attend meetings over a period of six months without their permission. The Further Education Funding Council will be issuing comprehensive new guidance for governors later this year.

Unemployment (Coventry)

Mr. Jim Cunningham: To ask the Secretary of State for Education and Employment what steps the Government are taking to improve the effectiveness of measures aimed at reducing the level of long-term unemployment among the over 25-year-olds in Coventry. [83972]

Mr. Andrew Smith: Building on the New Deal for people aged 25 and over, which was introduced in June 1998 and gave those who had been unemployed for at least two years new subsidised employment and training opportunities, we introduced pilot schemes in 28 areas of Great Britain in November 1998. These have been designed to allow local partnerships more flexibility to try innovative ways of helping this age group back into work. One of these pilots is operating in Coventry, and is using a collaborative approach to delivering services through a range of partner organisations including the local city council. We are supporting their initiatives in helping long-term unemployed people find work, and will be evaluating this and the other pilots to see what works best and how help can be delivered most effectively in future for the benefit of unemployed adults in Coventry and elsewhere.

Islington Local Education Authority

Mr. White: To ask the Secretary of State for Education and Employment when the report on the Ofsted inspection of Islington Local Education Authority is to be published. [84731]

Ms Estelle Morris: The report is to be published by Ofsted tomorrow morning. Copies of the report and the Secretary of State's response will be placed in the Library tomorrow morning.

NORTHERN IRELAND

Paramilitary Violence

Mr. William Ross: To ask the Secretary of State for Northern Ireland if she will list for the week ended Saturday 1 May (1) the number of violent incidents involving paramilitary groups which took place in Northern Ireland, indicating how many involved *(a)* Loyalist and *(b)* Republican groups; [83893]

(2) the number of *(a)* punishment beatings and *(b)* punishment shootings which took place in Northern Ireland, indicating how many in each category were committed by (i) Loyalist and (ii) Republican groups. [83894]

Mr. Ingram: The number of security incidents during the period 25 April-1 May 1999 are as follows:

Shooting incidents: 3
Bombing incidents: 3

The number of casualties as a result of paramilitary-style attacks during the period are as follows:

	Loyalist	*Republican*
Assaults	Nil	1
Shootings	1	Nil
Total	1	1

Note:
1. Figures may be subject to minor amendment
2. The shooting and bombing incidents cannot as yet be attributed to a grouping although 2 of the bombing incidents have been claimed by the Orange Volunteers.

International Fund for Ireland

Mr. McNamara: To ask the Secretary of State for Northern Ireland what advice her Department gives to applicants to the International Fund for Ireland on how to accommodate the McBride principles in their applications. [83355]

Mr. Paul Murphy: As my hon. Friend may know, the International Fund for Ireland is administered by an independent Board jointly appointed by the two Governments and all matters pertaining to the handling of applications are a matter for the Board.

ENVIRONMENT, TRANSPORT AND THE REGIONS

Luton Bypass

Mr. Sayeed: To ask the Secretary of State for the Environment, Transport and the Regions what assistance the Government are giving towards the Luton north bypass. [83142]

Ms Glenda Jackson: The Luton Northern Bypass is a major long-term local authority scheme. Bedfordshire County Council and Luton Borough Council are currently working on a joint 5-year local transport plan submission for the area.

In the Trunk Road Review, the A5 Dunstable Bypass and the M1 Junction 6A-10 Widening were included in the London to South Midlands Multi-Modal Study—which is in Tranche 2 of the study programme starting in 2000–01. The study will address a range of issues including motorway congestion, development pressures, the contribution made by a shift to other modes of transport and access to major urban areas such as Luton and Dunstable.

Capital Housing Receipts

Mr. Paul Marsden: To ask the Secretary of State for the Environment, Transport and the Regions what is the total amount of capital housing receipts that have been released to Shrewsbury and Atcham borough council for each year since 1997; and if he will make a statement. [83924]

Mr. Raynsford: The following capital allocations have been made to Shrewsbury and Atcham under the Capital Receipts Initiative. Allocations are made in the form of Supplementary Credit Approvals.

Year	*£*
1997–98	219,000
1998–99	757,000
1999–2000	685,000

These are available for spending on housing and housing related regeneration projects which meet local priorities.

Council Tax Fraud

Mr. Bob Russell: To ask the Secretary of State for the Environment, Transport and the Regions what procedures are available to a local authority to take action against individuals who wrongly claim the single person's household council tax discount; and what monitoring he undertakes to ensure that local authorities check the validity of those claiming such a discount. [84034]

Mr. Meale: Billing authorities are under a duty in relation to each financial year to take "reasonable steps" to ascertain whether any discount applies to a dwelling before calculating the bill. It is for individual authorities to decide what action to take in the light of local circumstances but it usually takes the form of a written request for information from each household. Authorities also have powers to request information from certain public bodies such as the electoral registration officer. If a person receiving a discount fails to notify the authority that he is no longer (or never was) eligible for it he may be subject to a penalty of £50. It is for the local authority's auditor to satisfy itself that the local authority has the necessary procedures in place to fulfil its statutory duties.

Aircraft Fuel Reserves

Mr. Bob Russell: To ask the Secretary of State for the Environment, Transport and the Regions how many investigations have been held in the past year into aircraft arriving at UK airports with a fuel level lower than that required; how many have been in respect of aircraft landing at *(a)* Heathrow, *(b)* Gatwick and *(c)* Stansted; if he will investigate recent reports concerning an aircraft from Malaysia Airlines with nearly empty fuel tanks; and if he will make a statement. [84033]

Ms Glenda Jackson: In the past year, the Air Accidents Investigation Branch (AAIB) has completed an investigation into a report by NATS of an air traffic control occurrence involving an aircraft landing at Gatwick low on fuel following its diversion from Manston. The AAIB report will be published in June.

The AAIB is also currently investigating a further air traffic control occurrence report that an aircraft arrived at Stansted from Glasgow with fuel at the minimum level set out in the relevant company fuel policy, following a diversion from Gatwick; their report will be published in due course.

The recent allegations concerning an aircraft of Malaysia Airlines (MAS) was not the subject of a formal occurrence report, but came from a confidential source. We have drawn the allegations to the Malaysian aeronautical authorities who are investigating the reported incidents. DETR and Civil Aviation Authority officials have also discussed the allegations in detail with representatives of the airline. MAS has co-operated fully in reviewing their fuel policy and examining why, on a very few occasions, low fuel levels may have been recorded at the completion of a flight. MAS has offered to provide weekly reports of fuel levels for all its aircraft on arrival in the UK and this has been incorporated into their conditions for operating into this country.

In light of these recent allegations, the Civil Aviation Authority is to carry out an increased number of inspections of long haul aircraft arriving in the UK in the coming weeks, as part of a programme of checks on foreign aircraft at UK airports.

Mr. Heald: To ask the Secretary of State for the Environment, Transport and the Regions what reports he has received in the period since 1 January 1997 of aircraft arriving at *(a)* Luton and *(b)* Stansted with empty fuel tanks; and if he will make a statement. [84376]

Ms Glenda Jackson: There have been no reports received in the period since 1 January 1997 of aircraft arriving at Luton or Stansted with empty fuel tanks.

There has been one report of an aircraft arriving at Stansted from Glasgow on 12 September 1998 with fuel at the minimum level set out in the relevant company fuel policy, following a diversion from Gatwick. This incident is subject to an investigation by the Air Accidents Investigation Branch; their report has not yet been published.

One report has been received of a light aircraft landing at Luton low on fuel.

British Rail Employees (Asbestos)

Ms Kelly: To ask the Secretary of State for the Environment, Transport and the Regions what has been the *(a)* average length of time between diagnosis and receipt of compensation and *(b)* the average value of compensation paid for former employees of British Rail who are diagnosed as having (i) mesothelioma, (ii) asbestosis and (iii) primary carcinoma of the lung, related to exposure to asbestos in (1) the North West and (2) England. [84221]

Ms Glenda Jackson: I understand from the British Railways Board that information is not available in a form which can be analysed in the manner requested without disproportionate cost. Since 1991, the Board has settled approximately 500 such claims. Diagnosis may occur before or after a claim is made.

Weston-super-Mare (Town Council)

Mr. Cotter: To ask the Secretary of State for the Environment, Transport and the Regions when he plans to reach a decision on the petition for a town council for Weston-super-Mare submitted by North Somerset Council. [84176]

Mr. Meale *[holding answer 14 May 1999]:* We are currently considering a number of petitions and district reviews for new parish arrangements, including the petition for a town council for Weston-super-Mare. Our intention is to take decisions on a timescale to allow elections for any new parishes to be held in May 2000.

Domestic-rated Properties

Mr. Ennis: To ask the Secretary of State for the Environment, Transport and the Regions how many domestic-rated properties there are currently in England. [84368]

Mr. Meale: The latest available information on the number of domestic-rated properties relate to 24 March 1999. There were in total 21.018 million dwellings for England on the Valuation Office Agency's lists at 24 March 1999.

Council Tax (Students)

Mr. Green: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to remove from students liability for council tax; and if he will make a statement. [84394]

Mr. Meale: Although no individuals are exempt from council tax, certain types of dwelling are exempt and this includes dwellings occupied entirely by students. Where students share accommodation with non-students, the students are disregarded for the purposes of calculating the household's bill. It is our intention to amend the liability rules to exclude such students from being jointly and severally liable for the bill as soon as Parliamentary time and other priorities allow.

Regional Development Agencies

Mr. Rowe: To ask the Secretary of State for the Environment, Transport and the Regions what are the populations of the areas covered by each of the regional development agencies; and what are their budgets per head. [84532]

Mr. Pearson: To ask the Secretary of State for the Environment, Transport and the Regions what the total budget is for each regional development agency for 1999–2000 and subsequent years *(a)* in cash terms and *(b)* on a per capita basis; and if he will break it down in each case by major funding source. [84420]

Mr. Meale: Allocations to Regional Development Agencies (RDAs) for 1999–2000 were set out in the reply which my right hon. Friend, the Minister for the Regions, Regeneration and Planning, gave to my hon. Friend the

Member for St. Helens, North (Mr. Watts) on 21 April 1999, *Official Report*, columns *545–46*. We will shortly be giving RDAs provisional allocations for the following two years to help them in the preparation of their corporate plans. I will write to my hon. Friend as soon as this information is available.

Regeneration programmes make up 87 per cent. of the resources allocated to RDAs by Government, and variations in the allocations to individual RDAs reflect their regions' different regeneration funding needs. However, the per capita equivalents of the 1999–2000 allocations are as follows:

RDA	*Population (latest figures as at June 1997)*	*1999–2000 Budget (cash) £ million*	*Per capita £*
North East	2,594,364	121.198	46.7
North West	6,884,632	176.104	25.6
Yorkshire and the Humber	5,036,980	136.633	27.1
West Midlands	5,320,784	114.111	21.4
East Midlands	4,156,346	59.184	14.2
East of England	5,334,204	31.397	5.9
South West	4,875,973	60.138	12.3
South East	7,958,788	73.410	9.2
Total	42,162,071	772.175	18.3

The allocations are divided among different programmes as follows:

Programme	*NE*	*NW*	*Y&H*	*WM*	*EM*	*E*	*SW*	*SE*	*Total*
Land and Property	11.659	17.295	11.164	22.751	7.371	4.896	19.926	23.212	118.274
Derelict Land Grant	1.943	1.624	7.23	0.754	1.033	0.081	0.179	0.029	12.873
Single Regeneration Budget	91.58	137.48	102.18	75.93	36.78	14.59	21.68	37.49	517.71
Rural Development	2.605	1.169	3.075	1.716	3.081	2.825	6.023	1.639	22.133
Skills Development Fund	1.725	4.762	3.283	3.718	2.53	3.052	3.038	4.665	26.773
Competitiveness Fund	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25	2
Inward Investment	1.665	1.393	1.415	1.314	0.984	0.9	1.554	0.9	10.125
Administration	9.771	12.131	8.036	7.678	7.155	4.803	7.488	5.225	62.287
	121.198	176.104	136.633	114.111	59.184	31.397	60.138	73.41	772.175

London Underground

Mr. Corbyn: To ask the Secretary of State for the Environment, Transport and the Regions what discussions he has had with Railtrack on their plans to take over part of London Underground. [83983]

Ms Glenda Jackson: None. Officials have met Railtrack to discuss its proposals to integrate London Underground's sub-surface lines (Circle, District, Metropolitan, East London and Hammersmith and City) with the main line network, but there have been no discussions at Ministerial level.

Fuel-efficient Cars

Mr. Jim Cunningham: To ask the Secretary of State for the Environment, Transport and the Regions what efforts the Government are making to ensure adequate labelling of fuel-efficient cars. [83987]

Ms Glenda Jackson: New models of cars on sale are required to have a label affixed showing both fuel consumption information for that model, measured according to relevant official tests, and indicating the availability for inspection of the results of official tests of fuel consumption on all other new models of cars in the United Kingdom which have been subject to such tests, and which dealers are required to provide. Such information is contained in the Department's bi-annual publication "New Car Fuel Consumption Figures" which also contains information on CO_2 emissions.

A similar labelling scheme is also planned at EU level which will require labels which show CO_2 emissions to be placed on vehicles, posters in the showroom and the inclusion of this information in promotional literature to inform the consumer and influence purchasing decisions.

The Cleaner Vehicle Task Force is investigating the production of new labels showing environmental information. The Task Force has recommended that more work is needed on the feasibility of adopting an environmental rating system for vehicles to show comparative performance on several parameters including fuel efficiency. Research is under way on this subject and is expected to be completed by Spring 2000.

Aircraft Debris

Mr. Heald: To ask the Secretary of State for the Environment, Transport and the Regions (1) what regulations are in place to prevent *(a)* debris and *(b)* ice falling from aircraft; [84378]

(2) what discussions he has had in the past year with the CAA relating to *(a)* debris and *(b)* ice falling from aircraft over Hertfordshire; [84380]

(3) what steps he plans to take to improve aircraft safety relating to *(a)* debris and *(b)* ice falling from aircraft; [84375]

(4) what reports he has received about *(a)* debris and *(b)* ice falling from aircraft in the past year; and if he will make a statement; [84377]

(5) if he will meet representatives of the CAA to discuss the recent incidents of *(a)* debris and *(b)* ice falling from aircraft over Hertfordshire. [84379]

Ms Glenda Jackson: The Government and Civil Aviation Authority take seriously all occurrences of ice and debris falling from aircraft. The primary way to tackle the problem is to ensure that regulations on the safe manufacture and operation of aircraft are adhered to. There are many such regulations: for example, before aircraft can be entered on national registers they must meet the appropriate standards for design and construction of aircraft, including resistance to leakage of on-board water or toilet systems which is the main cause of the build up of ice on the exterior of aircraft.

The CAA is responsible for the safety regulation of aircraft registered in the UK and applies airworthiness requirements rigorously. They, together with the aviation industry have taken a number of specific, practical steps to reduce the occurrence of ice and debris falling. These steps include:

the introduction of manufacturers' modification kits to improve resistance to water leaks at servicing points

enhanced maintenance requirements

unannounced inspections by CAA Safety Regulation Group Surveyors checking airworthiness standards

recording of occurrences and investigation by the Safety Regulation Group.

Incidents are rare in relation to the volume of air traffic. In the last twelve months, 24 incidents have been recorded of icefall and 16 of other falling objects; this level of occurrence has not risen in the last five years, despite significant increases in traffic over that period.

It is an offence under articles 48 and 56 of the Air Navigation (No 2) Order 1995 to drop or permit articles to be dropped from an aircraft so as to endanger persons or property. The CAA will investigate incidents reported to them and prosecute offenders if there is sufficient information to identify the aircraft involved. It is not always possible to confirm the precise origin of ice or debris, because of problems in establishing the precise timing of incidents, the trajectory of falling items and the possible number of aircraft in the area at the time.

Ministers have had no specific discussions with the CAA in the last year about incidents of debris or ice falling from aircraft over Hertfordshire. I am aware of the unfortunate incident recently in which a block of ice fell through the roof of a house in Hertfordshire and the CAA is investigating the incident.

Millennium Experience (Transport)

Mr. Simon Hughes: To ask the Secretary of State for the Environment, Transport and the Regions what is the current timetable for the opening of *(a)* the transport links to the Millennium Experience and *(b)* the exhibition itself. [83443]

Ms Glenda Jackson: The current timetable for the opening of the transport links to the Millennium Experience is as follows:

Link	*Opening date*
Jubilee Line Extension	The final phase (Stratford to Green Park) opens late Autumn 1999
Millennium Transit Bus Services (Charlton Station to Dome, and Greenwich Station to Dome)	Services commence December 1999
Millennium Express river service (Waterloo to Dome)	Service commences 1 January 2000
Greenwich Shuttle river service (Historic Greenwich to Dome)	Services commences 1 January 2000
Cycle/pedestrian links through Greenwich Peninsula	Facilities implemented by end December 1999
NMEC controlled park and ride sites	Sites become operational 1 January 2000

The Millennium Experience exhibition opens to the public on 1 January 2000.

Genetically Modified Crops

Mrs. Organ: To ask the Secretary of State for the Environment, Transport and the Regions how many farms are involved in whole farm trials of genetically modified crops; and what is the total acreage given over to trials of such crops. [84279]

Mr. Meacher: At present 7 farms are involved in the farm-scale trials of genetically modified crops. Three are growing Spring oil seed rape with a total area of about 26 hectares and four forage maize with a total area of about 21 hectares.

Mr. Yeo: To ask the Secretary of State for the Environment, Transport and the Regions what distance between a field of genetically modified crops and a field of non-genetically modified crops he has been advised will be necessary to ensure that cross-contamination does not occur. [84534]

Mr. Meacher: The distance depends on the crop. There is no possibility of cross-contamination by pollen unless the genetically modified (GM) crop produces pollen and the non-GM crop is both sexually compatible and flowering at the same time. It is not possible to guarantee that no cross-pollination will occur, even with very large separation distances although the amount of cross-pollination decreases rapidly with distance. The

Advisory Committee on Releases to the Environment (ACRE) has advised that the information from decades of experience with producing seeds to specific purity levels can be used to estimate the level of cross-pollination which is likely to occur between crops in adjacent fields at specific distances. This information is crop specific.

Motor Cyclists (Learners)

Mr. Caton: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to amend the licensing rules for learner motor cyclists. [84716]

Ms Glenda Jackson: My Department has today issued a Consultation Paper that proposes to replace the two year provisional motorcycle licence with arrangements that encourage all learner riders to be properly trained and tested within two years. These new arrangements would apply fairly to all learner riders, and should be simpler to understand and administer. Copies of the Paper have been placed in the House Library.

Beacon Council Scheme

Mr. Fitzpatrick: To ask the Secretary of State for the Environment, Transport and the Regions when he intends to invite councils to apply for beacon status under the Beacon Council Scheme. [84732]

Ms Armstrong: We intend to publish tomorrow a brochure—The Beacon Council Scheme: How to Apply—which will invite councils to apply for beacon council status for the 1999–2000 programme. Copies of the brochure will be placed in the Libraries of the House.

SOCIAL SECURITY

Parental Leave

Ms Kelly: To ask the Secretary of State for Social Security (1) what is his estimate of the gross cost to the Exchequer on an annual steady-state basis of paying parental leave at *(a)* full earnings replacement value, *(b)* 90 per cent. of earnings replacement value, *(c)* 50 per cent. of earnings replacement value and *(d)* 30 per cent. of earnings replacement value assuming the take-up of fathers is 50 per cent. and the take-up of mothers is 90 per cent.; [83806]

(2) what is his estimate of the gross cost to the Exchequer on an annual steady-state basis of paying parental leave at the rate of *(a)* £60 and *(b)* £100 a week assuming the take-up of fathers is (i) 10 per cent., (ii) 15 per cent., (iii) 20 per cent., (iv) 25 per cent. and (v) 30 per cent. and the take-up of mothers is (1) 30 per cent., (2) 40 per cent., (3) 50 per cent., (4) 60 per cent. and (5) 70 per cent. [83805]

Angela Eagle *[holding answer 10 May 1999]:* The information is in the following tables:

Gross cost to the Exchequer on an annual steady state basis of paying parental leave for thirteen weeks to employees who have a child under 5

£ million

Rate of earnings replacement	Mothers	Fathers
100 per cent.	830	2,610
90 per cent.	745	2,350
50 per cent.	415	1,305
30 per cent.	250	785

Note:

The take-up rate for fathers of 50 per cent. and mothers of 90 per cent., is assumed to be the same across the entire earnings distribution. Up to 415,000 fathers, earning on average £480 a week, and 315,000 mothers, earning on average £200 a week, would be entitled.

Source:

Family Resources Survey 1997–98, uprated to 1999–2000 prices using March 1999 Treasury Economic Assumptions.

Gross cost to the Exchequer on an annual steady state basis of paying parental leave for thirteen weeks to employees who have a child under 5 at the specified rates

£ million

Take up	£60 a week	£100 a week
Fathers		
10 per cent.	30	55
15 per cent.	50	80
20 per cent.	65	110
25 per cent.	80	135
30 per cent.	95	160
Mothers		
30 per cent.	75	125
40 per cent.	100	165
50 per cent.	125	205
60 per cent.	150	250
70 per cent.	175	290

Note:

Take-up is assumed to be the same across the entire earnings distribution. Up to 415,000 fathers, and 315,000 mothers, would be entitled.

Source:

Family Resources Survey 1997–98, uprated to 1999–2000 prices using March 1999 Treasury Economic Assumptions.

Pensions

Mr. Ivan Henderson: To ask the Secretary of State for Social Security if he will publish an analysis of the views received by his Department in response to "A new contract for welfare: Partnership in Pensions" (Cm 4179). [84730]

Mr. Timms: I have arranged for the analysis of the main comments we received to be placed in the Library of the House.

TRADE AND INDUSTRY

Special Advisers

Mr. Matthew Taylor: To ask the Secretary of State for Trade and Industry on what dates Special Advisers from his Department travelled abroad on official business since 2 May 1997; which countries were visited on each occasion; and what were the names of the Special Advisers who travelled abroad on each occasion. [82252]

Mr. Byers: Since 2 May 1997 Special Advisers in my Department travelled overseas on official business on the following occasions:

Date	
1997	
25–28 May	Japan
10–11 September	Washington DC
13 October	Brussels
12–13 November	Brussels
15–22 November	India and Australia
1998	
11–18 January	China and Hong Kong
3–4 February	Paris
11 March	Strasbourg
6–7 May	Brussels
18–20 May	Geneva
22–24 June	Singapore
10–16 October	USA

All travel complied with the requirements of the 'Ministerial Code and the Civil Service Management Code'.

Consultation Documents

Mr. Cotter: To ask the Secretary of State for Trade and Industry (1) what has been the *(a)* shortest, *(b)* longest and *(c)* average period between the issuing of a consultation document by his Department and the deadline for responses since 2 May 1997; [83022]

(2) which consultation documents issued by his Department since 2 May 1997 have received *(a)* the most and *(b)* the fewest responses; and how many were received in each case. [83016]

Mr. Byers: This information is not held centrally and could not be obtained without incurring disproportionate cost.

Mr. Cotter: To ask the Secretary of State for Trade and Industry how many consultation documents his Department has issued since 2 May 1997. [83023]

Mr. Byers: My Department has issued 116 consultation documents since 2 May 1997.

Energy Council

Mr. Jim Marshall: To ask the Secretary of State for Trade and Industry what was the outcome of the Energy Council held in Brussels on 11 May; and if he will make a statement. [84067]

Mr. Battle: The Council considered several matters of interest to the United Kingdom.

On renewables, our strategy was singled out for praise. I called on the Commission to maintain momentum in the promotion of renewable energy by coming forward with a directive giving a framework for fair access of renewables to the internal electricity market. It should minimise distortions, ensure transparency, provide flexibility to distinguish between different kinds of renewables and promote cost-effectiveness and price competitiveness.

The Commission made two presentations on the internal energy market. The first concerned progress on implementation of the gas and electricity directives and the second harmonisation measures in electricity. I welcomed the implementation report stressing the importance of developing a real single market in energy (rather than 15 national markets) to enable consumers to reap the benefits that competition can bring in terms of lower prices and better service. I pointed out that agreement on the electricity and gas directives was only the first step. This must be followed by effective and timely implementation in all member states. I expressed disappointment that implementation had been delayed in some cases, urging those member states to put the necessary legal frameworks in place as a matter of urgency, emphasising the potential benefits to consumers. I also pointed out the importance of a level playing field where everyone plays by the rules; it was not acceptable for companies to compete in the markets of others member states while being protected from competition in their own.

I also welcomed the Commission's harmonisation report which highlighted the main areas where obstacles to the single market persist, such as arrangements for cross-border trading. I emphasised the need to get on with this work urgently so that we can have workable and effective arrangements by the time of the next Council.

I suggested the Council should regularly review progress towards achieving a single market against specific indicators, such as the number of new market entrants or prices. This will provide a measure of how far consumers are really being offered a competitive supply and benefiting from lower prices. The Presidency's summary supported this approach including the need to take the social dimension into account in liberalising the internal market in electricity. The Commission accordingly undertook to provide regular progress reports to Council.

The Energy Council held an orientation debate concerning possible elements for inclusion in a strategy on the integration of environmental aspects and sustainable development into energy policy. Ministers had a useful exchange of views which the Presidency summarised.

The Council also adopted conclusions aimed at reducing standby losses from electrical appliances which encourages an integrated approach—building a consensus and partnership with business on priorities and targets—developing a combination of voluntary and regulatory measures at Community level.

The Council received information from the Commission on the Energy Charter Treaty, the campaign for take-off on renewables and on progress towards minimising the impact of the millennium bug.

A full press release on the outcome of the Council can be found on the Council Secretariat web site at http://ue.eu.int/newsroom.

Post Offices

Mr. Boswell: To ask the Secretary of State for Trade and Industry what is the current number of *(a)* Crown post offices and *(b)* sub-post offices; and what these numbers were one year and five years previously. [84056]

Mr. Ian McCartney *[holding answer 13 May 1999]:* I understand from the Post Office that the numbers of Crown offices and sub-post offices are as follows:

	Crown offices	*Sub-post offices*
End March 1994	800	18,982
End March 1995	699	18,908
End March 1996	653	18,761
End March 1997	606	18,645
End March 1998	601	18,407
End March 1999	600	18,175

DEFENCE

Brunei (Jungle Training)

Mr. Hancock: To ask the Secretary of State for Defence what was the cost of the jungle training exercise in Brunei carried out between 1 April 1997 and 31 March 1998. [72791]

Mr. Doug Henderson: This exercise was a sub-element of exercise Ocean Wave, which took place in the Gulf, Far East and Asian Pacific regions between 13 January and 28 August 1997 as stated on 26 February 1999, *Official Report*, column *471*. The cost of the jungle training exercise was £572,000, excluding the cost of spares and ammunition consumed during the exercise, and also excluding transport costs, as the unit were already deployed in the area as part of exercise Ocean Wave.

Ministry of Defence Police

Mr. Mitchell: To ask the Secretary of State for Defence who is responsible for reviewing the legality of the actions of the Ministry of Defence Police. [83249]

Mr. Doug Henderson: The Ministry of Defence Police derive their constabulary powers from the Ministry of Defence Police Act 1987. The MOD Police are therefore answerable to the law through the courts. In common with other UK police forces, MOD Police are subject to comprehensive disciplinary procedures; these are overseen by the independent Police Complaints Authority where complaints by members of the public are involved.

WEU Council

Mr. Maclean: To ask the Secretary of State for Defence if he will publish the agenda for the WEU Council of 10 May. [83815]

Mr. George Robertson: The Agenda for the WEU Council of the 10 May was as follows:

Adoption of Agenda

Europe's security and defence in the light of the entry into force of the Amsterdam treaty and of the Washington summit.

Approval of the draft decision sheet.

Kosovo

Mr. Bercow: To ask the Secretary of State for Defence if he will make a statement on the *(a)* nature and *(b)* number of sorties undertaken to date by the Yugoslav Air Force over Kosovo. [83964]

Mr. George Robertson: Figures are not readily available for sorties by the Yugoslav Air Force over Kosovo. However, it is assessed that approximately 180 sorties have been flown in Serbia and Montenegro during the first 49 days of the NATO bombing campaign, an average of four per day. The majority of these flights are believed to be communications and logistic support helicopter flights, whilst just under half comprise fighter and fighter bomber sorties.

Research

Joan Ruddock: To ask the Secretary of State for Defence if the findings of research commissioned by his Department from universities and research institutes are required to be reviewed by his Department before publication is allowed. [84209]

Mr. Spellar: MOD's prior consent to publish the findings of research commissioned directly from universities and research institutes is needed only when, exceptionally, MOD notifies the research author that national security interests may be involved.

Where research is carried out by the Defence Evaluation and Research Agency, DERA, the Agency would seek the agreement of the customer, MOD or other party, before any publication.

Radiation Exposure

Mr. Shaw: To ask the Secretary of State for Defence how many former *(a)* Chatham and *(b)* other dockyard workers have received compensation due to possible radiation exposure through the no fault scheme. [84072]

Mr. Spellar: No former Chatham or other dockyard workers have so far been awarded compensation for alleged exposure to radiation through the Compensation Scheme for Radiation Linked Diseases. Sixty cases (of which forty-two relate to former dockyard workers) are at various stages of investigation.

HMS Dreadnought

Mr. Shaw: To ask the Secretary of State for Defence in what month of what year HMS Dreadnought was last in commission and at sea. [84301]

Mr. Spellar: Our records indicate that HMS Dreadnought was last in commission and at sea in September 1981.

Skynet Satellites

Mr. Matthew Taylor: To ask the Secretary of State for Defence what changes have been made to the *(a)* course and *(b)* location of Skynet satellites since 1 December; and if he will make a statement. [84312]

Mr. Spellar: None.

Efficiency Programmes

Mr. Blunt: To ask the Secretary of State for Defence when his Department expects to be able to make available to the House of Commons Defence Committee the list of measures scored as efficiency savings under the efficiency programmes of *(a)* 1998–99, *(b)* 1999–2000, *(c)* 2000–01 and *(d)* 2001–02. [83583]

Mr. George Robertson: My Department is replying shortly to the request of the House of Commons Defence Committee for further information on efficiency.

RAF Coverall Contract

Mrs. Browning: To ask the Secretary of State for Defence when he intends to reply to the letter of 15 January from the hon. Member for Tiverton and Honiton concerning John Heathcoat and Co. Ltd., and the RAF Coverall contract. [84381]

Mr. Spellar: I have written to the hon. Member today.

Balkans (UK Forces)

Mr. Corbyn: To ask the Secretary of State for Defence what estimate he has made of the cost of the deployment of UK forces in the Balkans since 18 April. [83984]

Mr. George Robertson: As at the end of April, £37 million of additional expenditure has fallen to my Department as a direct consequence of the UK's military response to the Kosovo crisis. This figure does not include the costs of replenishing stocks of expended ordnance or the costs of the UK's ongoing contribution to SFOR in Bosnia.

Territorial Army

Mr. Key: To ask the Secretary of State for Defence what arrangements are in place to fund locums when general medical practitioners who are officers in the TA are required to serve. [84124]

Mr. Doug Henderson: The Reserve Forces (Call-out and Recall) (Financial Assistance) Regulations 1997 (SI 1997/309) set out a scheme for providing financial assistance to reservists and employers who suffer financial loss as a result of the call-out or recall of individuals for permanent service in the armed forces. A claim for financial assistance in respect of the net additional costs of employing a locum doctor can be made under this scheme.

HOME DEPARTMENT

Counterfeit Offences (Yugoslav Nationals)

Fiona Mactaggart: To ask the Secretary of State for the Home Department how many people from the Federal Republic of Yugoslavia who have entered the United Kingdom en route to North America are being held for the offences of *(a)* possession of a false instrument contrary to section 3 of the Forgery and Counterfeiting Act 1981 and *(b)* attempting to obtain services by deception contrary to section 1 of the Criminal Attempts Act 1981. [83800]

Mr. Mike O'Brien: The information requested is not recorded centrally and could only be obtained through examination of individual case records at disproportionate cost. In any event, it would be impossible to ascertain precisely how many of those convicted were citizens of the Federal Republic of Yugoslavia because the nationality of those holding falsified travel documents is essentially in doubt.

Prison incidents

Mr. Beith: To ask the Secretary of State for the Home Department if he will list for (i) HMP Wolds and (ii) HMP Buckley Hall the number of incidents that have occurred during each of the last three financial years of the respective contracts in respect of *(a)* assaults on staff, *(b)* assaults by prisoners on other prisoners, *(c)* self harm, *(d)* class A drug finds, *(e)* other drug finds, *(f)* items smuggled into the prison, *(g)* delayed request replies, *(h)* failure to use agreed reporting procedures, *(i)* failure to achieve 95 per cent. occupancy of employment places, *(j)* key/lock compromises, *(k)* attempted escapes, *(l)* temporary release failures and *(m)* recapture and surrender. [83919]

Mr. George Howarth: The information requested is given in the table. The information requested about Buckley Hall on items smuggled into prison, failure to use agreed reporting procedures and failure to achieve 95 per cent. occupancy of employment places is not available because there is no contractual obligation for such information to be collected. The figures requested regarding recapture and surrender are not available because prisoners may surrender to another prison.

Incidents at Buckley Hall and Wolds prisons 1996–97 to 1998–99

Category	*Prison*	*1996–97*	*1997–98*	*1998–99*
Assaults on staff	Buckley Hall	14	20	12
	Wolds	16	8	23
Assault prisoner/prisoner	Buckley Hall	13	18	11
	Wolds	18	10	19
Self harm	Buckley Hall	5	7	6
	Wolds	23	46	69
Class A Drugs finds	Buckley Hall	13	13	13
	Wolds	20	18	10
Other drugs finds	Buckley Hall	36	38	28
	Wolds	115	90	88
Items smuggled into prison	Buckley Hall	n/a	n/a	n/a
	Wolds	28	20	29
Delayed request replies	Buckley Hall	106	162	87
	Wolds	5	3	1
Failure to use agreed reporting procedures	Buckley Hall	n/a	n/a	n/a
	Wolds	4	10	17

Incidents at Buckley Hall and Wolds prisons 1996–97 to 1998–99

Category	*Prison*	*1996–97*	*1997–98*	*1998–99*
Failure to achieve 95 per cent. occupancy of employment places	Buckley Hall	n/a	n/a	n/a
	Wolds	3	1	1
Key/lock compromises	Buckley Hall	0	1	1
	Wolds	0	0	0
Attempted escapes	Buckley Hall	0	0	0
	Wolds	0	0	0
Temporary release failures	Buckley Hall	4	4	4
	Wolds	2	0	4
Recapture and surrender	Buckley Hall	n/a	n/a	n/a
	Wolds	n/a	n/a	n/a

Private Prisons

Mr. Beith: To ask the Secretary of State for the Home Department, pursuant to his answer of 28 April 1999, *Official Report*, column *162*, on private prisons, what measures are being taken by the Prison Service to improve performance against the contract at *(a)* HMP Lowdham Grange and *(b)* HMP Parc. [83914]

Mr. George Howarth: The performance of both prisons has steadily improved since they opened and their present performance is regarded as satisfactory. The performance of the prisons is subject to contract management by the contractor and by the Prison Service through monitoring by the appointed controller of each prison, the area manager and the contracts and competition group of Prison Service headquarters.

Women Immigrants (Sex Industry)

Mr. Cox: To ask the Secretary of State for the Home Department what action his Department has taken against international crime organisations which have been involved in the smuggling of women immigrants into the United Kingdom to work in the sex industry. [83913]

Mr. Straw: The National Criminal Intelligence Service (NCIS) and Immigration Service are committed to the development and dissemination of the intelligence needed to maximise disruption of these criminal enterprises and to secure arrest in as many cases as possible. During the past 12 months, a number of successful operations have been jointly undertaken targeting the racketeers which have resulted in the arrest and conviction of those involved. In addition, profiling and increased awareness have led to the interception of several groups at ports of arrival and to tighter controls over the issue of visas at British missions abroad. Trafficking in human beings is high on the agenda of the European Union; the G8; and the United Nations. My Department is represented on all the relevant working groups.

Electronic Tagging

Mr. Cox: To ask the Secretary of State for the Home Department how many *(a)* men and *(b)* women are electronically tagged by the police in England and Wales. [83909]

Mr. George Howarth: The electronic monitoring of offenders is performed by private sector contractors working to Home Office guidelines. On 5 May, 2,139 men and 219 women were being electronically monitored under a number of schemes.

Prisoners

Mr. Cox: To ask the Secretary of State for the Home Department how many *(a)* male and *(b)* female sentenced prisoners were over the age of 70 years on 30 April. [83911]

Mr. George Howarth: Provisional information for 30 April 1999 shows that there were 120 sentenced males and 3 sentenced females aged over 70 years in Prison Service establishments in England and Wales.

Immigration and Nationality Directorate

Mr. Allan: To ask the Secretary of State for the Home Department how many whole-time equivalent staff were committed to the processing of asylum applications at the Immigration and Nationality Directorate on 1 April *(a)* 1994, *(b)* 1995, *(c)* 1996, *(d)* 1997, *(e)* 1998 and *(f)* 1999. [83620]

Mr. Mike O'Brien *[holding answer 10 May 1999]:* The Home Office Annual Report 1997 gives the following numbers for asylum determination staff in AA-SEO grades, excluding travel documents, appeals support management and policy staff in the years up to April 1997:

	Number
Calendar year	
1994 outturn	412
1995 outturn	426
Financial year	
1996–97 estimated outturn	514

More recent comparisons are very difficult because of the re-organisation of the Immigration and Nationality Directorate (IND) since December 1998. Asylum applications were previously handled in a dedicated Asylum Directorate; they are not dealt with in integrated teams which also deal with a variety of other immigration casework.

Figures for 1997–98 have not yet been published, but the figures relating to the former Asylum Directorate show 451 staff in the AA to SEO grades. The new Integrated Casework Directorate currently has 236 members of staff who are trained to deal with asylum applications; they are supported by a further 239 staff members, who also provide support on other immigration casework.

Mr. Clappison: To ask the Secretary of State for the Home Department what was the average number of *(a)* callers, *(b)* calls and *(c)* calls answered per day to the telephone caller unit in the Immigration and Nationality Directorate in (i) March and (ii) April. [83951]

Mr. Mike O'Brien: Figures for calls made during normal working hours in March and April were as follows:

	Number
March	
(a) Average number of callers per day	5,000
(b) Average number of calls per day	42,627
(c) Average number of calls answered per day	1,637
April	
(a) Average number of callers per day	4,380
(b) Average number of calls per day	30,151
(c) Average number of calls answered per day	1,883

Note:

Many calls are repeat calls and, therefore, these statistics must be approached with caution

Mr. Clappison: To ask the Secretary of State for the Home Department what was the unit cost of caseworking in the Immigration and Nationality Directorate in *(a)* each of the last six months for which figures are available and *(b)* May 1997. [83950]

Mr. Mike O'Brien: The direct cost of a standard unit of caseworking is routinely monitored under the terms of the contract with Siemens Business Services. Those costs, which exclude some overheads, were:

Month	Unit cost (£)
May 1997	45.16
October 1998	33.19
November 1998	40.44
December 1998	78.00
January 1999	71.57
February 1999	62.58
March 1999	50.57

Asylum Seekers

Mr. Clappison: To ask the Secretary of State for the Home Department if he will estimate the cost of providing each £1 worth of support for asylum applicants *(a)* in receipt of income support following an application for asylum at a port of entry and *(b)* in receipt of support from a local authority following an in-country asylum application. [83961]

Mr. Mike O'Brien: The information is not available in the form requested.

However, with regard to Income Support, the available information is given in the table:

Income Support processing costs 1998–99[1]

Costs	£
Unit cost of processing asylum seeker income support claim	17.90
Annual cost of maintaining an average income support claim	3.66
Total[2]	21.56

[1] The information provided is for Income Support processing cost only, and does not include the processing costs for Housing Benefit or Council Tax Benefit.

[2] This is the total annual cost in the year that the claim is processed; the total annual cost for a claim in the years after it has been processed will be £3.66.

Note:

In 1998–99, central Government paid grants of up to £165 per adult asylum seeker per week; up to £230 per family (or £240 for families accommodated in inner London prior to 23 November 1998) and up to £400 per unaccompanied child aged under 16 or £200 per unaccompanied child aged 16 or 17. Local authorities could include administration costs within these weekly unit costs, but no information is held centrally on the extent of those administration costs.

Hillsborough Disaster

Mrs. Curtis-Thomas: To ask the Secretary of State for the Home Department if he will provide an index and catalogue for the evidence placed in the House of Lords Library which was provided to the inquiry into the Hillsborough Disaster. [83925]

Mr. Boateng: Any cataloguing of the material it holds is a matter for the Library itself. My reply to the question from my right hon. Friend the Member for Birkenhead (Mr. Field) on 20 April 1999, *Official Report*, column *486* listed the categories of evidence placed in the Library. The South Yorkshire Police included an index, which listed the officer's name and the individual reference number for each statement, with the police statements themselves.

Passport Losses

Mr. Rowe: To ask the Secretary of State for the Home Department how many complaints of passports being *(a)* mislaid and *(b)* lost have been received in each month since November 1998. [84032]

Mr. Mike O'Brien: Complaints received by the Immigration and Nationality Directorate are not recorded centrally on the basis of subject matter. Information kept centrally is in respect of the number of compensation claims dealt with as a result of maladministration, the majority of which will have arisen as a result of lost documents. This is a lagging indicator as there is often a considerable gap between an incident and the claim for compensation arising from it. The figures for each month since November 1998 are set out:

	Number
November	7
December	10
January	12
February	5
March	5
April	1

Education Classes (Prisons)

Mr. Cox: To ask the Secretary of State for the Home Department how many prisons in England and Wales

provide education facilities for teaching reading and writing to inmates; and if he will make a statement. [84397]

Mr. George Howarth: All prisons are required to deliver the Prison Service core curriculum which includes basic educational skills (reading, writing and numbers), English for speakers of other languages, life and social skills and information technology skills.

Prostitutes' Cards

Ms Buck: To ask the Secretary of State for the Home Department when he plans to publish his proposals to deal with the problem of prostitutes' cards in public telephone boxes. [84647]

Mr. Boateng: Our consultation paper, "New Measures to Control Prostitutes' Cards in Phone Boxes" will be published on Tuesday 18 May. This is a local problem which needs a local approach. The consultation paper will look at options for changing the law to enable those who put cards in telephone boxes to be dealt with more effectively on a local basis. Copies of the consultation paper will also be placed in the Library on Tuesday.

Fire Brigades

Mr. Jim Cunningham: To ask the Secretary of State for the Home Department what efforts are being made by his Department to encourage a speedy conclusion to the pay dispute between the Fire Brigades Union and the National Joint Council for Local Authority Fire Brigades; and to what extent a deal will have to take account of the Best Value regime. [84383]

Mr. George Howarth: The current dispute between the local authority employers and the Fire Brigades Union is not over pay. It is over modest proposals by the employers for changes to firefighters' conditions of service. These negotiations are not directly a matter for the Government but are for resolution between the employers and the union in the National Joint Council for Local Authorities Fire Brigades.

The Audit Commission in its report in 1995, "In the Line of Fire", endorsed the need for changes in firefighters' conditions of service to remove provisions which were inflexible, outdated and unjustified. The Government fully support proposals for change which while protecting the legitimate interests of firefighters will, at the same time, deliver Best Value and lead to more modern and efficient public services.

Fire Safety Legislation

Mr. Jim Cunningham: To ask the Secretary of State for the Home Department what plans he has to consolidate current fire safety legislation. [84384]

Mr. George Howarth: We intend to bring forward general legislation to consolidate and rationalise fire safety law along the lines proposed in our consultation document "Fire Safety Legislation for the Future", when parliamentary time permits.

PRIME MINISTER

Ethnic Albanians (Rape)

Mr. Dalyell: To ask the Prime Minister what evidence he has received, other than from the accounts of Kosovar refugees, of the scale of rape by Serbs of ethnic Albanians. [83176]

The Prime Minister *[holding answer 4 May 1999]:* By the very nature of the situation in Kosovo, accounts by refugees remain the main source of information about human rights abuses including rape in Kosovo. Certain aid agencies are able to undertake medical checks, when requested by refugees, to corroborate their claims, though many women are understandably reluctant to submit themselves to these. But the consistency of the hundreds of reports by refugees leaving Kosovo in different camps in Macedonia and Albania makes their evidence compelling and credible. We are making every effort to corroborate all reports of atrocities in Kosovo.

Pre-Schools (Closures)

Mr. Hayes: To ask the Prime Minister, pursuant to his oral answer to my hon. Friend the Member for North-East Cambridgeshire (Mr. Moss) on 28 April 1999, *Official Report*, column 341, what assessment he has made of the Pre-school Learning Alliance's estimate of the number of closures of pre-school play groups and nursery schools; and what estimate he has made of the change in the total number of pre-schools over the past 12 months. [83234]

The Prime Minister *[holding answer 4 May 1999]:* Earlier this year, 150 Early Years Development local plans were approved to guarantee a free nursery place for all four-year-olds whose parents want one and for the first time will deliver good quality childcare places across the country. The Government have made available an additional £390 million over three years to provide an additional 190,000 places for three-year-olds, almost doubling the participation rate of those taking a free place to 66 per cent. by April 2002. In addition, we intend to provide 430,000 additional childcare places in the UK by 2003, at a cost of £470 million.

We are aware of the Pre-School Alliance's (PLA) claims about the number of registered playgroups. They do not fully accord with official figures from annual surveys but DfEE officials will be discussing the figures with the PLA to ensure their concerns are properly understood. The Under-Secretary with responsibility for employment and equal opportunities, my hon. Friend the Member for Barking (Ms Hodge) has made available a further £500,000, in addition to the £500,000 announced in May 1998, to support specifically pre-schools at risk of closing and to help sustain good quality pre-schools and playgroups. She also announced an independent review of our early education and child-care policies.

European Central Bank (Salaries)

Mr. Bercow: To ask the Prime Minister if he will take steps to require the publication of the (i) salary and

(ii) terms and conditions of employment of *(a)* the President and *(b)* the Executive Board Members of the European Central Bank. [83559]

The Prime Minister: As the President of the ECB made clear at a hearing of the European Parliament on 15 July 1998, the system is such that the salary of a member of the Executive Board of the ECB is about 10 per cent. higher than the highest Director-General's salary at the European Commission. The salary of the Vice-President is 20 per cent. higher and his salary as President is 40 per cent. higher than the salary of an Executive Director.

Arms Blockade (KLA)

Mr. Bercow: To ask the Prime Minister what instructions have been issued to *(a)* Foreign Office and *(b)* Ministry of Defence personnel concerning implementation of UNSCR 1160 in respect of enforcing an arms blockade on the KLA; what steps he has taken to ensure that they are compatible with the changes made, pursuant to the Legg report on Sierra Leone; and if he will make a statement. [83401]

The Prime Minister: The United Nations Security Council resolution 1160, which was adopted in March 1998, was circulated within the FCO, the MOD and to relevant posts overseas. Officials involved in work on Kosovo are aware of the scope of the arms embargo against the FRY, including the fact that it covers the sale or supply of arms to the KLA.

NATO Bombing (Yugoslavia)

Mr. Dalyell: To ask the Prime Minister what assessment he has made of the effect of the use of graphite weapons to attack the electrical system in Yugoslavia, on *(a)* hospitals without auxiliary generators, *(b)* the nuclear installation at Vinca and *(c)* chemical factories. [83780]

The Prime Minister *[holding answer 10 May 1999]:* The UK armed forces do not hold such munitions. NATO has repeatedly made clear that the greatest of care is taken to minimise the risk of civilian casualties and damage to buildings that are not used in support of Milosevic's military machine. The need to avoid dangerous emissions from nuclear and chemical plants is taken fully into account in making decisions about targets.

Chemical Weapons

Mr. Dalyell: To ask the Prime Minister if he will discuss with CBD Porton Down the basis on which the Organisation for the Prohibition of Chemical Weapons lists EMPTA as a compound which also has commercial uses. [82946]

The Prime Minister: EMPTA is covered by Schedule 2 to the Chemical Weapons Convention, which the Organisation for the Prohibition of Chemical Weapons oversees, not because it has commercial uses, but on the grounds that it belongs to a large family of chemicals that are of potential use as precursors in the production of Schedule 1 chemicals—those posing the highest risk—such as the nerve agent, VX.

I can also confirm that the Chemical and Biological Defence Sector of the Defence Evaluation and Research Agency at Porton Down is currently not aware of legitimate commercial uses for EMPTA.

Computer Compliance

Mr. Bercow: To ask the Prime Minister what steps he is taking to ensure *(a)* 9.9.99 and *(b)* 29.2.00 computer compliance. [84100]

The Prime Minister: Government Departments and agencies and key parts of the national infrastructure have comprehensive plans in place for addressing the millennium date change and a range of other dates which could give rise to particular problems such as 9.9.99 and 29.2.00. Action 2000, which the Government set up, has also been advising businesses, particularly small and medium sized enterprises, of the importance and methods of checking that systems will continue to operate on these dates and of setting in place contingency plans.

European Commission (Reform)

Mr. Bercow: To ask the Prime Minister if he will make a statement on progress made at the meeting with Mr. Romano Prodi on 14 April, with reference to reform of the EU. [84095]

The Prime Minister: I refer the hon. Member to the answer I gave him on 7 May 1999, *Official Report*, columns *477*.

RAF (Iraq)

Mr. Bercow: To ask the Prime Minister if he will make a statement on activities by the RAF over Iraq since the end of March. [84173]

The Prime Minister: RAF patrols of the no fly zones remain a vital humanitarian mission in support of UN Security Council Resolution 688 which condemned Saddam Hussein's repression of the Kurds in the North and Sh'ia Muslims in the South. Since the end of March, our aircraft have been shot at or otherwise threatened some 100 times. We have, therefore, been forced to take appropriate defensive measures against Iraqi facilities that pose a threat to coalition forces.

Kosovo

Mr. Bercow: To ask the Prime Minister, pursuant to his answer of 10 May 1999, *Official Report*, column *68–69*, if his reference to the safe return of refugees refers to their place of origin within Kosovo. [84526]

The Prime Minister: It is our clear intention that all the refugees should return to and live in Kosovo in conditions of security, guaranteed by an international military force. We want all those who wish to go back to their former homes to be able to do so.

President Clinton

Mr. Matthew Taylor: To ask the Prime Minister if he will list the dates of his visits to the United States of America to meet President Clinton since 1 May 1997. [84344]

The Prime Minister: I have visited the United States on four occasions since 1 May 1997:

20–23 June 1997: G7 meeting in Denver and UN General Assembly Session in New York

4–7 February 1998: Bilateral (Washington)

21 September 1998: UN General Assembly meeting (New York)

21–25 April 1999: NATO (Washington) + Bilateral (Chicago).

On each of these visits I met President Clinton.

Mr. Matthew Taylor: To ask the Prime Minister how many times President Clinton has visited Britain to meet him since 1 May 1997; and on what dates. [84313]

The Prime Minister: President Clinton has visited the UK three times since 1 May 1997:

29 May 1997: Bilateral (London)

15–18 May 1998: Birmingham G8 Summit and London EU/US Summit

3 September 1998 Belfast and Omagh

On each occasion I met President Clinton.

HEALTH

Dental Services (North-east Lancashire)

Mr. Gordon Prentice: To ask the Secretary of State for Health what steps he is taking to promote and safeguard NHS dentistry in North East Lancashire; and if he will make a statement. [80048]

Mr. Denham: East Lancashire Health Authority is responsible for monitoring the oral health and general dental services (GDS) in their area. Health authorities concerned about GDS provision in their area have been able to ask my right hon. Friend the Secretary of State for Health to use his powers under Section 56 of the National Health Service Act 1977, to approve the funding of proposals submitted under the Investing in Dentistry initiative (IID), which began in September 1997, and ended this April. To date, my right hon. Friend has approved three East Lancashire Health Authority IID bids in Burnley, Nelson and Accrington, which should provide 6,400 patients from the area with the opportunity of registering with an NHS dentist.

East Lancashire Health Authority could also, if appropriate, seek the approval of my right hon. Friend, under Section 56, to employ a salaried dentist(s), or consider submitting an expression of interest under the personal dental services (PDS) scheme, which we announced on 1 January 1998. PDS is designed to help improve access to NHS dentistry, by encouraging health authorities to work with dentists to develop a variety of new arrangements to improve access to NHS dentistry. The strategy for NHS dentistry, which will be published in due course, will look at further ways of improving access to NHS dentistry.

Millennium Compliance

Dr. Cable: To ask the Secretary of State for Health if he will list the NHS organisations which the NHS Director of Planning has assessed as failing to prepare properly for millennium computer compliance. [82820]

Mr. Denham: The National Health Service Executive receives regular progress reports from over 500 NHS organisations and publishes all the returns on the Internet (www.imc.exec.nhs.uk/2000). The returns for the period ended 31 March 1999 will be published later this month.

The NHS Executive has announced that, in line with the common approach being adopted by members of the National Infrastructure Forum of Action 2000, it will list organisations and their state of readiness for Year 2000 based on the returns for the period ended 31 May 1999 at the forthcoming meeting on 13 July 1999.

Disabled People (Terminal Care)

Dr. Iddon: To ask the Secretary of State for Health what data he has collated on disabled persons who are not dying receiving terminal care. [83376]

Ms Jowell: Palliative care is the active total care of patients whose disease no longer responds to curative treatment, focusing on the quality of life and integrating the physical, psychological, spiritual and social aspects of care. Terminal care is an important part of palliative care and usually refers to the care of patients during their last few days, weeks or months, from a point at which it becomes clear that the patient is in a state of progressive decline.

Pain therapy in palliative/terminal care must be tailored for each patient. Most patients with advanced disease will require pharmacological therapy. Strong opioids, such as diamorphine and morphine, are prescribed for severe pain and must be administered regularly to control pain and prevent pain recurring.

Medical treatment given to a patient, disabled or otherwise, with the primary purpose of inducing death is illegal. Anyone alleged to have undertaken such action would be open to a charge of murder or manslaughter.

Information on such cases is not available centrally.

Dental Nurses

Mr. McWalter: To ask the Secretary of State for Health what assessment he has made of the benefits of introducing statutory registration of dental nurses. [83397]

Mr. Denham: In May 1998 the General Dental Council published a consultation document in which they suggested that, if statutory registration was introduced, dental nurses could extend the support they provide to dentists, provided the nurses had satisfactorily completed a period of approved, structured training. We await the outcome of these consultations with interest.

NHS Scientific and Technical Staff

Mr. Field: To ask the Secretary of State for Health what plans he has to place all National Health Service scientific and technical staff, together with support grades, within a pay review body; and if he will make a statement. [83727]

Mr. Denham: On 15 February 1999, the Health Departments published proposals for modernising the National Health Service Pay System in "Agenda for Change". This included the possibility of moving some highly qualified health professionals into the remit of the Nurses, Midwives, Health Visitors and Professions Allied to Medicine Review Body.

Discussions have recently opened between representatives of NHS trade unions and management representatives from NHS employers and the four Health Departments on the basis of our proposals for modernising the NHS pay system. We will develop the proposed changes in a spirit of partnership.

It is too early to comment on proposals for specific staff groups.

Buprenorphine

Dr. Iddon: To ask the Secretary of State for Health, pursuant to his answer of 4 May 1999, *Official Report*, columns *357–58*, when doctors will be able to prescribe and dispense Buprenorphine to patients using the FP10 prescribing form. [83786]

Mr. Denham: General practitioners are able to prescribe buprenorphine using the FP10 prescription form, against which pharmacists are able to dispense the drug.

Consultancy Posts

Miss McIntosh: To ask the Secretary of State for Health what plans he has to increase the number of hospital consultancy posts; and if he will make a statement. [83785]

Mr. Denham: It is for National Health Service trusts, who are accountable for the quality of services they provide, to determine how many consultants they need.

Hospital Drugs

Dr. Cable: To ask the Secretary of State for Health in what ways information on drugs dispensed in hospitals and their cost is published. [83895]

Mr. Denham: Information on medicines dispensed in hospitals is not collected centrally. Total expenditure on medicines purchased by National Health Service trusts is shown in the Pharmaceutical Price Regulation Scheme Report to Parliament. The total expenditure on medicines purchased by individual NHS trusts is available from a number of commercial organisations of which The Health Service Database, published by the Chartered Institute of Public Finance and Accountancy, is an example.

Rural Dispensing

Mr. Keetch: To ask the Secretary of State for Health what plans he has to review the arrangements whereby doctors in rural areas may dispense medicines; and if he will make a statement. [84074]

Mr. Denham: At their request, I am planning to meet the Chairmen of the General Practitioners' Committee of the British Medical Association and the Pharmaceutical Services Negotiating Committee to discuss their proposals for changes to the rules governing National Health Service dispensing in rural areas by both doctors and pharmacists.

Health Action Zones (London)

Mr. Cox: To ask the Secretary of State for Health if he will list the health action zones for the Greater London area. [84401]

Mr. Denham: There are four Health Action Zones in London: Lambeth, Southwark and Lewisham; City and East London; Camden and Islington; and Brent (part of Brent and Harrow Health Authority).

HOUSE OF COMMONS

Modernisation

47. **Fiona Mactaggart:** To ask the President of the Council what progress has been made in reforming parliamentary procedures relating to the legislative process. [83456]

Mrs. Beckett: The House approved the Modernisation Committee's first report on the legislative process in November 1997. Since then we have published five Bills in draft form for pre-legislative scrutiny by a variety of Committees. Fuller explanatory notes have been published with Government Bills. A Special Standing Committee has been used for the first time on a major bill. Experiments have been conducted with programming Bills during their passage through the House. I am firmly committed to improving the quality of legislation and am looking at further ways of doing so.

European Commissioners

48. **Mr. Bercow:** To ask the President of the Council what plans she has to improve contacts between European Commissioners and hon. Members. [83458]

Mr. Tipping: The House will know that Commissioners visit Westminster and sometimes give evidence to Select Committees here. Equally, when our Select Committees visit Brussels they frequently meet one or more Commissioners. While I have put forward proposals to give Members greater opportunities for informing themselves on EU matters generally, I have no specific plans confined to Commissioners.

Westminster Hall Committee

49. **Mr. Dismore:** To ask the President of the Council if she will make a statement on the introduction of sittings in Westminster Hall. [83459]

Mrs. Beckett: I will put before the House next Monday proposals for an experiment for sittings in Westminster Hall on uncontentious business up to three days a week, starting in the autumn.

Office Costs Allowance

50. **Mr. Hinchliffe:** To ask the President of the Council what proposals she has to ensure that the Office Costs Allowance reflects actual office costs. [83460]

Mrs. Beckett: The level of the Office Costs Allowance is reviewed regularly by the independent Senior Salaries Review Body (SSRB). The current maximum reflects the recommendations in its 1996 Report, as uprated by the RPI index. The SSRB will be assessing Office Costs Allowance again in its review of Parliamentary pay and allowances next year.

Spouses Travel Concessions

51. **Mr. Bradshaw:** To ask the President of the Council what plans she has to make hon. Members' spouses travel concessions available to the partners of unmarried hon. Members. [83461]

Mr. Tipping: We are considering such a proposition and hope to announce the conclusions shortly.

Timetabling Legislation

Mr. Mullin: To ask the President of the Council what proposals she has for timetabling all Bills; and if she will make a statement. [83453]

Mr. Tipping: The Modernisation Committee recommended programming of Bills in its report on the legislative process in July 1997. Since then programme motions have been agreed by the House in relation to 12 Bills. I have no immediate plans for time-tabling all Bills.

Palace of Westminster (Admission Charges)

Mr. David Heath: To ask the Chairman of the Administration Committee what recent representations she has received concerning the circumstances under which British citizens could be required to pay for access to visit the Palace of Westminster. [83457]

Mrs. Roe: Since the publication of the Committee's Report "Proposal to re-open the Line of Route during the Summer Adjournment" on 26 April, I have received no representations from hon. Members.

PRESIDENT OF THE COUNCIL

Millennium Compliance

41. **Mr. Ben Chapman:** To ask the President of the Council what progress is being made on the state of readiness of the national infrastructure in preparation for the millennium date change. [83450]

42. **Mr. Borrow:** To ask the President of the Council if she will make a statement on the progress made by key sectors of UK infrastructure in their preparations for the millennium bug. [83451]

Mrs. Beckett: Reports at the National Infrastructure Forum on 21 April showed that significant progress has been made by the major sectors of the infrastructure in working towards the goal of 'no material disruption' to public services since the last meeting in January. Full details are available on the Action 2000 website with summaries appearing in advertisements in Sunday newspapers from 9 May. All key sectors of the infrastructure have independent assessment programmes in place which are due for completion by July when they will be made public, and will give the UK one of the most objective and comprehensive pictures of readiness in the world.

45. **Mr. Wyatt:** To ask the President of the Council how many Government departments have had external auditors to test their millennium compliance systems; and if she will make a statement. [83454]

Mr. Tipping: Of the 90 departmental and agency returns in March, 84—or 93 per cent.—have been, or currently are being independently assessed. A further six have plans for independent assessment. Of those that have been or are being assessed, 63 per cent. were assessed by bodies outside of their department.

Privy Councillors

46. **Mr. Mackinlay:** To ask the President of the Council if she will publish the Privy Council oath. [83455]

Mrs. Beckett: I have already done so, in a reply I gave to the hon. Member for Lewes (Mr. Baker) on 28 July 1998, *Official Report*, columns *181–82*.

AGRICULTURE, FISHERIES AND FOOD

Producers' Costs

Mr. Beard: To ask the Minister of Agriculture, Fisheries and Food what estimate he has made of the producers' costs of *(a)* fruit, *(b)* vegetables, *(c)* wheat and *(d)* rice when grown (i) by modern agricultural methods and (ii) organically. [83890]

Mr. Morley: Direct comparisons are difficult because of natural variations in yield between crops. However, general information on costs under the two different systems is contained respectively in the Farm Management Pocket Book 1999, published by Wye

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College, for costs of conventional production, and the Organic Farm Management Handbook, published by University of Wales, Aberystwyth, and Elm Farm Research Centre for organic production costs. Copies of these publications are available from the organisations concerned.

WALES

National Assembly

Mr. Flight: To ask the Secretary of State for Wales what estimate he has made of the cost of setting up the National Assembly of Wales *(a)* for its first year of operation and *(b)* for subsequent years. [82658]

Mr. Michael *[holding answer 5 May 1999]:* We are continuing to plan within the overall estimate of £15 million to £20 million for the annual additional running costs of the Assembly which was contained within the Explanatory and Financial Memorandum to the Government of Wales Bill and which will be balanced by savings in the budgets of Welsh quangos. This estimate covers not only the pay and allowances of Assembly Members but also the costs of providing for the accommodation and IT requirements of the Assembly and the costs of additional support staff.

Rural Bypasses

Mr. Barry Jones: To ask the Secretary of State for Wales what plans he has for rural bypasses, with particular reference to north-south routes; and if he will make a statement. [84293]

Mr. Hain: The trunk road programme, including plans for rural bypasses, is detailed in "Driving Wales Forward", published in July 1998. This confirmed that we intend to bring forward significant improvements in north-south public transport services complemented by steady and relatively small-scale improvements to the trunk road network. The promised corridor study encompassing the A470 from Brecon to Llandudno has commenced, and extends beyond the A470 to include the A483 and the A487 in North Wales.

The Institute of Welsh Affairs' report "Uniting the Nation" published earlier this month will be taken into account in this study. We await the outcome of the study before considering future strategy for development of roads and other transport modes in these areas.

Following the transfer of functions, this issue will be a matter for the National Assembly. Rural bypasses which are not part of the trunk road network are the responsibility of the relevant local highways authorities.

Anti-social Behaviour

Mr. Barry Jones: To ask the Secretary of State for Wales if he will make a statement on the progress of the joint police authorities and local authorities strategy to tackle disorder by youths and other anti-social behaviour. [84299]

Mr. Jon Owen Jones: As required by the Crime and Disorder Act 1998, unitary authorities and the police in Wales, working in partnership with other key agencies, have developed crime and disorder reduction strategies. These strategies have set objectives and targets with action plans covering the next three years to address local issues and concerns as identified by comprehensive crime and disorder audits and public consultation.

Several audits revealed that people are more concerned with disorder and anti-social behaviour than with crime; problems presented by young people, and drugs and alcohol misuse, were the issues most frequently raised. This is reflected in the strategies, most of which have tackling youth crime and disorder as one of the top priorities, together with the need to work closely with Youth Offending Teams and Drug and Alcohol Action Teams. Some of the solutions proposed include the provision of more facilities for young people and involving them more in community affairs, and many areas are establishing local crime action teams to address specific issues, including youth crime.

Health Funding

Mr. Alan Williams: To ask the Secretary of State for Wales when he will announce the allocation of funds for 1999–2000 to the health authorities in Wales. [84382]

Mr. Michael: This week. Health authorities have been given an indication, in confidence, of the likely level of grant so that their comments could be taken into account in the final decision, which is about to be announced. In future this issue will be a matter for the National Assembly.

CULTURE, MEDIA AND SPORT

Tourism

11. **Mr. Michael Jabez Foster:** To ask the Secretary of State for Culture, Media and Sport what is his assessment of the impact of the Budget on the tourism industry. [83419]

Janet Anderson: The 1999 Budget continues to lock in long-term economic stability, leaving behind the boom and bust of the late 1980s and early 1990s. It delivers a better deal for business and enterprise by introducing further measures to increase investment, promote innovation, strengthen competition and improve skills. It is good for businesses of all types, including those in the tourism industry.

Child Actors

13. **Ms Blears:** To ask the Secretary of State for Culture, Media and Sport what discussions he has had with his counterparts in the DfEE about the regulations which apply to child actors. [83421]

Mr. Alan Howarth: None with the Department for Education and Employment. My officials have had discussions with Department of Health officials currently reviewing the Children (Performances) Regulations 1968.

Libraries

14. **Mr. Ben Chapman:** To ask the Secretary of State for Culture, Media and Sport what steps his Department is taking to improve the quality of service to library users. [83422]

25. **Mr. Flynn:** To ask the Secretary of State for Culture, Media and Sport what steps his Department is taking to improve the quality of information technology services to library users. [83433]

Mr. Alan Howarth: My right hon. Friend the Secretary of State has required all library authorities to produce annual library plans, setting out their strategy for developing the range and quality of services. We have also made nearly £300 million available to help to ensure that libraries benefit from the Information Age. Libraries are also eligible to bid for the £470 million set aside from the Capital Modernisation Fund for IT learning centres.

Mr. McWalter: To ask the Secretary of State for Culture, Media and Sport what assessment he has made of the adequacy of the current arrangements for funding public libraries. [83722]

Mr. Alan Howarth: The public library service is delivered through local authorities, which also provide the bulk of their funding. We believe that this remains the best way of ensuring that services are tailored to meet the needs of their users. In addition, Government are making available £270 million through the National Lottery New Opportunities Fund to develop a Public Libraries IT Network which will link public libraries to the National Grid for Learning by 2002. This funding includes streams to help develop network infrastructure, create digital content for the Network and train library staff in IT skills.

Museums (Free Entry)

15. **Mr. Borrow:** To ask the Secretary of State for Culture, Media and Sport what measures he is taking to assess whether free entry for children to all national museums will deliver value for money. [83423]

Mr. Chris Smith: We will be measuring visitor numbers at the national museums and galleries and their branches, and at the non-national museums that have introduced free access for children. The Museum of Science and Industry in Manchester, which launched free admission for children early in January, has seen visits rise by over 80 per cent.

Harmonised Rating Scheme

16. **Mr. Rapson:** To ask the Secretary of State for Culture, Media and Sport what benefits he expects the harmonised rating scheme for hotels and guesthouses to bring to tourists. [83424]

Janet Anderson: The consistency of ratings made under the new schemes by the AA, RAC and new English Tourism Council will be much easier to understand than the different ratings we have now and will therefore reflect better what tourists want to know. The ratings will place more emphasis on quality and so provide greater incentive for improved standards. There should be a greater incentive also on providers of accommodation to participate in the schemes, thus increasing the proportion of accommodation which is inspected and rated for use by tourists. These and other benefits should quickly begin to be found when the schemes are launched this September.

Girls' Football

17. **Mr. Gapes:** To ask the Secretary of State for Culture, Media and Sport what discussions he has had with the Football Association about plans to encourage girls to play football. [83425]

Mr. Banks: I met senior representatives of The Football Association on 9 March, principally to discuss The FA's plans to stage a Women's Football Awareness Week in June. Given the significant schools element in The FA's proposals I am arranging for The FA representatives to have detailed discussions with myself and Education Ministers shortly. I fully support the excellent work which The FA is undertaking in this important area, and wish it every success.

Musical Instrument Tuition

18. **Mr. David Heath:** To ask the Secretary of State for Culture, Media and Sport what direct support will be given to schools musical instrument tuition from the youth music trust and the standards fund. [83426]

Mr. Alan Howarth: The independent National Foundation for Youth Music, formerly known as the Youth Music Trust, opened in April and will work with the DfEE's £150 million Standards Fund measures to increase opportunities for school children to access instrumental music-making. The National Foundation for Youth Music's policies will complement the Standards Fund measures, drawing on £30 million of Arts Council Lottery funds, by seeking to find additional ways in which all children, in schools and outside, will have access to quality music-making opportunities. Further announcements about the National Foundation for Youth Music's policies will be made shortly.

Tourism (Wiltshire)

19. **Mr. Gray:** To ask the Secretary of State for Culture, Media and Sport what assessment he has made of the effect of the working time directive on the tourism industry in Wiltshire. [83427]

Janet Anderson: The Government believe that the Working Time Regulations are business friendly in all parts of the UK. They strike a balance between the need for effective legislation, providing fair minimum standards for workers and ensuring that businesses are not subject to unnecessary burdens.

Parks (Policing)

20. **Mr. Mackinlay:** To ask the Secretary of State for Culture, Media and Sport if he will discuss with the head of the Royal Parks Constabulary and the Commissioner of Police of the Metropolis the limitation of park controllers' powers in extremis. [83428]

Mr. Alan Howarth: I have no plans to discuss changing the powers of the Royal Parks Constabulary with the Commissioner of the Metropolitan police and the Chief Officer of the Royal Parks Police.

Officers of the Royal Parks Constabulary have the same powers, privileges and immunities as any police constable within the Metropolitan police district. These powers are adequate to discharge their responsibilities to the Secretary of State, under the Royal Parks Regulations Act 1872.

Cricket Grounds

21. **Mr. Ennis:** To ask the Secretary of State for Culture, Media and Sport what steps his Department is taking to improve safety and spectator comfort at cricket grounds. [83429]

Mr. Banks: The Government are determined that spectators of all sports should be able to enjoy the action in safety and comfort. Last month, I announced new roles for both Sport England and the Football Licensing Authority in our drive to modernise sports grounds across the country. Sport England is to fund a £10 million improvement scheme over the next four years to help top rugby league and rugby union teams, and the major cricket counties to improve safety at their grounds. In addition, the Football Licensing Authority will be reconstituted as the Sports Grounds Safety Authority and will have an advisory role on safety issues associated with all sports which use outdoor sports stadia, including cricket. I am sure my hon. Friend will agree that these are welcome developments.

National Year of Reading

22. **Ms Buck:** To ask the Secretary of State for Culture, Media and Sport what contribution the New Opportunities Fund will make to the national year of reading. [83430]

Mr. Chris Smith: The New Opportunities Fund will be issuing its first grants under the out of school hours learning initiative in July. As the National Year of Reading ends in August, the New Opportunities Fund will not be making a contribution to this programme.

Television Licences

23. **Mr. Purchase:** To ask the Secretary of State for Culture, Media and Sport when he expects to receive the report of the viewers panel on concessionary television licences; and if he will make a statement. [83431]

Mr. Chris Smith: The BBC funding review panel, whose terms of reference include a consideration of the structure of the concessionary licence scheme and possible alternatives, will report to me by the end of July this year.

British Tourist Authority

24. **Mr. Amess:** To ask the Secretary of State for Culture, Media and Sport what recent representations he has received on the work of the British Tourist Authority. [83432]

Janet Anderson: My Department regularly receives representations—mostly complimentary in nature—on the work of the British Tourist Authority.

Arts Funding

26. **Mrs. Ellman:** To ask the Secretary of State for Culture, Media and Sport if he will make a statement on the allocation of arts funding to and within the English regions. [83434]

Mr. Alan Howarth: The arts in the English regions benefit from a variety of funding sources; Government, via the Arts Council of England and the regional arts board; local authorities; the European Union; and business sponsorship. Each is indispensable, and we could not take away one without endangering the whole.

Rugby Grounds

27. **Mr. Jenkins:** To ask the Secretary of State for Culture, Media and Sport what steps his Department is taking to improve safety and spectator comfort at rugby grounds. [83435]

Mr. Banks: The Government are determined that spectators of all sports should be able to enjoy the action in safety and comfort. Last month, I announced new roles for both Sport England and the Football Licensing Authority in our drive to modernise sports grounds across the country. Sport England is to fund a £10 million improvement scheme over the next four years to help top rugby league and rugby union teams, and the major cricket counties to improve safety at their grounds. In addition, the Football Licensing Authority will be reconstituted as the Sports Grounds Safety Authority and will have an advisory role on safety issues associated with all sports which use outdoor sports stadia, including rugby. I am sure my hon. Friend will agree that these are welcome developments.

Green Spaces Initiative

28. **Mr. Gareth R. Thomas:** To ask the Secretary of State for Culture, Media and Sport when grants will be awarded under the Green Spaces Initiative funded by the New Opportunities Fund. [83436]

Mr. Chris Smith: The New Opportunities Fund expects to invite applications for grants under the Green Spaces and Sustainable Communities initiative by January 2000 and aims to make awards shortly after.

Millennium Dome

35. **Mr. Bradshaw:** To ask the Secretary of State for Culture, Media and Sport what discussions he has held with transport providers on the provision of low-cost services for visitors to the millennium experience from the south-west. [83444]

36. **Helen Jones:** To ask the Secretary of State for Culture, Media and Sport what steps he is taking to encourage people from the north-west to visit the millennium experience. [83445]

Janet Anderson: The New Millennium Experience Company working with the travel industry, including rail and coach operators, aims to deliver packages combining travel and Dome entry, which will give visitors value for money and encourage all those who wish to visit the Dome to do so. Following the company's announcement of ticket prices on 18 March, the travel industry has already confirmed a range of attractive and competitive

packages. For example, National Express has announced return coach travel and entry to the Dome for just £29.99 from anywhere in England, Scotland or Wales.

Millennium Dome (Economic Impact)

37. **Mr. Stringer:** To ask the Secretary of State for Culture, Media and Sport if he will estimate the economic impact of the millennium dome on the north-west of England. [83446]

Janet Anderson: I refer my hon. Friend to the reply given to the right hon. Member for Bromley and Chislehurst (Mr. Forth) on 29 March 1999, *Official Report*, column *517*.

Millennium Dome (Visitors)

Mr. Amess: To ask the Secretary of State for Culture, Media and Sport what recent representations he has received on forecasts of numbers visiting the dome during the first year. [83440]

Janet Anderson: The Millennium Experience is planned as a one-year event running from 1 January 2000 to 31 December 2000. The New Millennium Experience Company estimates that it will attract 12 million visitors during the year of operation. I have received no representations about this figure.

Sport

Mr. Spring: To ask the Secretary of State for Culture, Media and Sport on what date he proposes to announce his strategy for sport. [84222]

Mr. Banks *[holding answer 14 May 1999]:* We are currently consulting with a range of interested parties and I expect the sports strategy to be published in the autumn.

TREASURY

Open Government

Dr. David Clark: To ask the Chancellor of the Exchequer how many applications for information he received under the Open Government: Code of Practice on Access to Government Information in the last parliamentary session; and how many of these applications were granted. [83106]

Ms Hewitt *[holding answer 10 May 1999]:* For monitoring purposes this information is collected on a calendar year basis. Information for 1997 was published last year in the "Open Government: Code of Practice on Access to Government Information 1997 Report". The table shows the information for 1998 for the Chancellor's Departments.

Department	*Number of applications*	*Number granted*
HM Treasury	12	12
HM Customs and Excise	32	27
Inland Revenue	99	82
National Savings	—	—
Office for National Statistics	—	—
Royal Mint	—	—
Valuation Office Agency	108	98

European Central Bank

Mr. Bercow: To ask the Chancellor of the Exchequer what is the UK subscription to the capital of the European Central Bank *(a)* in total and *(b)* as paid-up capital. [83943]

Ms Hewitt: In accordance with the formula for the subscription of the ECB's capital set out in Article 29 of the Statute of the ESCB (Protocol No.3 to the EC Treaty), the UK's share in the subscribed capital of the ECB is 734,055,000 euro.

In accordance with Article 48 of the Statute of the ESCB, the ECB General Council decided in September 1998 that the national central banks of non-participating Member States should pay up 50 per cent. of their subscription to the ECB's capital. The Bank of England was therefore required to pay up 36,702,750 euro to cover its share in the subscribed capital of the ECB. This amount is settled by offset against the proceeds of the liquidation of the EMI.

Treasury Management Board

Mr. Gibb: To ask the Chancellor of the Exchequer what the remuneration is of the new non-executive director of the Treasury Management Board. [84305]

Ms Hewitt: The non-executive director of the Treasury Management Board will receive remuneration of £5,000 per annum.

Euro

Mr. Gibb: To ask the Chancellor of the Exchequer if he will make a statement on the change in the value of the euro against sterling since January. [84084]

Ms Hewitt: The Government's objective is for a stable and competitive pound in the medium term, consistent with the objective of price stability. The Government believe sound fundamentals are what matters for exchange rate stability. The Government's new macroeconomic framework is aimed at achieving sustained growth, sound public finances and low inflation, which should also promote exchange rate stability.

Duty-free Sales

Mr. Shaw: To ask the Chancellor of the Exchequer if he will make a statement on recent developments in the negotiations on duty free sales. [84300]

Dawn Primarolo: Recent discussions on intra-EU duty free sales have not secured agreement on extending the current arrangements beyond 30 June 1999. The Government have never underestimated the difficulty of achieving this as it requires unanimity amongst member states. Ministers take this issue very seriously and the UK will continue to explore with our European partners options for the best way ahead.

Exchange Rates

Mr. Loughton: To ask the Chancellor of the Exchequer what is his forecast for the average *(a)* sterling-euro, *(b)* sterling-dollar and *(c)* sterling-yen exchange rate in 1999. [84289]

Ms Hewitt *[holding answer 14 May 1999]:* As stated on page 127 of the Budget 1999 Red Book in footnote 2:

"The forecast is based on the assumption that the exchange rate moves in line with an uncovered interest parity condition, consistent with the interest rates underlying the economic forecast."

Breast Cancer

Ms Perham: To ask the Chancellor of the Exchequer if he will give a breakdown by age range of the incidence of breast cancer in women in England in each of the last five years. [84258]

Ms Hewitt: The information requested falls within the responsibility of the Director of the Office for National Statistics. I have asked him to reply.

Letter from Tim Holt to Ms Linda Perham, dated 17 May 1999:

As Director of the Office for National Statistics (ONS), I have been asked to reply to your recent question on the incidence of breast cancer in women in england in the last five years.

The numbers of newly diagnosed cases of breast cancer and incidence rates per 100,000 females in England, 1990–1994 (the last five years for which data are available), are shown in the attached tables. The data for 1990–1992 were published in the ONS *Cancer statistics—registrations* series MB1 and most recently updated in the CD-ROM, *Cancer 1971–1997*. Provisional numbers and rates of new cases of breast cancer diagnosed in 1993–1994 were published in the ONS Monitor *Estimates of newly diagnosed cases of cancer, England and Wales, 199'–1997* (MB1 98/2).

Number of new cases of female breast cancer, England

	1990	1991	1992	1993[1]	1994[1]
Under 1	1	0	0	4	2
1–4	0	1	0	0	1
5–9	0	0	0	0	0
10–14	0	0	1	0	0
15–19	1	4	6	3	2
20–24	26	26	28	20	22
25–29	148	129	170	141	150
30–34	399	442	487	460	512
35–39	874	919	964	882	953
40–44	1,717	1,831	1,791	1,577	1,703
45–49	2,246	2,441	2,818	2,707	2,882
50–54	2,693	3,007	3,124	2,946	3,086
55–59	3,086	3,482	3,298	2,984	3,004
60–64	3,794	3,984	3,859	3,447	3,156
65–69	3,352	3,133	3,057	2,698	2,719
70–74	2,647	2,865	2,998	3,006	3,168
75–79	2,624	2,694	2,597	2,336	2,251
80–84	2,000	2,166	2,282	2,052	2,096
85+	1,913	2,105	2,138	2,129	1,911
All ages	27,521	29,229	29,618	27,392	27,598

[1] Provisional

Incidence rates per 100,000 of female breast cancer, England

	1990	1991	1992	1993[1]	1994[1]
Under 1	0.3	0.0	0.0	1.3	0.6
1–4	0.0	0.1	0.0	0.0	0.1
5–9	0.0	0.0	0.0	0.0	0.0
10–14	0.0	0.0	0.1	0.0	0.0
15–19	0.1	0.3	0.4	0.2	0.1
20–24	1.4	1.4	1.6	1.1	1.3
25–29	7.6	6.5	8.6	7.2	7.7
30–34	23.4	25.1	26.9	24.7	26.7
35–39	55.5	58.1	60.1	54.1	57.1
40–44	99.0	105.2	108.1	97.9	107.1
45–49	159.6	166.0	176.2	162.0	169.2
50–54	208.9	235.5	243.6	225.2	228.8

Incidence rates per 100,000 of female breast cancer, England

	1990	1991	1992	1993[1]	1994[1]
55–59	251.5	286.2	270.7	242.0	240.0
60–64	303.9	321.4	314.6	284.7	262.9
65–69	260.8	252.1	252.3	226.8	231.4
70–74	255.1	265.4	267.7	257.5	263.5
75–79	271.8	282.2	280.0	265.7	269.5
80–84	281.7	302.6	318.5	286.0	291.1
85+	343.4	363.0	353.8	337.0	294.7
All ages	112.2	118.7	120.0	110.7	111.2
DAS[2]	98.9	105.5	106.2	97.2	97.8

[1] Provisional
[2] Directly age standardised using the European standard population

Air Passenger Duty

Rev. Martin Smyth: To ask the Chancellor of the Exchequer if he will exempt disabled passengers from air passenger duty on flights within the United Kingdom. [84408]

Mrs. Roche: I have no plans to do so.

Gold Prices

Mr. Gibb: To ask the Chancellor of the Exchequer if he will make a statement on the change in the value of gold in sterling since January. [84085]

Ms Hewitt: The price of gold (in sterling) on 4 January 1999 was £173.538 an ounce and on 13 May 1999 was £171.4383 an ounce.

Mr. Loughton: To ask the Chancellor of the Exchequer what is his forecast for the average gold price in *(a)* 1999, *(b)* 2000 and *(c)* 2001. [84286]

Ms Hewitt *[holding answer 14 May 1999]:* The price of gold is determined by the market. The Government do not forecast it.

Gold Reserves

Mr. Gibb: To ask the Chancellor of the Exchequer which currencies, in which proportions, will be bought with the proceeds of the recently announced sale of part of the United Kingdom's gold reserves. [84086]

Ms Hewitt: The proceeds of the gold sales will be invested in foreign currencies broadly following the current holding of the net reserves.

Mr. Gibb: To ask the Chancellor of the Exchequer for what reason he has decided to sell almost 60 per cent. of the United Kingdom's gold reserves; and if he will make a statement. [84087]

Mr. Loughton: To ask the Chancellor of the Exchequer what are the long-term objectives of his proposals to reduce the Bank of England's gold reserves. [84287]

Ms Hewitt *[holding answer 14 May 1999]:* The aim of this prudent restructuring of the UK's reserve holdings, involving the auctioning of gold, is to achieve a better balance in the portfolio by increasing the proportion held in currency.

Mr. Gibb: To ask the Chancellor of the Exchequer what was the value *(a)* in sterling and *(b)* as a percentage of total foreign reserves, of the gold reserves held in March by each of the G8 countries. [84083]

Mr. Loughton: To ask the Chancellor of the Exchequer if he will list the amounts of gold reserves held by *(a)* each of the EU countries, *(b)* the Government of the US and *(c)* the Government of Japan. [84310]

Ms Hewitt *[holding answer 14 May 1999]:* Figures on the gold holdings of other countries can be found in the IMF's International Financial Statistics.

Mr. Loughton: To ask the Chancellor of the Exchequer what proportion of national gold reserves he plans to sell before the end of 1999. [84284]

Ms Hewitt *[holding answer 14 May 1999]:* It is intended to sell 125 tonnes of gold in the current financial year, which represents less than a fifth of the UK's official gold holdings. Three of the five auctions will be held before the end of the calendar year.

Mr. Loughton: To ask the Chancellor of the Exchequer what advice he was given by the Governor of the Bank of England regarding his proposed sale of national gold reserves. [84281]

Ms Hewitt *[holding answer 14 May 1999]:* The Bank of England provided technical advice on the portfolio risks associated with gold and other assets, and on the various possible techniques for selling gold.

Mr. Loughton: To ask the Chancellor of the Exchequer what deadline he has set by which his proposed sales of national gold reserves will be completed. [84283]

Ms Hewitt *[holding answer 14 May 1999]:* Over the medium term the Government are planning to reduce their gold holdings to around 300 tonnes. Detailed plans for auctions in 2000–01 and later years will be announced nearer the time.

Mr. Loughton: To ask the Chancellor of the Exchequer what discussions he has held with finance ministers in other countries who have declared their intentions to sell national gold reserves. [84288]

Ms Hewitt *[holding answer 14 May 1999]:* The Chancellor regularly meets his ministerial colleagues from other countries to discuss a wide range of issues.

Written Answers to Questions

Tuesday 18 May 1999

ATTORNEY-GENERAL

Financial Services Sector

Mr. Kidney: To ask the Attorney-General what proportion of criminal cases relating to the financial services sector referred to *(a)* the CPS and *(b)* the SFO resulted in charges being brought in each of the last three years. [84089]

The Attorney-General: Neither the Serious Fraud Office nor the Crown Prosecution Service records case information by reference to the economic sector in which the activity giving rise to consideration of charges takes place. Accordingly, in order to answer the question, it would be necessary to undertake an individual review of all cases, which could be done only at disproportionate cost.

Mr. Kidney: To ask the Attorney-General what proportion of prosecutions alleging offences relating to the financial services sector brought by *(a)* the CPS and *(b)* the SFO resulted in convictions in each of the last three years. [84090]

The Attorney-General: Neither the Serious Fraud Office nor the Crown Prosecution Service records case information by reference to the economic sector in which the activity giving rise to prosecutions and convictions takes place. Accordingly, in order to answer the question, it would be necessary to undertake an individual review of all cases, which could be done only at disproportionate cost.

PRESIDENT OF THE COUNCIL

Scottish Members (Office Costs)

Mr. Forth: To ask the President of the Council if she will review the Parliamentary Office and Secretarial Allowances of Scottish hon. Members following the transfer of responsibilities to the Scottish Parliament. [83957]

Mrs. Beckett: No.

Millennium Compliance

Mr. Levitt: To ask the President of the Council, pursuant to her answer on 20 April 1999, *Official Report*, column *480*, when she will publish the latest results of the market research tracking public perception of the millennium bug. [84842]

Mrs. Beckett: I have today placed copies of the Executive Summaries of the February and March tracking research in the Libraries of the House.

The results are broadly consistent with the results for January, showing that concern amongst the public on this issue is still low. The results also show that those questioned are looking beyond the impact of the Bug on computers and are now considering the wider effects.

Official Functions

Mr. Hayes: To ask the President of the Council what official functions she held on 13 April; and if she will list the persons who attended. [84668]

Mrs. Beckett: In the morning, I attended a Privy Council Meeting; later in the day, I had meetings with officials in my Department. In the evening, I hosted an official function for Parliamentary Private Secretaries. This was one of three functions I have recently hosted as Leader of the House to build up contacts with, and thank, people, such as select committee chairmen, who shoulder a specific and extra burden of work in the House.

ENVIRONMENT, TRANSPORT AND THE REGIONS

Aviation (Near Misses)

Mr. Bob Russell: To ask the Secretary of State for the Environment, Transport and the Regions how many investigations have been held in the past year into reports of near misses by aircraft flying over the UK; how many were related to aircraft using the Clacton sector air corridor; whether an investigation is being made into reports of an incident on 7 May; what action he will take to prevent further incidents; and if he will make a statement. [84035]

Ms Glenda Jackson: All reported airprox incidents are fully investigated by the independent UK Airprox Board (UKAB). Information on the location of individual airprox incidents is not held in the form requested. In 1998, UKAB investigated 202 airprox incidents, slightly lower than at any time in the past decade, despite significant increases in traffic over that period. Up to 7 May 1999 there have been 66 incidents reported to the UKAB.

The Civil Aviation Authority's Safety Regulation Group (SRG) is carrying out an investigation into the airprox incident which occurred on 6 May over Essex. Once completed, the SRG report will be passed to the UKAB for its review and assessment of the incident. UKAB will publish its findings. This will include an assessment of the degree of collision risk and any safety recommendations UKAB thinks it appropriate to make.

Landfill Tax Credits

Mr. Colman: To ask the Secretary of State for the Environment, Transport and the Regions how much has been awarded to environmental bodies since January 1997 under the landfill tax credit scheme; and what percentage of this total is a voluntary donation from landfill operators and not refunded through landfill tax credits. [84214]

Mr. Meale: According to Entrust, £162.4 million was awarded to environmental bodies as at 13 May 1999 and 10 per cent. of this total is a voluntary donation from landfill operators and not refunded through the landfill tax credits.

Auditors

Dr. Julian Lewis: To ask the Secretary of State for the Environment, Transport and the Regions what qualitative reviews are required by the Audit Commission of the work of district auditors; and how many such reviews were carried out in the case of the District Auditor's investigation of Westminster City Council. [84105]

Ms Armstrong: The Commission operates a quality control review process to monitor the performance of auditors and to ensure they comply with its Code of Audit Practice, which is issued under section 4(1) of the Audit Commission Act 1998 and approved by Parliament, and with professional auditing standards. The Commission reviewed the work of the District Auditor's investigation of Westminster City Council designated sales on a number of occasions, most recently in April 1996.

Dr. Julian Lewis: To ask the Secretary of State for the Environment, Transport and the Regions what have been the fee levels, in pounds per hour, charged by each of the auditors appointed by the Audit Commission over the period from July 1989 to April 1999. [84103]

Ms Armstrong: The standard composite fee rates for principal authorities set by the Commission since 1989 are as follows:

£ per hour

	London	*South-East*	*Elsewhere*
Local Government			
November 1988	36.00	31.50	31.00
November 1989	40.00	34.30	33.50
November 1990	44.50	38.25	37.00
November 1991	47.50	40.90	39.40
November 1992	48.20	42.50	40.00
November 1993	48.20	42.50	40.00
November 1994	48.70	42.90	40.40
November 1995	49.70	43.80	41.20
November 1996	50.70	44.70	42.00
November 1997	52.70	46.50	43.70
November 1998	55.30	48.80	45.90
Health			
November 1990	46.50	40.00	38.75
November 1991	49.80	43.00	41.40
November 1992	50.40	44.60	42.00
November 1993	50.90	45.10	42.40
November 1994	51.40	45.60	42.80
November 1995	52.40	46.50	43.70
November 1996	53.50	47.40	44.60
November 1997	55.60	49.30	46.40
November 1998	57.80	51.20	48.20

District Auditor's Inquiry (Westminster)

Dr. Julian Lewis: To ask the Secretary of State for the Environment, Transport and the Regions what tendering procedures were employed by the District Auditor in the case of Westminster City Council in choosing his legal representative. [84104]

Ms Armstrong: This is a matter for the independent appointed auditor.

Mr. Pickles: To ask the Secretary of State for the Environment, Transport and the Regions how much money has been levied from local authorities by the Audit Commission up to 30 April to finance the Divisional Court and the Appeal Court costs of Westminster Council's appointed auditor, his support staff and legal team. [84116]

Ms Armstrong: The Audit Commission is required to balance income with expenditure taking one year with another. The Audit Commission has met, in relation to the Westminster designated sales inquiry, costs of £2,997,000 incurred by the auditor in respect of his costs and those of his solicitor and barrister.

Mr. Pickles: To ask the Secretary of State for the Environment, Transport and the Regions what estimate he has made of the amount which the Audit Commission will need to levy from local authorities to reimburse the legal costs of the six persons cleared by the Divisional Court and the Court of Appeal of liability for the surcharge by the Westminster Council's Auditor. [84117]

Ms Armstrong: My right hon. Friend has made no such estimate. Audit fees are a matter for the independent Audit Commission.

European Nuclear Installations

Ms Perham: To ask the Secretary of State for the Environment, Transport and the Regions what arrangements have been made with the police and local authorities for dealing with an overseas nuclear accident over the millennium period. [84255]

Mr. Meale: Arrangements for dealing with the consequences for the UK of an overseas nuclear accident are set out in the National Response Plan, copies of which are held in the House Library. These can be activated at any time.

There is therefore no need for arrangements to be made with any of the relevant bodies who would be involved in the response to such an accident over the millennium period.

Local Elections

Mr. Fearn: To ask the Secretary of State for the Environment, Transport and the Regions what measures his Department is taking in order to increase voter interest in local elections. [84393]

Mr. Meale: Our modernisation agenda for local government, as set out in the White Paper, "Modern Local Government—In Touch with the People", published in July 1998, includes a range of measures designed to reinvigorate local democracy and to modernise local electoral arrangements. Where this programme requires legislation, it will be implemented when parliamentary time allows.

Aggregate Supply Report

Mr. Gray: To ask the Secretary of State for the Environment, Transport and the Regions if he will place the London Economics report on the cost and benefits of aggregate supply in the Library. [84498]

Mr. Raynsford: A pre-publication copy of the Report was placed in the House of Commons Library on Monday 17 May. A copy of the printed report will be provided as soon as it is available.

Planes (Fuel)

Mr. Gordon Prentice: To ask the Secretary of State for the Environment, Transport and the Regions how many incidents have been reported to him involving planes entering United Kingdom air space with insufficient fuel to meet safety standards in the past two years; and if he will make a statement. [84487]

Ms Glenda Jackson: In the past two years the CAA has received 12 reports of aircraft arriving at UK airports with fuel levels below the prescribed minimum.

The international standard for minimum fuel levels is contained in Annex 6 to the Chicago Convention. This requires that an aircraft should arrive at its destination airport with enough fuel to make an approach to land, carry out a missed approach, fly to an alternate airport, hold for 30 minutes and carry out the subsequent approach and landing. The aircraft should also carry a contingency reserve specified by the relevant national aviation authority. The breaching of minimum fuel levels does not immediately place an aircraft in danger.

Train Operating Companies

Mr. Gordon Prentice: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the public subsidy given to each of the train operating companies for the most recent year for which figures are available. [84656]

Ms Glenda Jackson: The latest available public subsidy for each train operating company are contained in OPRAF's 1997–98 Annual Report, a copy of which is in the Library of the House.

Integrated Transport

Mr. Baker: To ask the Secretary of State for the Environment, Transport and the Regions what representations he has received from the Local Government Association in respect of possible future legislation to implement the White Paper on Integrated Transport. [84232]

Ms Glenda Jackson: The Government have received a number of representations from the Local Government Association. We aim to introduce the legislation to implement further elements of the integrated transport strategy as soon as parliamentary time permits.

Energy Efficiency

Mr. Baker: To ask the Secretary of State for the Environment, Transport and the Regions what targets have been set for improving energy efficiency in his Department's buildings at *(a)* Eland House, *(b)* Ashdown House and Great Minster House. [84234]

Ms Glenda Jackson: The targets are to reduce energy emissions by:

(a) 13% in Eland House and Ashdown House by March 2005 compared to June 1997, and

(b) 3% in Great Minster House by March 2000 compared to March 1999.

Eland House was occupied in 1997 and Ashdown House in 1998. Both buildings were fitted out to high standards of environmental design to maximise energy efficiency.

Great Minster House was occupied in 1995. This building was fitted out to a more conventional style and the controls for energy management are not as sophisticated as for Eland and Ashdown House.

Elections

Mr. Burstow: To ask the Secretary of State for the Environment, Transport and the Regions what research his Department has undertaken on correlation between voter turnout in local elections and the frequency of elections. [84543]

Mr. Meale: This year we have commissioned wide-ranging research to examine the factors affecting turnout in local elections. The expected results will include an updating of the Department's report, "Explaining election turnout: a secondary analysis of local election statistics", published in 1994.

Concessionary Fares (London)

Mr. Burstow: To ask the Secretary of State for the Environment, Transport and the Regions what representations he has received concerning improvements to the London concessionary fares scheme; and if he will make a statement. [84545]

Ms Glenda Jackson: The Government have received representations from Members of Parliament, the Association of London Government, the Transport Committee for London, organisations representing Freedom Pass Holders and some individual Freedom Pass Holders.

I would refer the hon. Member to my statement to the House on 4 May 1999, *Official Report*, column 771, in which I explained that we have given careful consideration to a number of proposals for improving the scheme. We will be introducing amendments in the Lords which will update the scheme and help maintain its stability. For the statutory reserve scheme the start and finish times will be brought up to date and the arrangements for determining costs will be clarified. We also plan to give the boroughs powers to set up a statutory joint committee dealing with concessionary fares, which will have the option of taking decisions on the basis of qualified majority voting.

Air Pollution

Mr. Drew: To ask the Secretary of State for the Environment, Transport and the Regions when he plans to implement the recommendations of the KPMG report on the setting of fees for local air pollution control. [84700]

Mr. Meale: KPMG is currently undertaking an investigation of local air pollution control regime costs in England and Wales commissioned by the Welsh Office, the Department of Trade and Industry and the Department of the Environment, Transport and the Regions. The final report of the study, which will be completed in July, will inform our decisions on charging levels for 2000–2001 and any structural changes in 2001–2002 in England. Local authority and trade associations will be consulted on all proposed changes.

The future level of local air pollution control charges in Wales will be a matter for the National Assembly.

Mr. Drew: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the changes in local air pollution control fees for each year since 1997–98. [84702]

Mr. Meale: The local air pollution control fees and charges for England and Wales since 1997–98 are as set out:

Table A

£

Type of charge	*Type of process*	*Charges for: 1997–98*	*1998–99*	*1999–2000*
Application Fee	Standard (those not listed below)	1,040	1,065	1,280
	Waste oil burning appliance/s under 0.4MW	100	100	120
	Unloading of petrol into storage tanks at a service station	100	100	120
	Mobile screening and crushing plant	See table B		
Annual Subsistence Charge	Standard (those not listed below)	640	660	790
	Standard charge where paid quarterly	660	685	820
	Waste oil burning appliances under 0.4MW	100	100	120
	Unloading of petrol into storage tanks at a service station	100	100	120
	Odourising of natural gas	As standard charge	240	290
	Mobile screening and crushing plant	See table B		
Substantial changes (Sections 10 and 11 of the Act)	Standard (those not listed below)	665	680	815
	Waste oil burning appliance/s under 0.4MW	65	65	80
	Unloading of petrol into storage tanks at a service station	65	65	80
	Change to implement an upgrading plan	100	100	120

Mobile screening and crushing plant

Where the process comprises mobile crushing and screening plant, the application fee and subsistence charge payable will be dependent upon the number of authorisations held by the operator. The following application fees and subsistence charges apply for these plant.

Table B

£

Type of charge	*Number of authorisations held by operator*	*Charges for each authorisation: 1997–98*	*1998–99*	*1999–2000*
Application fee	1 or 2	1,040	1,065	1,280
	3 to 7	624	639	765
	8 and over	312	319	385
Subsistence charge	1 or 2	640	655	785
	3 to 7	384	393	470
	8 and over	192	196	235

The information relating to Scotland is a matter for the Scottish Environment Protection Agency.

Mr. Drew: To ask the Secretary of State for the Environment, Transport and the Regions when he plans to announce the fee level for local air pollution control for 1999–2000. [84701]

Mr. Meale: Details for the 1999–2000 England and Wales charging scheme for local air pollution control under Part I of the Environmental Protection Act 1990 are set out in my written answer dated 22 February 1999, *Official Report*, columns *62–64*.

The information relating to Scotland is a matter for the Scottish Environment Protection Agency.

Federal Express

Mr. Hopkins: To ask the Secretary of State for the Environment, Transport and the Regions how many responses to his Department's consultation document on Federal Express's application for fifth freedom rights from Prestwick and Stansted airports have been received; and of these how many were *(a)* in favour of granting those rights unilaterally, *(b)* opposed to the application and *(c)* in favour if UK carriers were given reciprocal access to the US market. [84386]

Ms Glenda Jackson: The responses to the consultation exercise are currently being evaluated so we are not yet in a position to give the information requested. I will write to my hon. Friend once this evaluation is completed.

Channel Tunnel

Mr. Stephen Twigg: To ask the Secretary of State for the Environment, Transport and the Regions when he plans to publish the formal amendment to the Channel Tunnel Concession Agreement setting out the terms on which this is extended to a total of 99 years. [84794]

Mr. Prescott: I have today placed in the Libraries of both Houses copies of Cm 4350, "The Channel Fixed Link: Amendment No 3 to Concession Agreement", setting out the text of the formal Amendment, as signed by the four parties to the concession agreement of 1986, under which the duration is extended until the 99th anniversary of the date on which that agreement came into operation.

Boundary Commission (England)

Dr. Starkey: To ask the Secretary of State for the Environment, Transport and the Regions when he expects to appoint a new Member of the Parliamentary Boundary Commission for England to succeed David Macklin CBE. [84844]

Ms Armstrong: I have today appointed Robin Gray to serve as a Member of the Parliamentary Boundary Commission for England. Mr. Gray is also a Member of the Local Government Commission for England. His appointment, reflecting the Government's commitment to

foster improved co-ordination between the Commissions, will help co-ordinate work undertaken by them on electoral matters.

Major Projects

Mr. Ennis: To ask the Secretary of State for the Environment, Transport and the Regions when he will issue proposals for improving the processing of major projects of national significance through the planning system. [84753]

Mr. Caborn: I have today issued a consultation paper on streamlining the processing of major infrastructure projects and other major projects of national significance. Comments are invited by 30 July 1999.

The purpose of the proposals is to achieve significant improvements in the time taken to handle major projects, whilst continuing to ensure that adequate opportunity is given for people to have a say, test the evidence and reach a sound decision. To that end, the paper proposes:

preparation of statements to set the national policy framework for projects before they are considered in the planning system and to reduce unnecessary debate at a subsequent public inquiry;

supplementing existing mechanisms for Parliamentary involvement with new Parliamentary procedures for approving projects in principle before consideration of detailed issues at inquiry, with provision to avoid discussing at inquiry matters settled by Parliament's approval in principle; and

improved public inquiry procedures for major projects. These are in addition to those which I announced on 31 March 1999, *Official Report*, column 762, for streamlining planning inquiries and other methods of handling appeals generally in response to a Question from my hon. Friend the Member for Eccles (Mr. Stewart). The consultation paper nevertheless invites views on the potential for applying the proposals for streamlining inquiries into major projects to a wider range of projects.

The package of proposals published today is designed to deliver significant savings by streamlining the procedures for handling major projects and speeding the decision-making process. This will reduce delay, costs and uncertainty for all involved and secure the benefits of projects which are approved more quickly.

A copy of the consultation paper has been placed in the Library.

HOME DEPARTMENT

Human Rights Act 1998

Angela Smith: To ask the Secretary of State for the Home Department when he plans to bring into force the main provisions of the Human Rights Act 1998; and if he will make a statement. [84722]

Mr. Straw: We plan to bring the remaining provisions of the Human Rights Act 1998 into force on Monday 2 October 2000. Some provisions—principally those of section 19 (relating to statements by Ministers of the Crown about the compatibility of Bills with the Convention rights)—are already in force.

Stephen Lawrence Inquiry

Mr. Efford: To ask the Secretary of State for the Home Department if he will announce the membership of the steering group which he will chair to oversee the implementation of his action plan to take forward the recommendations of the Stephen Lawrence Inquiry; and if he will make a statement. [84883]

Mr. Straw: Details of membership of the Steering Group are as follows:

Members representing official bodies

The right hon. Jack Straw MP
Home Secretary

Paul Boateng MP
Minister of State, Home Office

Sir Herman Ouseley
Chairman
Commission for Racial Equality

Bob Purkiss
Commission for Racial Equality

Mark Addison
Chief Executive
Crown Prosecution Service

Dan Crompton
Her Majesty's Inspector of Constabulary

Charles Clarke
Parliamentary Under-Secretary of State for School Standards
Department for Education and Employment

Denis O'Connor
Assistant Commissioner
Metropolitan Police

Tony Burden
Chairman of the Association of Chief Police Officers
Race and Community Relations Committee

Fred Broughton
Chairman
The Police Federation

Peter Gammon
Chairman
The Police Superintendents' Association

Ruth Henig
Chair
Association of Police Authorities

Robyn Williams
National Black Police Association

Independent Members of the Steering Group

Maqsood Ahmad
Ros Howells OBE
Anita Sharda
Beverley Thompson
Doreen Lawrence
Neville Lawrence
Judy Clements
Keith Kerr
Usha Sood
Gurbus Singh
Mark Blake.

Membership reflects the commitment given in the Action Plan that involvement and consultation of minority ethnic people, as well as the police service and other relevant organisations, will be one of the principles which will guide all the work to implement the plan.

The Steering Group is meeting for the first time today. The purpose of the meeting is to agree terms of reference, to consider what progress has been made so far in

implementing the Action Plan, and to identify areas for particular attention at future meetings. It is expected that the Group will meet 5 or 6 times a year.

Media Relations

Mr. Baker: To ask the Secretary of State for the Home Department how many *(a)* civil servants and *(b)* special advisers involved in media relations were employed within his Department at 1 May (i) 1997, (ii) 1998 and (iii) 1999. [84204]

Mr. Straw: Detailed information on the numbers of permanent civil servants employed in Departmental Press Offices during the financial years 1997–98 and 1998–99 was provided in a memorandum dated 16 June 1998 to the Select Committee on Public Administration and published in its report on 'The Government Information and Communication Service' in July 1998. A copy is in the Library.

The numbers in post at 1 May 1999 were 17 plus three trainees.

Special Advisers: In this Department, there are two special advisers; one (Ed Owen) has significant contact with the media but neither are specifically employed in media relations.

Coroners Offices

Mr. Burden: To ask the Secretary of State for the Home Department if he will list those coroners' offices which provide an out of hours service which enables the authorisation of removal of bodies out of England at a weekend when the death occurs during or immediately before that weekend. [84689]

Mr. George Howarth: The coroner service is a local service. Details of the arrangements available locally, including those for the purposes of authorising the removal of bodies abroad, are not held centrally.

Coroners

Dr. Lynne Jones: To ask the Secretary of State for the Home Department, pursuant to his answer of 26 April 1999, *Official Report*, column *75*, concerning coroners, how many currently employed coroners do not have one of the specified qualifications. [84715]

Mr. George Howarth: Under the Coroners Act 1988, no person is eligible to be appointed as a coroner unless one of the prescribed qualifications is held. Records of qualifications held by coroners are a matter for the local authority which appointed them.

Home Detention Curfews

Mr. Clappison: To ask the Secretary of State for the Home Department, pursuant to his answer of 27 April 1999, *Official Report*, columns *110–11*, on home detention curfews, how many of the curfewees who were released on curfew and who were charged with an offence committed during the period of curfew and thereby made subject to breach action under section 38(2) of the Criminal Justice Act 1991, were *(a)* returned to custody and *(b)* remained on home detention curfew. [84071]

Mr. George Howarth: The available information shows that all of the 14 curfewees referred to in the reply given on 27 April 1999, *Official Report*, columns *110–11*, remained on curfew until the end of their home detention curfew period. They would remain liable to breach action after that date. However, information about cases dealt with after the expiry of home detention curfew is not held centrally.

The Government recognise the need to expedite breach action in such cases. It is for that reason that Section 103 of the Crime and Disorder Act 1998 was implemented on 1 January 1999. This will mean that a curfewee whose original offence was committed on or after 1 January 1999 and who commits an offence during the home detention curfew period will be liable to immediate recall by the Secretary of State.

Police

Mr. Beith: To ask the Secretary of State for the Home Department how many police officers, per force in total, there were in England and Wales on 31 March; how many there were in each case per head of population; and if he will make a statement. [84367]

Mr. Boateng: The information is not yet available. Once all the data from police forces has been received and validated, the statistics will be placed in the Library. I expect this information to be available in early June, on the basis of last year's timetable.

Cleveland Police

Dr. Kumar: To ask the Secretary of State for the Home Department, pursuant to his answer of 6 May 1999, *Official Report*, column *468*, on the Cleveland Police, if the meeting of the Cleveland Police Authority on 8 February discussed the 999 call from the house of the former Deputy Chief Constable on 20 January. [84259]

Mr. Boateng: Yes. The issue was dealt with as a confidential matter in private session in accordance with Section 100 of the Local Government Act 1972. It would, therefore, not be appropriate to provide any further details.

Lancet Inquiry

Dr. Kumar: To ask the Secretary of State for the Home Department, pursuant to his answer of 4 May 1999, *Official Report*, column *317*, on the cost of the Lancet inquiry, if the salaries of the eight suspended officers mentioned in his answer of 20 April 1999, *Official Report*, column *484*, were included in his breakdown of costs. [84249]

Mr. Boateng: The salaries of the eight suspended officers were not included in the breakdown of costs, as these referred solely to the salary costs of Cleveland Officers working on the Lancet Inquiry and not those officers who are the subject of the investigation.

The salary costs of the eight suspended officers total £282,703 per annum inclusive of allowances and costs. In accordance with Force policy, those salaries are carried by the particular District to which the officers were posted when they were suspended; in this case all eight officers were posted to Middlesbrough District.

Dr. Kumar: To ask the Secretary of State for the Home Department, pursuant to his answer of 4 May 1999, *Official Report*, column *317*, on the Lancet Inquiry, if he will list the total cost of the salaries of the 11 officers, and the total number of days each one has worked on the Lancet Inquiry. [84260]

Mr. Boateng: One of the 11 officers of the Force's Organised Crime Group has tendered his intention to retire from the Police Service with effect from 23 May 1999. The remaining 10 officers' salaries total £326,351, inclusive of allowances and costs. The information requested on the number of days each one has worked on the Lancet Inquiry is not readily available and could be obtained only at disproportionate cost to Cleveland Constabulary.

Corpus Juris Report

Mr. Nicholas Winterton: To ask the Secretary of State for the Home Department if he will place in the Library copies of the Government's evidence to the House of Lords European Communities Committee's inquiry into the corpus juris report. [84070]

Kate Hoey: Copies of the evidence have now been placed in the Library.

Homophobic Crimes

Jackie Ballard: To ask the Secretary of State for the Home Department if he will list the number of recorded homophobic crimes for each police force in each year since 1996. [84069]

Mr. Boateng: This information is not collected centrally, although Her Majesty's Inspectorate of Constabulary have encouraged police forces to implement locally, recording systems for homophobic incidents and crime.

In the Home Office, recorded crime statistics incidents of homophobic crime could appear in the categories of, for example, violence against the person and criminal damage, but there is no way of identifying those offences which have a homophobic element.

Jackie Ballard: To ask the Secretary of State for the Home Department what measures he is taking to reduce the number of homophobic attacks. [84068]

Mr. Boateng: The crime reduction partnerships established under the Crime and Disorder Act 1998 are required to carry out audits and publish strategies to deal with crime in their area. This includes strategies to deal with crimes against the gay and lesbian community.

The police service is also taking steps to improve communication between forces and gay and lesbian communities both to promote better understanding within the service of the impact of such incidents on the community and to provide a better service. The Association of Chief Police Officers (ACPO) published in 1996 a good practice guide for dealing with homophobic incidents. Recording and monitoring systems are being improved in order to enable forces to deal appropriately with such incidents.

Agreement has recently been reached by ACPO that the definition of a homophobic incident should be simplified to bring it into line with the more simplified definition of a racist incident recommended by the Macpherson Inquiry. This will be promulgated throughout the service.

TRADE AND INDUSTRY

Biotechnology

Mr. Chope: To ask the Secretary of State for Trade and Industry if he will publish the programme and itinerary for the visits of the biotechnology clusters team to centres in the United Kingdom and overseas. [83314]

Mr. Battle *[holding answer 5 May 1999]:* As announced on 16 April, the team of experts who will accompany Lord Sainsbury on a fact-finding mission to examine the growth of biotechnology clusters will undertake a programme of visits in the UK and the United States as follows:

April 1999	*May 1999*	*June 1999*
Cambridge	Seattle	Boston
Guildford	Central Scotland	—
Oxford		—

In addition, officials are undertaking visits and consultations in Manchester, York, London, Newcastle, Norwich and Cardiff and, where appropriate, will be compiling data on other centres.

Export Credits Guarantee Department

Mr. McNamara: To ask the Secretary of State for Trade and Industry what ethical and environmental guidance exists for the Export Credits Guarantee Department on applications for support. [83976]

Mr. Wilson: ECGD abides by the government's policy on the environment and human rights as outlined in Foreign Office Mission Statement.

If there are environmental or ethical concerns which could impact adversely on a project for which ECGD has been asked to provide support, as part of its risk assessment process, ECGD looks closely at how these concerns can be mitigated or resolved before deciding whether to provide cover. ECGD is currently strengthening its environmental screening process and will publish further guidance for its customers later in the year. In relation to defence transactions, ECGD support is available only when export licences have been granted.

Ilisu Dam

Mr. McNamara: To ask the Secretary of State for Trade and Industry what estimate his Department has made of the number of people likely to be displaced as a result of the proposed construction of the Ilisu Dam. [83977]

Mr. Wilson: The advice we have so far received is that between 12,000 to 15,000 people may be displaced as a result of the construction of the Ilisu Power Project. We will be commissioning independent advice on this and related matters.

Mr. McNamara: To ask the Secretary of State for Trade and Industry what amount of credit is being

requested by Balfour Beattie from the Export Credits Guarantee Department to underwrite its share of the cost of the Ilisu Dam. [83978]

Mr. Wilson: While the final amount of UK supply has not yet been finalised (and is a figure that at this stage is normally treated as commercial-in-confidence and not disclosed), I am advised that the current estimate of loan value is between US$200m and US$250m. No decision on ECGD cover has yet been taken.

Mr. McNamara: To ask the Secretary of State for Trade and Industry if he will make a statement on the conditions which have been applied to the Her Majesty's Government's granting of export credit insurance for the Ilisu Dam. [84531]

Mr. Wilson: No decision on ECGD cover has been taken and so it is not possible to make any statement at this time.

Mr. Alan Simpson: To ask the Secretary of State for Trade and Industry if approval of UK export credit guarantees for the Ilisu Dam in Turkey will be conditional on the project complying with *(a)* the World Bank's guidelines and *(b)* the UN Convention on the Laws of Non-Navigational Uses of International Watercourses International Waterways. [84228]

Mr. Wilson: We have yet to take a decision on whether ECGD support should be made available for this project. We require to be satisfied on a number of issues, including the implications for the local population and issues concerning downstream waterflows and neighbouring states.

Fashion Industry

Mr. Fearn: To ask the Secretary of State for Trade and Industry how many trade fairs organised by his Department in the past three years have included representatives of the British fashion industry; and in which countries these were held. [84413]

Mr. Wilson: My Department provides support, primarily through grants to firms in groups, to exhibit at trade fairs and similar events abroad. The number of such events in the clothing, footwear and fashion industry in each of the past three years is shown in the table. In the UK, my Department has also supported twice annually the participation of up-and-coming British designers at London Fashion Week.

	1996–97	*1997–98*	*1998–99*
Australia	0	0	1
Cyprus	0	1	1
France	15	14	12
Germany	8	5	5
Hong Kong	1	1	1
Italy	3	5	2
Japan	2	2	2
Poland	0	0	1
Russia	2	2	0
South Korea	0	1	0
Spain	2	1	1
Sweden	1	0	0
UAE	2	2	1
USA	3	2	5
Total	39	37	32
Total events supported	358	307	399

Mirror Group

Mr. Redwood: To ask the Secretary of State for Trade and Industry when he proposes to publish the Inspector's report into the Mirror Group flotation. [84336]

Mr. Byers: The inspectors have yet to report to me.

E-envoy

Mr. Redwood: To ask the Secretary of State for Trade and Industry what salary the Government are proposing for the e-Envoy. [84349]

Mr. Byers: I refer the right hon. Member to the answer given to the hon. Member for Christchurch (Mr. Chope) on 6 May 1999, *Official Report*, column *449*.

Carbon Dioxide Emissions

Dr. Whitehead: To ask the Secretary of State for Trade and Industry what research his Department has conducted into the feasibility of adding a limited amount of alcohol to petrol as a method of reducing net carbon dioxide emissions from motor vehicles. [84318]

Mr. Battle: The Department of Trade and Industry co-funded the following paper study, which was published in 1996, with the Department of Transport, where alcohol-based products were studied for their potential use as alternative fuels in the UK to reduce carbon dioxide and other emissions:

'Alternative Road Transport Fuels—A Preliminary Life-cycle Study for the UK' in two volumes, Energy Technology Support Unit (ISBN 0–11–5-5154–10–8 AND 0–11–515411–6).

Two other paper studies, wholly or partially funded by the Government, have also been published. These are:

'Alternative Fuels for Road Vehicles' by M. L. Poulton, Transport Research Laboratory 1994 (ISBN 1–85312–301–3/ISBN 56252–225–6);

'Automotive Fuels Survey 1996', a study in three volumes by the International Energy Authority.

Electricity Industry

Mrs. Brinton: To ask the Secretary of State for Trade and Industry what assessment he has made of the rate of progress in the reform of the electricity pool. [84641]

Mr. Battle: The White Paper on 'Fuel Sources for Power Generation (Cm 4071)' published in October 1998 confirmed the Government's intention to proceed with the replacement of the Electricity Pool with new trading arrangements. Work to develop the details of the new market arrangements is being led by DTI and Offer with strong industry and consumer involvement. I expect this development work to be complete in July. The final date for the full implementation of the new market will be announced in the light of that work.

Power Stations

Mrs. Brinton: To ask the Secretary of State for Trade and Industry what is his policy on the regional location of power stations. [84642]

Mr. Battle: It is for developers to put forward proposals for new power generation capacity. If there are system benefits to be gained from a particular proposal then these will be taken into account by my right hon.

Friend the Secretary of State, together with all other relevant energy policy, planning, environmental and local considerations.

Media Relations

Mr. Baker: To ask the Secretary of State for Trade and Industry how many *(a)* civil servants and *(b)* special advisers involved in media relations were employed within his Department at 1 May (i) 1997, (ii) 1998 and (iii) 1999. [84200]

Mr. Byers: Detailed information on the number of permanent civil servants employed in Departmental Press Offices during the financial years 1997–98 and 1998–99 was provided in a memorandum to the Select Committee on Public Administration and published in its report on the 'The Government Information and Communication Service (HC770)' in July 1998, which is in the Library of the House. The number in post on 1 May 1999 was 21.

Special Advisers in this department have ad hoc contact with the media but none are specifically employed in media relations.

DEFENCE

Atomic Weapons Establishment Sites

Mr. Matthew Taylor: To ask the Secretary of State for Defence, pursuant to his answer of 26 April 1999, *Official Report*, column 9, regarding Atomic Weapons Establishment sites, if he will list the three consortia who are interested in bidding for the contract; and if he will place in the Library copies of the unclassified documents which have so far been issued or made public during the selection procedure. [84348]

Mr. Spellar: The three consortia who have declared an interest in bidding are:

AWE Management Ltd, comprising Serco Defence Support, British Nuclear Fuels plc and the Lockheed Martin Corporation;

AWE 2100, comprising Babcock Facilities Management, Scientific Application International Corporation and W. S. Atkins plc,

and Hunting BRAE DERA, comprising Hunting Engineering, Brown and Root, AEA Technology, and DERA.

A copy of any unclassified documents which have been issued or made public during the selection process to date will be placed in the Library of the House.

RBL 755 Cluster Bomb

Mr. Frank Cook: To ask the Secretary of State for Defence, pursuant to his oral answer of 10 May 1999, *Official Report*, column 11, on weapons systems equipment, what type of targets are selected for the specific use by the RAF of the RBL 755 cluster bomb; and how many have been used in Kosovo to date. [84350]

Mr. George Robertson: Up to 16 May, a total of 423 RBL 755 bombs had been dropped by the RAF in support of Operation Allied Force. This weapon is particularly effective against Serb forces deployed in the field in Kosovo, and targets have included main battle tanks, armoured personnel carriers, other military vehicles, artillery, field headquarters and troop concentrations. It is not designed to be used as a runway cratering weapon, and has not been used to attack runways; nor is it designed to impede damage repair.

HMS Invincible

Mr. Hancock: To ask the Secretary of State for Defence when HMS Invincible is due to be refitted; and where the refit will take place. [84507]

Mr. Spellar: HMS Invincible's refit is programmed to start in late 2001 at Rosyth Royal Dockyard.

HMS Illustrious

Mr. Hancock: To ask the Secretary of State for Defence what is the cost to date of the refit of HMS Illustrious. [84521]

Mr. Spellar: The cost to date of HMS Illustrious's maintenance period is about £14.5 million.

Royal Fleet Auxiliaries

Mr. Hancock: To ask the Secretary of State for Defence what refits are planned for RFA Sir Geraint and RFA Sir Percivale. [84523]

Mr. Spellar: Refits are planned for both Sir Geraint and Sir Percivale in 2001.

Mr. Patrick Finucane

Mr. McNamara: To ask the Secretary of State for Defence, pursuant to his answer of 16 April 1999, *Official Report*, columns *373–74*, concerning the murder of Mr. Patrick Finucane, if he will make a statement on Mr. John Stevens' recent statements concerning investigation of the murder of Mr. Patrick Finucane. [83389]

Mr. Doug Henderson *[holding answer 14 May 1999]:* Further to my written answer of 16 April 1999, *Official Report*, columns *373–74*, I should like to clarify the position concerning Mr. John Stevens' role in relation to the investigation into the murder of Mr. Patrick Finucane.

The Royal Ulster Constabulary carried out a criminal investigation of the murder itself and Mr. Stevens investigated the circumstances surrounding the murder, namely the related allegations of collusion.

HMS Ark Royal

Mr. Hancock: To ask the Secretary of State for Defence if Fleet Support at Portsmouth bid for the refit of HMS Ark Royal; and if he will make a statement. [84568]

Mr. Spellar: The HMS Ark Royal refit is part of the allocated programme of work at Rosyth Royal Dockyard and was not competed.

Defence Vetting Agency

Miss McIntosh: To ask the Secretary of State for Defence when the Defence Vetting Agency plans to move to York. [84550]

Mr. Spellar: It is planned that about half the Agency will move in April 2000, with the remainder moving by early 2001. The move should be completed by April 2001. Some personnel and planning staff may be established in York before April 2000.

UK/US Military Agreements

Mr. Baker: To ask the Secretary of State for Defence if he will list all current UK/US military agreements, giving in each case the date on which they were entered into and the objectives. [84233]

Mr. George Robertson: This information is not held centrally and could be provided only at disproportionate cost.

Iraq

Mr. Dalyell: To ask the Secretary of State for Defence what estimate he has made of the number of *(a)* shepherds and *(b)* sheep killed by US and UK action in Iraq. [84576]

Mr. George Robertson: I am aware of Iraqi claims that recent actions in the no-fly zones have caused civilian casualties and killed livestock on 29 and 30 April and again on 12 May. If these claims are true the casualties are deeply regrettable. Civilians and civilian property are never deliberately targeted by coalition pilots. Their mission (in support of UNSCR 688) is to prevent Saddam's air forces from persecuting the Kurds and Shia Muslims of northern and southern Iraq. The military action undertaken in the no-fly zones in recent months has been in response to Iraqi attempts to shoot down or otherwise threaten aircraft and kill aircrew.

Nuclear Weapons

Mr. Llew Smith: To ask the Secretary of State for Defence if he will set out under which headings in his Departmental cash plans contained in Cm 4208, nuclear weapons *(a)* procurement, *(b)* deployment, *(c)* storage and *(d)* related maintenance activities are contained. [81499]

Mr. George Robertson *[pursuant to the reply, 12 April 1999, c. 563]*: Costs relating to nuclear weapons procurement are contained in Vote 1 subheads K and L. Costs associated with the storage of nuclear weapons and related maintenance activities are contained in Vote 1 subheads F and D; the latter costs are in relation to redundant naval systems. Vote 1 subhead A covers the front line operating costs of the deterrent.

NORTHERN IRELAND

Paramilitary Violence

Mr. William Ross: To ask the Secretary of State for Northern Ireland (1) if she will list for the week ended Saturday 8 May the number of violent incidents involving paramilitary groups which took place in Northern Ireland, indicating how many involved *(a)* Loyalist and *(b)* Republican groups; [83974]

(2) if she will list for the week ended Saturday 8 May the number of *(a)* punishment beatings and *(b)* punishment shootings which took place in Northern Ireland indicating how many in each category were committed by (i) Loyalist and (ii) Republican groups. [83975]

Mr. Ingram: The number of security incidents during the period 2–8 May 1999 are as follows:

Shooting incidents: 4

Bombing incidents: 1.

The number of casualties as a result of paramilitary-style attacks during the period are as follows:

	Loyalist	*Republican*
Assaults	0	0
Shootings	1	1
Total	1	1

Notes:
1. Figures may be subject to minor amendments.
2. The shooting and bombing incidents cannot as yet be firmly attributed to a grouping.

State Pathologists

Mr. John D. Taylor: To ask the Secretary of State for Northern Ireland how many state pathologists there are in Northern Ireland. [83934]

Mr. Ingram: There is one State Pathologist, Professor Jack Crane, who is assisted by a Deputy State Pathologist, Dr. Derek Carson, and one other consultant forensic pathologist.

Mr. John D. Taylor: To ask the Secretary of State for Northern Ireland how many post mortems each state pathologist in Northern Ireland has conducted in each of the last three years; and what were the numbers performed by Home Office pathologists in England and Wales. [83937]

Mr. Ingram: I am not prepared to release the numbers of post mortems performed by individual forensic pathologists. The total numbers of post mortems performed in Northern Ireland by the State Pathologist's Department in the previous three years were:

	Number
1996	1,479
1997	1,525
1998	1,672

The number of forensic post mortems performed by pathologists in England and Wales is a matter for the Home Secretary.

Mr. John D. Taylor: To ask the Secretary of State for Northern Ireland what plans she has to issue a standard charter for the State Pathologists Department. [83939]

Mr. Ingram: There are no plans for a charter for the State Pathologist's Department. The work of the Department is presently under review and I propose to await the outcome of the review before considering that possibility.

Death Certificates (Delays)

Mr. John D. Taylor: To ask the Secretary of State for Northern Ireland how many relatives of the deceased in each of the last 10 years have waited *(a)* one year, *(b)* two

years and *(c)* more than two years between the death and the issuing of a death certificate; and if she will issue a statement. [83936]

Mr. Paul Murphy: Information is available only for date of death and date of registration. The figures are as follows:

Year	*All deaths registered*	*Registered within 1 year of death*	*Registered 1 and 2 years of death*	*Registered 2 and 3 years of death*	*Registered 3 or more years after death*
1988	15,814	15,675	113	21	5
1989	15,844	15,700	113	23	8
1990	15,426	15,243	144	29	10
1991	15,096	14,919	147	18	12
1992	14,988	14,813	129	30	16
1993	15,633	15,453	142	23	15
1994	15,114	14,886	147	57	24
1995	15,310	15,099	142	34	35
1996	15,218	15,027	151	17	23
1997	14,971	14,715	180	58	18

Information from 1988–96 (inclusive) is based on the registration date being recorded as the first day of the month. 1997 registration have been recorded as the actual date of registration.

Deaths are normally required to be registered within five days of a death. Registrations after the expiration of one year require the written authority of the Registrar General. Some deaths require referral to a Coroner and can be registered only on subsequent notification from that office. In Northern Ireland Coroners are appointed by the Lord Chancellor.

Grass Cutting (Belfast)

Mr. John D. Taylor: To ask the Secretary of State for Northern Ireland which department is responsible for cutting the grass *(a)* at Belmont roundabout on the intersection of Belmont Road and Knock Dual Carriageway, Belfast and *(b)* in front of Nos. 1 to 40 Old Holywood Road; and how often the grass is cut. [83932]

Mr. Paul Murphy: Responsibility for the subject in question has been delegated to the Roads Service under its chief executive, Mr. W. J. McCoubrey. I have asked him to arrange for a reply to be given.

Letter from G. P. Fraser to Mr. John D. Taylor, dated 17 May 1999:

The Secretary of State for Northern Ireland has asked the Chief Executive to respond to your recently tabled Parliamentary Question about grass cutting at the roundabout on the intersection of Belmont Road and Knock Dual Carriageway and in front of numbers 1–40 Old Holywood Road, Belfast. I assume that the roundabout to which you refer is that at the intersection of Belmont Road and Parkway/Hawthornden Way. In Mr. McCoubrey's absence, I am replying.

I can confirm that Roads Service is responsible for cutting the grass at both these locations. These areas are maintained in accordance with our current grass cutting policy which allows for up to 5 cuts per growing season in urban areas.

I hope you find this information helpful.

Post Mortems

Mr. John D. Taylor: To ask the Secretary of State for Northern Ireland how many post mortems were conducted in each of the last five years in Northern Ireland. [83935]

Mr. McFall: Information on the number of post mortems conducted in Northern Ireland during the latest years for which information is available is given in Tables 1 and 2.

Table 1: Number of post mortems conducted in Northern Ireland hospitals 1994–95 to 1997–98

Year	*Number of post mortems*
1997–98	840
1996–97	1,029
1995–96	1,034
1994–95	984

Table 2: Number of post mortems conducted in the State Pathology Department 1994–98

Year	*Number of post mortems*
1998	1,672
1997	1,525
1996	1,479
1995	1,524
1994	1,471

Mr. John D. Taylor: To ask the Secretary of State for Northern Ireland what plans she has to allow hospital pathologists to conduct routine post mortems. [83938]

Mr. McFall: Hospital pathologists already perform routine post mortems as part of their work. In addition, they may perform post mortem examinations on patients who are the subject of a Coroner's investigation.

Royal Ulster Constabulary (Reserve)

Mr. John D. Taylor: To ask the Secretary of State for Northern Ireland how many recruits there were to the RUC reserve in each of the last five years; how many recruits are currently training; and when the next intake will be into the RUC reserve. [83933]

Mr. Ingram: The number of recruits to the RUC Reserve in the last 5 years are as follows:

1994: 116

1995: 45

1996: 62

1997: 29

1998: 122.

These figures relate to the full-time reserve. There has been no recruitment to the part-time reserve for some time.

There are currently no recruits in training and the date and numbers of the next intake have yet to be determined.

Lee Clegg (Trial Costs)

Mr. McNamara: To ask the Secretary of State for Northern Ireland, pursuant to her answer of 27 April 1999, *Official Report*, columns *116–17*, on the costs of the trial of Lee Clegg, for what reasons an answer could be prepared only at disproportionate cost. [83988]

Mr. Ingram *[holding answer 17 May 1999]:* Costs in individual trials are not collated. The information on the costs in Lee Clegg's trial in 1993 is not recorded in a form which is easily accessible. An extensive and protracted search of records would be necessary to retrieve it.

Trial Costs

Mr. McNamara: To ask the Secretary of State for Northern Ireland if she will list the heads under which the costs of a criminal trial are recorded by her Department. [83989]

Mr. Ingram *[holding answer 17 May 1999]:* "Counsels' Fees" and "Payments to Witnesses" are recorded under those heads. Other costs are not recorded under specific heads.

Mr. McNamara: To ask the Secretary of State for Northern Ireland on how many occasions in each of the past 10 years her Department has been asked for the cost of specific criminal trials; and if she will list the trials, indicating those in respect of which information has been refused on the grounds of disproportionate cost. [83990]

Mr. Ingram *[holding answer 17 May 1999]:* Once. On 31 October 1994, *Official Report*, column *923*, in answer to the hon. Member for North Antrim (Rev. Ian Paisley), the then Secretary of State replied that information about the cost to the State of the arrest, prosecution and appeal of Messrs, Latimer, Bell, Allen and Hegan was not readily available and could be provided only at disproportionate cost.

Early Release

Mr. Hayes: To ask the Secretary of State for Northern Ireland how many of those terrorist prisoners released early under the Good Friday agreement by 13 May would have been due for release by that date under the terms of the early release arrangements which apply in Northern Ireland. [84667]

Mr. Ingram: All 181 of the terrorist prisoners serving determinate sentences who have to date been released under the Northern Ireland (Sentences) Act 1998, would have been eligible for release under the terms of the early release arrangements contained in the Northern Ireland (Remission of Sentences) Act 1995. The 1995 Act did not cover prisoners serving indeterminate sentences, some 85 of whom have been released under the 1998 Act. This information is taken from statistics which are current at 17 May 1999.

WALES

Tuition Fees

Mr. Evans: To ask the Secretary of State for Wales what estimate he has made of the cost of removing student tuition fees for higher education in Wales. [83980]

Mr. Hain: The higher education institutions in Wales would not benefit from the forecast private contribution of:

	£ million
1999–2000	16.0
2000–01	23.3
2001–02	26.5

The source of these figures is the Department's Funding letter of 15 December 1998 to the Higher Education Funding Council for Wales. The figures are the estimated student tuition fee contributions from all UK and EU domiciled students attending Welsh Higher Education institutions.

Media Relations

Mr. Baker: To ask the Secretary of State for Wales how many *(a)* civil servants and *(b)* special advisers involved in media relations were employed within his Department at 1 May (i) 1997, (ii) 1998 and (iii) 1999. [84202]

Mr. Michael: Detailed information on the numbers of permanent civil servants employed in Departmental Press Offices during the financial years 1997–98 and 1998–99 was provided in a memorandum to the Select Committee on Public Administration and published in its report, "The Government Information and Communication Service" (HC 770) in July 1998. A copy is in the Library of the House. The numbers in post at 1 May are 13.

Special Advisers in this Department have ad hoc contact with the media but none are specifically employed in media relations.

Killay Medical Centre

Mr. Alan Williams: To ask the Secretary of State for Wales when he expects to announce his decision on the application for a pharmacy at Killay Medical Centre. [84664]

Mr. Jon Owen Jones: This has come to my right hon. Friend as an appeal against a decision by Iechyd Morgannwg Health Authority. Consideration of the case must include certain statutory periods for consultation and other essential processes and a decision will be announced once these have been concluded.

Following the transfer of functions, this issue will be a matter for the National Assembly.

SOCIAL SECURITY

Benefit Payments (Automation)

Mr. Duncan Smith: To ask the Secretary of State for Social Security (1) what the total expenditure on the scheme to automate benefit payments at post offices has been to date; [84109]

(2) if he will publish a report on the trials for the automation of benefit payments at post offices and sub-post offices; and if he will make a statement; [84106]

(3) on what date the automation of benefit payments at post offices will be implemented nationally; [84107]

(4) what is the budget allocated to the *(a)* development and *(b)* implementation of the automation of benefit payments at post offices; [84108]

(5) what is his estimate of the cost of completing the automation of benefit payments at post offices. [84110]

Mr. Timms: To date, the Department's total expenditure amounts to £268 million. This expenditure provides a range of services and an IT infrastructure that will also support our wider programme of modernisation.

We are monitoring the progress of the trials very closely. There are no plans to publish a report.

On present plans, automation of post offices will be completed within the next two years.

Under the terms of the PFI contract to automate business transacted at post offices, including the payment of benefits, ICL Pathway is responsible for the bulk of development and implementation. This Department has a budget of £1.2 billion (at 1997–98 prices for the period 1994–2005) for a range of services and IT infrastructure to support post office automation and the Department's wider programme of modernisation.

This Department, Post Office Counters Ltd. and ICL Pathway are presently working together to progress the project. The costs of completion will not be known until plans have been finalised.

Media Relations

Mr. Baker: To ask the Secretary of State for Social Security how many *(a)* civil servants and *(b)* special advisers involved in media relations were employed within his Department at 1 May (i) 1997, (ii) 1998 and (iii) 1999. [84196]

Mr. Timms: Detailed information on the numbers of permanent civil servants employed in Departmental Press Offices during the financial years 1997–98 and 1998–99 was provided in a memorandum dated 16 June 1998 to the Select Committee on Public Administration and published in its report on The Government Information and Communication Service (HC 770) in July 1998. A copy is in the Library of the House. The full-time equivalent of the staff in post in the Department of Social Security as of 1 May 1999 was 60.1.

Special Advisers in this Department have ad hoc contact with the media but none specifically employed in media relations.

Myalgic Encephalomyelitis

Mr. Burstow: To ask the Secretary of State for Social Security what plans he has to review the guidance issued to adjudicators and BAMS doctors on the assessment of people diagnosed as suffering from ME. [84542]

Mr. Bayley: The Department's Chief Medical Adviser issues guidance to all doctors approved by the Secretary of State to undertake medical assessments for State benefit purposes. The guidance is contained in the Handbook for Medical Services Doctors and in the Disability Handbook. Both these Handbooks contain a section on Chronic Fatigue Syndrome (also known as ME). The handbooks are available to decision makers who also have access to expert advice from a Medical Services doctor.

Medical Services doctors employed by SEMA group, which provide medical services on behalf of the Department of Social Security are trained in those aspects of Disability Assessment Medicine which focuses on impartial and objective assessment of disability irrespective of diagnosis.

The latest developments in the understanding of the Chronic Fatigue Syndromes are constantly kept under review by the Chief Medical Adviser and his Medical Policy Group. The guidance is reviewed in the light of any developments.

Mortgage Costs (Benefit Claimants)

Mr. Webb: To ask the Secretary of State for Social Security if he will estimate the cost of paying in full the mortgage interest costs of recipients of Income Support and related benefits from the first day of receipt of benefit. [84663]

Angela Eagle: The estimated cost of paying mortgage interest to working age people, as well as pensioners, from the first day of a benefit claim is £80 million.

Notes:

1. Mortgage interest can be included in Income Support and income-based Jobseeker's Allowance.

2. The costs are based on survey data from the 1996–97 Family Resources Survey and modelled on the Policy Simulation Model which is uprated to 1999–2000 prices and benefit levels.

3. The figures are rounded to the nearest £5 million.

LORD CHANCELLOR'S DEPARTMENT

Media Relations

Mr. Baker: To ask the Minister of State, Lord Chancellor's Department how many *(a)* civil servants and *(b)* special advisers involved in media relations were employed within his Department at 1 May (i) 1997, (ii) 1998 and (iii) 1999. [84198]

Mr. Vaz: Four civil servants, all members of the Government Information and Communications Service (GICS), were employed in my Department for media relations on 1 May in the years 1997–99.

The Special Adviser in this Department has *ad hoc* contact with the media but is not specifically employed in media relations.

Community Legal Service

Mr. Garnier: To ask the Minister of State, Lord Chancellor's Department, pursuant to the answer of 13 May 1999, *Official Report*, column *183*, if he will set a date for publication of the Community Legal Service consultation document. [84669]

Mr. Vaz: Further to the answer of the 13 May 1999, *Official Report*, column *183*, given by my hon. Friend the hon. Member for Ashfield (Mr. Hoon), I can confirm that the publication of the consultation paper will take place soon.

Matrimonial Judgments

Mr. Bercow: To ask the Minister of State, Lord Chancellor's Department if he will make a statement on the draft Commission legislation on the jurisdiction, recognition and enforcement of judgments in matrimonial matters and parental responsibility for children; and what is the Government's policy on the draft legislation. [84094]

Mr. Vaz: The proposal for a Council Regulation on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility for joint children was published by the European Commission on 4 May 1999.

The Government are currently assessing this proposal and its implications; it is based on a convention dealing with the same subject matter which was agreed by the member states of the European Union in 1998. The Government have not yet decided what steps to take in relation to this proposal.

Documents Service

Mr. Bercow: To ask the Minister of State, Lord Chancellor's Department if he will make a statement on the draft Commission directive on the service of judicial and extra-judicial documents in civil and commercial matters; and what is his policy thereto. [84093]

Mr. Vaz: The provisional version of the Directive was published by the European Commission on 4 May 1999. The Government are presently considering their response.

EDUCATION AND EMPLOYMENT

Voluntary Rationing Scheme

Mrs. May: To ask the Secretary of State for Education and Employment how much funding was provided under the voluntary rationing scheme in the last financial year; how many grants were made; when funding ceased to be available; and if he will make a statement on funding for the scheme for this year. [83130]

Mr. Charles Clarke *[holding answer 4 May 1999]:* Funding of £11.1 million was provided under the Voluntary Rationing Scheme (VRS) in 1998–99. This expenditure supported 1,036 VRS repair projects and 739 VRS capital projects. Funding for VRS repair grant was available to Voluntary Aided schools throughout 1998–99. However, due to an unusually high demand in the early part of the year, funding for VRS capital work was not provided between 27 August 1998 and 31 March 1999.

The Voluntary Rationing Scheme is one of a number of largely demand led elements in the overall provision of grant to governing bodies for building work at Voluntary Aided schools. The amount available in any year depends on the total demand for grant for all types of capital and repair work at these schools. Funding for VRS capital will be monitored closely throughout 1999–2000 and schools will be informed if any changes are necessary. The VRS repair arrangements have been subsumed into new and streamlined funding procedures which came into effect on 1 April 1999, after full consultation with the Churches.

In 1999–2000, the total budget for the provision of grant towards the governors' liabilities for building work at Voluntary Aided schools is £121 million. This compares with an amount of £103 million at the time the original budget was set for 1998–99. Of the £121 million available for 1999–2000 some £17 million has provisionally been set aside for demand led elements such as the Voluntary Rationing Scheme.

Hospital Portering

Mr. Green: To ask the Secretary of State for Education and Employment what plans he has to introduce an NVQ in hospital portering; and if he will make a statement. [84395]

Mr. Mudie: There are no plans to develop an NVQ in hospital portering. The Healthcare National Training Organisation as the body responsible for developing NVQs in this sector will be looking at the feasibility of such qualifications.

Pupils (Outdoor Activities)

Mr. Blizzard: To ask the Secretary of State for Education and Employment what plans he has to ensure that pupils have the opportunity to take part in outdoor activities as part of the school curriculum. [84693]

Mr. Charles Clarke: Under my right hon. Friend the Secretary of State's proposals for a revised National Curriculum from 2000, on which we are currently consulting, outdoor and adventurous activities continue to be available for pupils aged 7–16 as one of six areas of activity in the physical education curriculum.

"The Learning Age"

Mr. Salter: To ask the Secretary of State for Education and Employment if he will publish a summary of the responses to the Green Paper, "The Learning Age". [84795]

Mr. Mudie: We received about 3,000 thoughtful and constructive responses to "The Learning Age". They supported our vision of the learning society and our proposals for achieving it.

A document summarising the responses is now available and I am placing copies in the Library.

Media Relations

Mr. Baker: To ask the Secretary of State for Education and Employment how many *(a)* civil servants and *(b)* special advisers involved in media relations were employed within his Department at 1 May (i) 1997, (ii) 1998 and (iii) 1999. [84195]

Mr. Mudie: Information on the numbers of permanent civil servants employed in Departmental Press Offices during the financial years 1997–98 and 1998–99 was provided in a memorandum to the Select Committee on Public Administration and published in its report, "The Government Information and Communication Service"

(HC770) in July 1998. A copy is in the Library. The number of press officers in post at DfEE on 1 May 1999 are 30.

Special Advisers in this Department have ad hoc contact with the media but none are employed specifically in media relations.

Boxing (Schools)

Mr. Spring: To ask the Secretary of State for Education and Employment what guidance is issued by his Department to local education authorities in respect of the provision of boxing in schools. [84229]

Mr. Charles Clarke: The Department does not issue any guidance on the provision of boxing in schools. Boxing is not a part of the National Curriculum for physical education but it is open to LEAs and schools to decide whether to offer boxing as an extra-curricular activity, should they wish to and if they have the expertise and resources to do so.

The British Association of Advisers and Lecturers in Physical Education produce "Safe Practice in Physical Education", which includes guidance on the provision of boxing in schools.

CABINET OFFICE

Open Government Initiative

Mr. Gareth R. Thomas: To ask the Minister for the Cabinet Office if he will make a statement on the total number of releases under the open government initiative. [84752]

Dr. Jack Cunningham: The latest number of records released under the open government initiative now stands at over 102,000 and relates to releases up to the end of March 1999. This represents an increase of just under 6 per cent. over the previous total of over 96,000 which I announced on 23 February 1999, *Official Report*, column 255, and related to the total figure as at the end of September 1998.

PRIME MINISTER

Iraq

Mr. Dalyell: To ask the Prime Minister, pursuant to his oral answer of 12 May 1999, *Official Report*, column 309, concerning water and oil supplies in Iraq, if he will define the term "attach ourselves". [84541]

The Prime Minister: I was making clear, as I said in my initial response, that there is no question of our targeting oil or water facilities.

HEALTH

Pharmaceutical Companies

Mrs. Ann Winterton: To ask the Secretary of State for Health if he will list those members of advisory committees to his Department who have declared outside interests with *(a)* DiaDexus, *(b)* Cerebrus Ltd, *(c)* Cerebrus PLC, *(d)* Stanford University, *(e)* Human Genome Services Inc, *(f)* Glaxo Wellcome, *(g)* the Wellcome Institute, *(h)* Monsanto, *(i)* AgrEvo and *(j)* SmithKline Beecham. [80127]

Mr. Denham: The information requested is set out in the table, in relation to the Department's executive and advisory non-Departmental Public Bodies (NDPBs).

	a	*b*	*c*	*d*	*e*	*f*	*g*	*h*	*i*	*j*
Executive NDPBs										
Human Fertilisation & Embryology Authority										
Dr. Anne McLaren	—	—	—	—	—	—	Yes	—	—	—
Ms Sara Nathan	—	—	—	—	—	Yes	—	—	—	—
National Biological Standards Board										
Mr. J. Metcalf	—	—	—	—	—	Yes	—	—	—	—
Public Health Laboratory Service Board										
Prof. J. E. Banatvala	—	—	—	—	—	Yes	—	—	—	—
Mr. J. B. Quin	—	—	—	—	—	Yes	—	—	—	Yes
Dr. D. Scales	—	—	—	—	—	Yes	—	—	—	—
Advisory NDPBS										
Advisory Committee on Dangerous Pathogens										
Prof. D. J. Jeffries	—	—	—	—	—	Yes	—	—	—	—
Dr. P. W. Jones	—	—	—	—	—	—	—	—	—	Yes
Mr. A. R. Clare	—	—	—	—	—	—	—	—	—	Yes
Miss A. M. Harris	—	—	—	—	—	Yes	—	—	—	—
Advisory Committee on Genetic Testing										
Prof. Kay Davies	—	—	—	—	—	—	—	—	—	Yes
Prof. John Durant	—	—	—	—	—	Yes	—	—	—	Yes
Prof. John Harris	—	—	—	—	—	—	—	—	—	Yes
Advisory Group on Hepatitis										
Dr. Elizabeth Boxall	—	—	—	—	—	Yes	—	—	—	—
Dr. Paul Hatton	—	—	—	—	—	—	—	—	—	Yes
Advisory Committee on NHS Drugs										
Prof. Stephen Holgate	—	—	—	—	—	Yes	—	—	—	Yes
Prof. David Nutt	—	—	—	—	—	Yes	—	—	—	Yes
Mr. Alan Kerr	—	—	—	—	—	Yes	—	—	—	—

	a	b	c	d	e	f	g	h	i	j
British Pharmacopoeia Commission										
Prof. A. C. Moffatt	—	—	—	—	—	Yes	—	—	—	Yes
Prof. A. D. Woolfson	—	—	—	—	—	—	—	—	—	Yes
Committee on the Carcinogenicity of Chemicals in Food, Consumer Products & the Environment										
Prof. C. Chilvers	—	—	—	—	—	Yes	—	—	—	—
Prof. A. Dayan	—	—	—	—	—	Yes				Yes
Prof. J. Parry	—	—	—	—	—	Yes	—	—	—	Yes
Dr. D. Tweats	—	—	—	—	—	Yes	—	—	—	—
Prof. P. Farmer	—	—	—	—	—	—	—	—	—	Yes
Prof. A. Renwick	—	—	—	—	—	—	—	—	—	Yes
Committee on Medical Aspects of Food & Nutrition Policy										
Prof. A. A. Jackson	—	—	—	—	—	—	—	—	—	Yes
Committee on the Medical Effects of Air Pollutants										
Prof. S. T. Holgate	—	—	—	—	—	Yes	—	—	—	—
Prof. A. Tattersfield	—	—	—	—	—	Yes	—	—	—	Yes
Prof. H. R. Anderson	—	—	—	—	—	Yes	—	—	—	—
Prof. J. G. Ayres	—	—	—	—	—	Yes	—	—	—	Yes
Prof. A. D. Dayan	—	—	—	—	—	Yes	—	—	—	Yes
Committee on the Mutagenicity of Chemicals in Food, Consumer Products & the Environment										
Prof. D. Davis	—	—	—	—	—	Yes	—	—	—	—
Prof. J. Parry	—	—	—	—	—	Yes	—	—	—	Yes
Dr. D. Tweats	—	—	—	—	—	Yes	—	—	—	—
Committee on the Safety of Medicines										
Prof. J. Caldwell	—	—	—	—	—	Yes	—	Yes	—	Yes
Prof. G. W. Duff	—	—	—	—	—	Yes	—	—	—	—
Prof. B. Park	—	—	—	—	—	Yes	—	—	—	—
Prof. I. Weller	—	—	—	—	—	Yes	—	—	—	Yes
Prof. J. Darbyshire	—	—	—	—	—	Yes	—	—	—	Yes
Prof. H. J. Dargie	—	—	—	—	—	—	—	—	—	Yes
Prof. J. Chimpam	—	—	—	—	—	Yes	—	—	—	—
Dr. M. Donaghy	—	—	—	—	—	Yes	—	—	—	—
Dr. B. Evans	—	—	—	—	—	Yes	—	—	—	Yes
Dr. J. Forfar	—	—	—	—	—	Yes	—	—	—	—
Dr. A. MacGowan	—	—	—	—	—	Yes	—	—	—	Yes
Prof. N. Thomson	—	—	—	—	—	Yes	—	—	—	—
Prof. K. Woodhouse	—	—	—	—	—	—	—	—	—	Yes
Committee on the Toxicity of Chemicals in Food, Consumer Products & the Environment										
Prof. N. A. Brown	—	—	—	—	—	Yes	—	—	—	—
Prof. J. K. Chipman	—	—	—	—	—	Yes	—	—	—	—
Prof. A. G. Renwick	—	—	—	—	—	—	—	—	—	Yes
Prof. J. A. Timbrell	—	—	—	—	—	Yes	—	—	—	—
Expert Advisory Group on AIDS										
Dr. Freedman	—	—	—	—	—	Yes	—	—	—	—
Gene Therapy Advisory Committee										
Prof. Anthony Pinching	—	—	—	—	—	Yes	—	—	—	
Joint Committee on Vaccination and Immunisation										
Prof. Lewis D. Ritchie	—	—	—	—	—	Yes	—	—	—	—
Dr. Barbara Bannister	—	—	—	—	—	Yes	—	—	—	Yes
Dr. David Goldblatt	—	—	—	—	—	—	—	—	—	Yes
Dr. Diana Walford	—	—	—	—	—	Yes	—	—	—	Yes
Prof. Roy Anderson	—	—	—	—	—	Yes	—	—	—	Yes
Dr. Karl Nicholson	—	—	—	—	—	Yes	—	—	—	—
Medicines Commission										
Prof. Ronald Jones OBE	—	—	—	—	—	Yes	—	—	—	Yes
Mr. Christopher Newdick	—	—	—	—	—	Yes	—	—	—	—
Prof. J. Michael Newton	—	—	—	—	—	Yes	—	—	—	—
Prof. Stuart Pocock	—	—	—	—	—	—	—	—	—	Yes
Prof. Andrew G. Renwick	—	—	—	—	—	—	—	—	—	Yes
Standing Medical Advisory Committee										
Prof. Sir Cyril Chantler	—	—	—	—	—	Yes	—	—	—	—
Dr. Robert Kendell	—	—	—	—	—	Yes	—	—	—	Yes
Prof. Roderick MacSween	—	—	—	—	—	—	—	—	—	Yes
Prof. Jim McEwen	—	—	—	—	—	Yes	—	—	—	—
Dr. Diana Walford	—	—	—	—	—	Yes	—	—	—	—
Prof. Sheila Willatts	—	—	—	—	—	Yes	—	—	—	—

	a	b	c	d	e	f	g	h	i	j
UK Advisory Panel for Healthcare Workers Infected with Bloodborne Viruses										
Dr. Sheila Burns	—	—	—	—	—	—	—	—	—	Yes
Prof. Ian Wells	—	—	—	—	—	Yes	—	—	—	Yes
UK Xenotransplantation Interim Regulatory Authority										
Prof. Sheila McLean	—	—	—	—	—	Yes	—	—	—	—

Key:
(a): DiaDexus
(b): Cerebus Ltd.
(c): Cerebus PLC
(d): Stanford University
(e): Human Genome Services Inc.
(f): Glaxo Wellcome
(g): The Wellcome Institute
(h): Monsanto
(i): AgrEvo
(j): SmithKline Beecham

MS Patients

Ms Perham: To ask the Secretary of State for Health what plans he has to establish a specialist nurse service for multiple sclerosis patients along the lines of the breast care nurse scheme. [83362]

Mr. Hutton: The Department currently has no plans to establish a specialist nursing service for multiple sclerosis patients. We welcome the spirit of partnership with the voluntary sector shown by the recently launched Multiple Sclerosis Society initiatives to jointly fund nursing posts for patients with MS. It is, however, for the National Health Service locally to decide whether to pursue this initiative in the light of their local needs and priorities.

Kosovar Refugees

Mr. Fabricant: To ask the Secretary of State for Health (1) what assessment he has made of the demands on the health service arising from Kosovar refugees arriving in the United Kingdom; and if he will make a statement; [83737]

(2) what percentage of Kosovar refugees he estimates will need NHS *(a)* primary care and *(b)* hospital treatment within one month of arrival; [83738]

(3) if he will meet the Secretary of State for the Home Department to discuss what account should be taken of existing health authority waiting lists in determining where Kosovar refugees are placed. [83739]

Mr. Hutton: My right hon. Friend the Home Secretary announced in the House on 5 May 1999, *Official Report*, columns 943, that the United Kingdom is prepared to give temporary protection to several thousand refugees from Kosovo. The National Health Service is expected to play its part in preparing for this and stands ready to do what is necessary to identify refugees' health problems and provide appropriate treatment.

For the majority of refugees, individual health problems are not known until they are examined, either on arrival or soon afterwards. All refugees are being registered with a general practitioner as a matter of course. So far, more than 900 people have arrived in the UK, and experience suggests that many of those still to come will have primary healthcare needs, either now or in the near future and a few will need hospital treatment.

We have also agreed to accept a small number of priority medical cases, with their immediate family members, who meet the United Nations High Commissioner for Refugees' criteria for medical evacuation. No such cases have been received so far. We anticipate that careful selection of UK hospitals for any priority patients that do come will ensure that any impact on existing NHS waiting lists is kept to a minimum.

Domiciliary Oxygen Service

Mr. Barron: To ask the Secretary of State for Health what progress has been made in his Department's review of the services available under the domiciliary oxygen service; how many outside organisations have been consulted; when he expects the review to be completed; and if he will publish its findings. [84038]

Mr. Hutton: We expect to be in a position to seek views from organisations and companies interested in the provision of the Domiciliary Oxygen Therapy Service once forthcoming guidelines from the Royal College of Physicians have been published. The timetable and the extent to which the review's conclusions will be made public are currently being considered.

Royal Commission on Long-term Care

Mr. Kidney: To ask the Secretary of State for Health when he expects to publish the Government's response to the report of the Royal Commission into long-term care. [83979]

Mr. Hutton: I refer my hon. Friend to the reply given to my right hon. Friend the Member for Birkenhead (Mr. Field) on 4 May 1999, *Official Report*, columns *360–61*.

Mr. Burstow: To ask the Secretary of State for Health what steps his Department has taken to promote a public debate on the findings and recommendations of the Royal Commission on long-term care. [84544]

Mr. Hutton: I refer the hon. Member to the reply which my right hon. Friend the Secretary of State gave him on 1 March 1999, *Official Report*, columns *746–67*.

National Institute for Clinical Excellence

Mr. Oaten: To ask the Secretary of State for Health which members of the National Institute for Clinical Excellence Partners' Council are *(a)* disabled and *(b)* from organisations representing the disabled. [84101]

Mr. Hutton: Potential members of the Partners' Council were not required to declare if they had a disability.

There are eight members of the Partners' Council who come from organisations which represent patients (including those with disabilities).

The organisations concerned are:

Carers National Association

Long Term Medical Conditions Alliance

Patients Association

The Relatives Association

National Consumer Council

Wales Council for Voluntary Action

Association of Community Health Councils for England and Wales

Association of Welsh CHCs.

A further four members of the Partners' Council are patient representatives, chosen for their experience and expertise as either patients or carers.

Mental Health Acts

Mr. Soley: To ask the Secretary of State for Health (1) how many people from ethnic minorities between the ages of *(a)* 16 to 25, *(b)* 26 to 35, *(c)* 36 to 45 and *(d)* 45 years and over are currently sectioned under the Mental Health Acts in England and Wales; [84113]

(2) how many people in London from ethnic minorities between the ages of *(a)* 16 to 25, *(b)* 26 to 35, *(c)* 36 to 45 and *(d)* over 45 years are currently sectioned under the Mental Health Acts. [84115]

Mr. Hutton: The information requested is not available centrally.

The revised Mental Health Act 1983 Code of Practice, published in March 1999, contains new guidance for health authorities and National Health Service trusts to keep records of the ethnicity of all patients admitted under the Act, and to establish systems to monitor admissions by race and sex.

ECT

Mr. Soley: To ask the Secretary of State for Health (1) what steps he has taken to monitor adherence to the guidelines issued by his Department on the use of ECT; [84218]

(2) what audit he had carried out of the safety of ECT treatment in clinics; and if he will make a statement. [84112]

Mr. Hutton: Guidance on the use and safety of electro-convulsive therapy is issued by the Royal College of Psychiatrists and it is for the profession to monitor how well their guidance is being applied. ECT is an effective treatment particularly for patients with severe depression. The proper application of ECT and its procedures is an important issue for patients, for psychiatrists and for mental health services of the National Health Service. To emphasise this point, a joint letter signed by the Chief Medical Officer and the President of the Royal College of Psychiatrists has been sent to all Consultant Psychiatrists in the NHS, all health authorities and NHS trusts. The letter states that, as part of the new clinical governance arrangements, both the Chief Medical Officer and the President of the College expect the guidance to be applied so as to improve standards in the area.

Care Leavers

Mr. Kidney: To ask the Secretary of State for Health if he will make a statement on progress on *(a)* the development of improved financial arrangements for 16 to 18-year-old people leaving care and *(b)* the proposed new duty on local authorities to assess and meet the needs of care leavers up to the age of 18 years. [84370]

Mr. Hutton: As announced in *The Government's Response to the Children's Safeguards Review* on 5 November 1998, the Government intend legislating to extend and strengthen the statutory responsibilities of local authorities to provide after care support.

The Government will shortly publish a consultation paper setting out new arrangements for 16 and 17-year-olds who are in care or care leavers which will clarify responsibility and improve financial support for this particularly vulnerable group. Copies will be placed in the Library.

Once responses to the consultation paper have been considered, the Government will take forward any legislatory changes as soon as Parliamentary time allows. In the meantime, the Government issued guidance to local authorities in April asking them to take steps now to improve services for care leavers (LAC(99)16).

Media Relations

Mr. Baker: To ask the Secretary of State for Health how many *(a)* civil servants and *(b)* special advisers involved in media relations were employed within his Department at 1 May (i) 1997, (ii) 1998 and (iii) 1999. [84190]

Ms Jowell: Detailed information on the numbers of permanent civil servants employed in Departmental Press Offices during the financial year 1997–98 and 1998–99 was provided in a memorandum dated 16 June 1998 to the Select Committee on Public Administration and published in its report on 'The Government Information and Communications Service' (HC 770) in July 1998, copies of which are available in the Library. The number in post at 1 May 1999 was 14.2

Special advisers in this Department have ad hoc contact with the media but none is specifically employed in media relations.

Altrincham General Hospital

Mr. Brady: To ask the Secretary of State for Health what representations he has received regarding the closure of wards at Altrincham General Hospital. [84671]

Mr. Denham: To date, there have been no representations that I am aware of received in this Department.

Mr. Brady: To ask the Secretary of State for Health when his Department was first informed of the decision of the Trafford Healthcare NHS Trust to close two wards at Altrincham General Hospital. [84672]

Mr. Denham: The North West Regional Office of the National Health Service Executive first became aware of the proposals to close two wards at Altrincham General Hospital on 8 April 1999.

Mr. Brady: To ask the Secretary of State for Health if he will issue directions to Trafford Healthcare NHS Trust to suspend its proposed closure of two wards at Altrincham General Hospital until the public consultation required by statute has taken place. [84670]

Mr. Denham: The North West Regional Office of the National Health Service Executive have instructed Trafford Healthcare NHS Trust and Salford and Trafford Health Authority to agree a joint approach on the future of in-patient services for the elderly at Altrincham General Hospital as well as community based services.

St. Anne's Hospital

Mr. Brady: To ask the Secretary of State for Health what representations he has received about the future of St. Anne's hospital in Altrincham. [84673]

Mr. Denham: There have been no recent representations concerning the future of St. Anne's Hospital, Altrincham, that I am aware of.

Nurses (Pay)

Mr. Brady: To ask the Secretary of State for Health how many NHS trusts and hospitals had not implemented the nurses' pay award in time for increases to be paid in April salary payments. [84674]

Mr. Denham: It is the responsibility of National Health Service employers to ensure that the necessary arrangements are made as soon as possible to pay the new national salary scales effective from 1 April 1999. Some employees have received their pay increase in their April salary; where this has not been possible payment will be made in May and back dated to 1 April.

Following the publication of the Review Body Report on Nursing Staff, Midwives and Health Visitors on 1 February, a pay offer was made to nursing trades union and professional organisations on 10 February which was accepted on 16 March, subject to further discussions on the content of the Advance Letter.

The Advance Letter promulgating the pay increase for 1999–2000 was sent for printing on 29 March and issued to the NHS on 8 April 1999, it was also placed on the NHS web site—www.doh.gov.uk/nhsexec/alpay.hdm; this was as soon as possible after the nursing Staff Side accepted the pay offer and agreed the contents of the letter, and was ahead of the date on which Advance Letters have been issued in previous years.

We will be discussing with nursing unions and professional organisations whether it would be possible to speed up their consultative procedures and other administrative arrangements in future years in order to ensure nurses receive their pay increase in April.

CHURCH COMMISSIONERS

Bishops

Mr. Baker: To ask the hon. Member for Middlesbrough, representing the Church Commissioners, what were the reasons for the real terms increase in expenditure on bishops listed in the Church Commissioners' last annual report. [84187]

Mr. Stuart Bell: The Commissioners' expenditure on bishops falls into three distinct categories: stipends, working costs and housing costs (diocesan bishops only).

Bishops' stipends (pay) increased in line with the stipend increase recommended for parish clergy. From 1 April 1998, the stipend of a diocesan bishop was £27,660 and the stipend of a suffragan bishop was £22,740. The Commissioners' expenditure on bishops' stipends rose by £0.2 million, from £2.5 million in 1997 to £2.7 million in 1998.

Bishops' working costs increased by £0.7 million, from £8.1 million in 1997 to £8.8 million in 1998. Staffing costs account for most of these working costs. The average increase in the Average Earnings index in 1998 over 1997 was 5.1 per cent. Other factors contributing to increased expenditure in 1998 included £0.4 million in the Lambeth Conference, which takes place every 10 years, and the updating of office equipment for bishops and their staff.

Expenditure on diocesan bishops' housing increased by £0.4 million, from £2.6 million in 1997 to £3.0 million in 1998. Spending on these houses can change significantly from year to year depending on the works needed. It tends to be higher when the See becomes vacant, as the opportunity is taken to complete works when a bishop is not living there. There were still costs being met in 1998 relating to the large number of new diocesan bishops in the last three years. A change in the calculation of depreciation of See houses, and improvements to the working environment of bishops' staff, were also special factors in 1998.

Mr. Baker: To ask the hon. Member for Middlesbrough, representing the Church Commissioners, how many and what percentage of bishops had use of a chauffeur at May (i) 1997, (ii) 1998 and (iii) 1999; and what was the total cost in current prices for each appropriate financial year. [84188]

Mr. Stuart Bell: In 1997, 31 bishops employed full or part-time drivers at a cost of £336,741. At 1 May 1998, 31 bishops employed drivers, and the cost of their employment in 1998 was £337,807. Costs for 1999 are not yet available but at 1 May 1999, 27 bishops employed drivers. The hon. Member may wish to refer to the answer my predecessor, Mr. Michael Alison, then the right hon. Member for Selby, gave to Mr. Harry Greenway, the then hon. Member for Ealing, North. In 1995, 31 bishops employed drivers, and the cost of their employment was £334,000, 24 February 1997, *Official Report*, column 65.

The retail prices index has moved from 146.0 in January 1995 to 160.0 and 164.4 in December 1997 and 1998 respectively (January 1987 = 100), from which it will be seen that the real costs of bishops employing drivers have fallen since 1995. Bishops have increasingly been making use of part-time drivers.

27 out of 44 diocesan bishops employ a full or part-time driver. In addition the 70 suffragan or assistant bishops drive themselves or occasionally receive some special assistance when they are not able to do so, e.g. because of a disability.

Mr. Baker: To ask the hon. Member for Middlesbrough, representing the Church Commissioners, what has been the annual expenditure including council tax, maintenance and other works, on each residence available to each bishop in (i) 1990–91, (ii) 1997–98 and (iii) 1998–99. [84189]

Mr. Stuart Bell: The Commissioners' current policy is not to make public expenditure on individual bishops' houses. The overall spending on bishops' houses was:

1990—£1.7 million
1991—£2.1 million
1992—£2.2 million
1993—£2.2 million
1994—£2.7 million
1995—£2.3 million
1996—£2.7 million
1997—£2.6 million
1998—£3.0 million.

Comparable figures are not available for 1999.

Expenditure on bishops' houses overall and on individual houses in particular can change significantly from year to year, depending on the works needed. Expenditure on a house tends to be higher when the See becomes vacant, as the opportunity is taken to complete works when a bishop is not living there.

Spending on bishops' housing is subject to close budgetary control. Repairs to buildings are limited to the minimum that the Commissioners feel is consistent with the proper maintenance of these properties in their care. The Commissioners have nearly completed their review of the suitability of all diocesan bishops' houses (suffragan bishops' houses are owned by the diocese) and in many cases steps have been taken to reduce long-term running costs.

INTERNATIONAL DEVELOPMENT

EU Development Council

Mr. Maclean: To ask the Secretary of State for International Development if she will publish the agenda for the forthcoming EU Development Council of 21 May. [84675]

Mr. Foulkes: The agenda is as follows:

1. Conclusions on the results of the evaluation of the European Community's development instruments and programmes.
2. Resolution on co-ordination and complementarity between Community and member states' development policies.
3. Post-Lomé negotiations.
4. Conflict prevention, management and resolution:
   (a) Combating the excessive and uncontrolled accumulation and spread of small arms and light weapons as part of the EU's emergency aid, reconstruction and development programmes
   (b) Antipersonnel landmines—progress report on 1996 Resolution
   (c) Co-operation with countries involved in armed conflicts
5. Coherence—progress report on June 1997 Resolution.
6. Reconstruction in Central America following Hurricane Mitch.
7. Conclusions on integrating environmental and sustainable development into development policy.
8. Any other business:
   (a) Developing countries in the framework of the WTO
   (b) Resumption of co-operation with Burundi
   (c) Link between migration and development

   Lunch items: Kosovo, debt.

On 7 May 1999 our officials sent an annotated copy of the agenda to the Clerks of the European Scrutiny Committee, the Select Committee on the European Communities, and the International Development Select Committee.

World Bank

Mr. Bercow: To ask the Secretary of State for International Development what has been the total (i) UK and (ii) international contribution to the World Bank's fund to assist developing countries with millennium computer compliance; and what the fund has been spent on to date. [84217]

Clare Short: The UK made a £10 million grant commitment in March 1998 to a Millennium Bug project managed by the World Bank through InfoDev. InfoDev is a multi-donor funded programme set up to promote the increased use of information and communication technologies in developing countries. To date, £6 million has been paid into the project and further sums will be released this year, as disbursements are made by the Bank.

Following the UK's lead in supporting this project, others have made substantial grant commitments, including the US ($12 million), Canada ($0.7 million), Sweden ($1.26 million), Italy ($0.3 million), and The Netherlands ($3.5 million). The total international commitment to the project presently stands at $34.2 million.

The Project has produced an information guidance document, "Year 2000 Toolkit—A National Plan for Developing Countries", which has been disseminated world-wide through 18 regional and country conferences undertaken throughout 1998, attended by some 120 developing countries. Participants consisted of senior government officials and information technology managers. The document is available on the internet.

The Project also provides grants to assist developing countries prepare national action plans and to support work on systems of critical national importance. So far, a total of 84 developing countries are included in the grant arrangements, mainly to help them prepare national action plans, for which grants of up to $100,000 have been provided. Larger grants are available to help with remediation and testing work. Grant applications presently total about $15.7 million.

The InfoDev Project is now working closely with the International Y2K Cooperation Centre (IYCC) in Washington, using US funding. The IYCC, which

includes the UK's Action 2000, is coordinating international efforts to minimise the impacts of the Millennium Bug problem on the global economy.

Cleveland Police

Dr. Kumar: To ask the Secretary of State for International Development, pursuant to her answer of 5 May 1999, *Official Report*, column *397*, on the reference for the former Deputy Chief Constable of Cleveland Police for the post of Deputy Commissioner of Royal Turks and Caicos Islands, on what date the references were requested by her Department. [84219]

Clare Short: My Department sought references for Mr. Turnbull on 3 and 19 February 1999.

Special Advisers

Mr. Tyrie: To ask the Secretary of State for International Development, pursuant to her answer of 15 March 1999, *Official Report*, column *510*, on Special Advisers, if she will give the total travel cost of each occasion when *(a)* a departmental and *(b)* non-departmental advisers have travelled abroad in an official capacity since 2 May 1997 and the place visited. [82410]

Clare Short: For the period 2 May 1997 to 31 March 1999, Special Advisers in my Department have travelled overseas in an official capacity on 14 occasions to a variety of locations. The total cost of travel and any accommodation was £31,618. All travel complied with the requirements of the Ministerial Code and the Civil Service Management Code.

Media Relations

Mr. Baker: To ask the Secretary of State for International Development how many *(a)* civil servants and *(b)* Special Advisers involved in media relations were employed within her Department at 1 May (i) 1997, (ii) 1998 and (iii) 1999. [84205]

Clare Short: Detailed information on the numbers of permanent civil servants employed in Departmental Press Offices during the financial years 1997–98 and 1998–99 was provided in a memorandum dated 16 June 1998 to the Select Committee on Public Administration and published in its report on "The Government Information and Communication Service (HC 770)" in July 1998. A copy is in the Library of the House. On 1 May 1999, my Department had three civil servants working full-time on media relations and two other civil servants whose wider duties included contact with the media.

Special Advisers in this Department had *ad hoc* contact with the media but none are specifically employed in media relations.

CULTURE, MEDIA AND SPORT

Healthy Living Centres

Mr. Rammell: To ask the Secretary of State for Culture, Media and Sport if he will make a statement on the development of healthy living centres. [83417]

Mr. Chris Smith *[holding answer 17 May 1999]:* The New Opportunities Fund launched the healthy living centre initiative on 29 January 1999. £300 million of Lottery money is available under this initiative to establish a core network of healthy living centres across the UK. By the end of 2002, the New Opportunities Fund aims to have awarded grants to projects that will ensure that healthy living centres are accessible to 20 per cent. of the population of the UK.

The application process is underway and the Fund aims to announce the first successful applicants in the Autumn of this year.

Helsinki Summit

Mr. Spring: To ask the Secretary of State for Culture, Media and Sport if he will make a statement on the nature of the sports report that he will be submitting to the heads of Government at the Helsinki Summit. [84231]

Mr. Banks: Any report on sport to the Helsinki Summit will be submitted by the European Commission and will contain the conclusions of considerable debate, which is currently under way, by all member states on a number of important sporting issues. The next informal meeting of EU Sports Ministers in Paderborn on 1–2 June will establish a clearer agenda for the content of the Helsinki Conclusions and I will be playing a full role in this process.

Boxing (Schools)

Mr. Spring: To ask the Secretary of State for Culture, Media and Sport what discussions he has had about the provision of boxing in schools with the Secretary of State for Education and Employment. [84230]

Mr. Banks: I meet with my colleagues in DfEE on a regular basis when we discuss a wide range of issues of mutual interest. Our latest discussions centred on sport in general in schools and the national curriculum. However, we have not discussed boxing but remain firmly committed to the encouragement of boxing as a sport.

FOREIGN AND COMMONWEALTH AFFAIRS

St. Helena

18. **Mr. Bob Russell:** To ask the Secretary of State for Foreign and Commonwealth Affairs what response he has had from the St. Helena island council to the publication of his White Paper on overseas territories. [83517]

Mr. Tony Lloyd: The St Helena Legislative Council on 24 March 1999 unanimously passed a Motion:

> "That this House conveys its sincere thanks and appreciation to the Secretary of State from the Legislative Council for the commitment to restore full British citizenship to the people of St Helena, and looks forward to full consultation on the other issues contained in the White Paper, particularly those relating to St Helena's future."

Middle East

19. **Dr. Iddon:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the steps being taken to promote the middle east peace process. [83518]

31. **Ms Perham:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the outcome of the Israeli general election. [83530]

36. **Mr. Cousins:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the outcome of the Israeli general election. [83535]

37. **Mr. Caplin:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the middle east peace process following the outcome of the Israeli general election. [83536]

38. **Mrs. Dunwoody:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the outcome of the Israeli general election. [83537]

Mr. Burden: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the progress of the middle east peace process. [83531]

Mr. Robin Cook: I refer my hon. Friends to the answer I gave earlier in the House today to my hon. Friend the Member for Milton Keynes, South-West (Dr. Starkey), *Official Report,* column 856.

East Timor

20. **Mr. John Cryer:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on his policy towards the future status of East Timor. [83519]

Mr. Robin Cook: We welcome the consultation that has been launched to establish the wishes of the people of East Timor on whether they want autonomy of independence. Only the fortnight before his death Derek Fatchett visited East Timor and gave an undertaking that Britain would be one of the six nations leading implementation of the UN process. We will ensure that we complete the valuable work that Derek Fatchett began.

39. **Mr. Goggins:** To ask the Secretary of State for Foreign and Commonwealth Affairs what action he is taking to promote peace in East Timor. [83538]

Mr. Robin Cook: We continue to support the efforts under UN auspices to secure a future for East Timor which will fully respect the interests and legitimate aspirations of the East Timorese people.

Dr. Tonge: To ask the Secretary of State for Foreign and Commonwealth Affairs what representations he has made to other Governments on establishing a permanent international presence in East Timor to monitor human rights abuses. [82466]

Mr. Robin Cook *[holding answer 28 April 1999]*: We have on a number of occasions, along with EU partners, called for the urgent establishment of a permanent UN presence in East Timor to help prevent further violence in the territory. We welcome the agreement signed by Indonesia and Portugal in New York on 5 May whereby a United Nations presence will supervise the consultation of the East Timorese on the question of autonomy. We are working with others on arrangements for the deployment of an international police presence in East Timor to oversee implementation of the 5 May agreement.

Mr. Harvey: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement about the Australian Government's recent report on the deaths of the British and other newsmen in East Timor in 1975. [83959]

Mr. Robin Cook: We welcomed the Australian Government's decision to refer new information about the deaths of the British journalists in East Timor in 1975 to Mr. Sherman. Mr. Sherman's second report contains no major new revelations or conclusions.

El Shifa Factory

21. **Mr. Dalyell:** To ask the Secretary of State for Foreign and Commonwealth Affairs what discussions he has had with his American counterparts concerning the American Government's decision to withdraw from legal proceedings against Mr. Idris relating to the bombing of the El Shifa factory. [83520]

Mr. Tony Lloyd: The US decision to lift its block on Salah Idris' assets is a matter for the US authorities. Her Majesty's Government have not taken action against Mr. Idris, nor has it made any allegations against him. We have not therefore discussed the issue with the US Government.

Tibet

23. **Mr. Peter Bradley:** To ask the Secretary of State for Foreign and Commonwealth Affairs what representations he has made to the Chinese Government about the continuing imprisonment of the Tibetan nun Ngawang Sangdrol; and what prospects there are for her release. [83522]

Mr. Tony Lloyd: We are deeply concerned about the well-being of Ngawang Sangdrol, and others imprisoned in Tibet. Her name is on a list of individual cases which my right hon. Friend the Prime Minister raised with Chinese leaders in October last year, and on an EU list of individual cases which was presented to the Chinese authorities on 7 May 1999. We will continue to raise her case with the Chinese authorities, both bilaterally and through the EU, and to press for her release.

Albania

24. **Mr. Jim Cunningham:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement about relations with Albania. [83523]

Mr. Tony Lloyd: I refer my hon. Friend to the reply I gave earlier in the House today to my hon. Friend the Member for Harrow, East (Mr. McNulty), *Official Report,* column 871.

Balkans

25. **Mr. Boswell:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the refugee position in the Balkans. [83524]

Mr. Tony Lloyd: The United Nations High Commissioner for Refugees has estimated that ethnic cleansing in former Yugoslavia had resulted in some 1.7 million refugees and Internally Displaced Persons by the end of 1998. Milosevic's latest actions have added to this grim total. Some 743,000 Kosovo Albanians are now

refugees in the region. Over 50,000 have been airlifted out of the region. Many more are displaced inside Kosovo, facing great hardship.

Milosevic is directly responsible for this latest tragedy. NATO action will not cease until we are satisfied that all Kosovo Albanians will be able to return in safety to their homes. This can be guaranteed only by an international military presence

Sir Teddy Taylor: To ask the Secretary of State for Foreign and Commonwealth Affairs what progress he has made in resolving the dispute with Serbia. [83504]

Mr. Robin Cook: I refer the hon. Member to the answer I gave earlier in the House today to the hon. Member for Southwark, North and Bermondsey (Mr. Hughes), *Official Report*, column 863.

EU Enlargement

26. **Mr. Ben Chapman:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the preparations for the enlargement of the European Union with regard to the reform of the European structural policy. [83525]

Ms Quin: Reforms to the structural and cohesion funds were agreed at the Berlin European Council on 24–25 March. These reforms were part of a consolidated effort to bring EU spending under stricter control to prepare the European Union for enlargement. Enlargement will not require an increase to the Own Resources ceiling (1.27 per cent.) of Community GNP. Despite that, substantial funds will be available to provide assistance during the financing period 2000–06 to applicants for membership, before and after accession.

Nuclear Non-proliferation Treaty

27. **Mr. Savidge:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on progress made in improving and updating the 1995 aims and objectives of the nuclear non-proliferation treaty. [83526]

Mr. Tony Lloyd: The Preparatory Committee for the NPT 2000 Review Conference is currently meeting in New York. The Principles and Objectives adopted at the 1995 Conference will be discussed both at PrepCom and RevCon.

Iraq

28. **Mr. David Heath:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on his policy in respect of Iraq. [83527]

Mr. Hoon: I refer the hon. Member to the answer I gave earlier in the House today to my hon. Friend the Member for Barnsley, West and Penistone (Mr. Clapham), *Official Report*, column 855.

Kosovo

30. **Mr. Gordon Prentice:** To ask the Secretary of State for Foreign and Commonwealth Affairs what recent discussions he has had with his counterparts in the NATO countries concerning the future of Kosovo as an independent state after the end of the hostilities; and if he will make a statement. [83529]

Mr. Tony Lloyd: We are in frequent contact with NATO counterparts about finding a peaceful solution to the Kosovo crisis on the basis of the G8 principles. We respect the territorial integrity of all countries in the region and it has never been part of our objectives to create new independent states.

The statement on Kosovo issued at the NATO Summit in Washington on 23 April called on President Milosevic to provide credible assurance of his willingness to work for a political framework agreement based on the Rambouillet Accords. But given what the Kosovo Albanians have suffered, we are now proposing a much stronger role for the international community in the civil administration of Kosovo.

Brazil

33. **Mr. Blizzard:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the priorities for his policy relating to Brazil. [83532]

Mr. Tony Lloyd: We have excellent bilateral relations with Brazil, which is our biggest market in Latin America. We are committed to strengthening our commercial and political links in line with the priorities set out in the bilateral action plan signed by the Prime Minister and President Cardoso during the President's State Visit to the UK in December 1997.

International Criminal Court

34. **Mr. Soley:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the Government's discussions with Russia on closer co-operation with the International Criminal Court. [83533]

Mr. Tony Lloyd: We welcome the fact that Russia voted in favour of the adoption of the Statute of the International Criminal Court. We are working closely with the Russians and others at the Preparatory Commission for the ICC.

MOX Exports

35. **Mr. Chaytor:** To ask the Secretary of State for Foreign and Commonwealth Affairs what assessment he has made of the proliferation risks of exporting MOX fuel. [83534]

Mr. Tony Lloyd: The Government are satisfied that the export of Mixed Oxide Fuel (MOX) from EU suppliers to Japan poses no unacceptable risk to the proliferation of nuclear materials. The UK's international nuclear trade, including the export of MOX fuel, is undertaken strictly within the terms of international agreements on nuclear non-proliferation, safeguards and physical protection and is entirely consistent with the UK's obligations in these areas.

Malta

Mr. Hoyle: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the United Kingdom's relations with Malta. [83528]

Ms Quin: Our relations with Malta are excellent. We have continued to build on the longstanding and close links the UK enjoys with Malta across a wide range of issues.

I visited Malta on 4–5 May and had discussions on bilateral and European issues with representatives of the government, of the opposition and others, including business and economic interests.

Military Intervention (Legal Justification)

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his answer to the hon. Member for Gosport (Mr. Viggers) of 26 April 1999, *Official Report*, column *35*, if he will list the provisions in international law which make military intervention legally justifiable. [83547]

Mr. Tony Lloyd: The United Nations Charter preserves the right of a state or group of states to use force in self-defence in accordance with Article 51; the Charter also allows the use of force under the authorisation of the Security Council acting under Chapter VII of the Charter. Cases have also arisen, as in Kosovo, when in the light of all the circumstances the use of force is justifiable in support of purposes laid down by the Security Council when that was the only means to avert an immediate and overwhelming humanitarian catastrophe.

Trade Statistics

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs what is the source of the statistics used in the section Trade in Goods, under International Trade, of his booklet, "The British Economy". [84096]

Mr. Robin Cook: The United Kingdom Balance of Payments (The Pink Book) 1997.

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs what is the statistical source for levels of imports and exports provided in his Departmental poster, Outline Britain; and what is the *(a)* target audience and *(b)* how many have been distributed. [84097]

Mr. Hoon: The statistical source was the Annual Abstract of Statistics 1998, published by the ONS.

(a) The target audience was Press and Public Affairs Officers and Commercial Officers at Diplomatic Posts.

(b) The distribution between 1 April 1998 to 31 March 1999 was 14,996.

Conference on Perceptions of Britain

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the planned *(a)* timing and *(b)* contents of the first biennial Conference on Perceptions of Britain. [84091]

Mr. Hoon: The first conference on perceptions of Britain, recommended by Panel 2000, is planned for 23 November 1999. The content will cover interchange of information on how Britain is perceived overseas, including the results of research organised by the British Council in 12 key markets, and how better co-operation can enhance perceptions of Britain.

Panel 2000

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs what recommendations in the Panel 2000 consultation document he has *(a)* adopted and *(b)* rejected; and if he will make a statement. [84099]

Mr. Robin Cook: All the recommendations in the Panel 2000 Consultation document were adopted by the Panel at its meeting on 17 December 1998. This followed a broad welcome for the recommendations during the consultation process which included a wide range of public and private sector organisations; feedback will be reflected in the implementation of the recommendations now underway. Individual participants in the Panel are engaged in the implementation process. The full Panel will meet again in the second half of this year to assess progress.

Information Technology

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his answer of 11 May 1999, *Official Report*, column *119*, on information technology, how much of the expenditure incurred was connected with millennium computer compliance. [84515]

Mr. Hoon: None of the total of £44 million can be specifically identified as being directly related to achieving Y2K compliance. However, the expenditure forms part of the FCO's modernisation programme, which, by replacing obsolete IT, is helping to achieve that compliance.

Uganda

Dr. Tonge: To ask the Secretary of State for Foreign and Commonwealth Affairs when he plans to review his Department's current advice about travel to Uganda. [84572]

Mr. Hoon: All travel advice is reviewed routinely on a monthly basis and more frequently when there is reason to do so.

The travel advice for Uganda was last revised on 17 May. Because of the variety and fluidity of risks to travellers in Uganda the advice is constantly monitored.

International Fact-finding Commission

Mr. HomeRobertson: To ask the Secretary of State for Foreign and Commonwealth Affairs when he expects to be able to recognise the competence of the International Fact-finding Commission enshrined in Additional Protocol I to the Geneva Conventions. [84793]

Mr. Tony Lloyd: I am pleased to inform the House that a declaration confirming the United Kingdom's recognition of the competence of that body was yesterday being deposited with the Swiss authorities in Berne. This further demonstrates our commitment to international humanitarian law, following our ratification of the Additional Protocols to the Geneva Conventions in January 1998, our ratification of the Ottawa Convention in July 1998 and our acceptance of Amended Protocol II and Additional Protocol IV to the UN Weaponry Convention earlier this year.

Tobacco

Mr. Stringer: To ask the Secretary of State for Foreign and Commonwealth Affairs what instructions have been issued to overseas diplomatic posts to restrict their involvement in the promotion of tobacco products following the publication of the Tobacco White Paper in December. [84843]

Mr. Tony Lloyd: We have issued the following guidelines to overseas posts:

"1. The Government's White Paper on Tobacco, presented to Parliament in December 1998, contained the following sentences concerning the role of Posts overseas:

"We are not in the business of banning the production or export of tobacco products, and the DTI and our embassies will continue to provide advice, to which UK companies are entitled, in the sale of legal products. However, in keeping with the current practice of Ministers and officials not becoming involved in the advertising or promotion of tobacco products at home, guidelines will shortly be issued to our diplomatic posts instructing them to be scrupulous to ensure that they follow suit overseas, taking into account local circumstances."

Guidelines:

2. Posts must no longer directly promote products containing tobacco, whether through advertising or through publicly associating HMG with their sale, especially where this might be misconstrued as some form of government endorsement or approval of them. However, given the general, non-discriminatory basis of British Trade International services and other UK government support for business—which, as a matter of principle, are available to all British companies, provided their products are mainly of UK origin and are legal—Posts should nonetheless, if approached, offer support and advice to assist UK tobacco companies through the provision of trade, investment and political information. While it may be true that such companies rarely, in any case, seek HMG assistance in their exporting effort, it will be important that Posts scrupulously adhere to these new guidelines, after taking into account local circumstances. Posts should bear in mind that the international tobacco control lobby is increasingly well organised, and pressure groups may seek to highlight any apparently controversial involvement in any event sponsored by a tobacco company.

3. It follows from the above that Posts should not inter alia be associated in any way with the promotion of the tobacco industry, for example by accepting advertisements for UK or local tobacco products in publications issued by the Post, or sponsorship from tobacco companies for their activities, including Chevening Scholarships. Nor should they attend or otherwise support receptions or high profile events—especially those where a tobacco company is the sole or main sponsor—which are overtly to promote tobacco products, such as the official opening of a UK tobacco factory overseas; events where tobacco sponsorship is more low-key (for example, among several sponsors of a visiting orchestra) can be attended. Posts may also continue to offer assistance to UK tobacco companies in other ways, such as in resolving business problems—customs or port clearance, smuggling, trademark violations etc—that are potentially discriminatory. They may also provide information and assistance on foreign country policies and investment opportunities including advice to help them comply with foreign government laws or regulations.

4. In short, unless otherwise specified above, Posts should not support activities designed specifically to encourage smoking. Posts have the delegated authority to decide for themselves whether any proposed action on their part is in keeping with these new regulations, but may refer to London for decision—to the FCO geographical department (if there are political implications) or JEPD—where this is felt necessary.

5. The White Paper also stressed the Government's wish to encourage and support the efforts of other countries to strengthen their own tobacco control strategies. Requests for help, particularly with expertise, should be passed to the Department of Health (Health Promotion Division).

6. These guidelines will take effect from 1 June 1999."

Media Relations

Mr. Baker: To ask the Secretary of State for Foreign and Commonwealth Affairs how many *(a)* civil servants and *(b)* special advisers involved in media relations were employed within his Department at 1 May (i) 1997, (ii) 1998 and (iii) 1999. [84193]

Mr. Hoon: Detailed information on the numbers of permanent civil servants employed in Departmental Press Offices during the financial years 1997–98 and 1998–99 was provided in a memorandum to the Select Committee on Public Administration and published in its report on 'The Government Information and Communication Service' (HC 770) in July 1998. A copy is in the Library of the House. There are at present 17.7 such staff in the FCO.

Special Advisers in this Department have ad hoc contact with the media but none are specifically employed in media relations.

Arrested UK Citizens

Mr. McWalter: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on Her Majesty's Government's policy on United Kingdom citizens arrested abroad being required to pay for embassy and consular services. [83723]

Mr. Robin Cook: British Nationals who are arrested or imprisoned overseas are not required to pay for consular assistance and advice.

They are required to pay for legal services, which consular officers cannot provide.

All fee-bearing consular services are published in the Consular Fees Order.

TREASURY

Correspondence

Mr. Field: To ask the Chancellor of the Exchequer when he plans to answer the letter from the right hon. Member for Birkenhead dated 12 April in respect of his constituent Colin Tierney. [84573]

Dawn Primarolo: A reply was sent to my right hon. Friend on 17 May.

Customs and Excise (Heathrow)

Mr. Hawkins: To ask the Chancellor of the Exchequer, pursuant to his answer of 26 April 1999, *Official Report*, column *56*, concerning HM Customs and Excise staff at Heathrow, since 1 May 1997 in relation to Customs Cargo staff other than NIS at Heathrow, how many jobs have been lost in Customs Cargo; what is the reduction in staff of the import control teams; what steps are being taken to combat the increase in traffic of the undeclared excise goods from the Continent; how HM Customs and

Excise plans to meet its obligations with regard to DTI documentary checks, CAP controls, community transit controls and anti counterfeit checks; and what is the estimated revenue loss from failure to detect undeclared excise goods. [84225]

Dawn Primarolo *[holding answer 17 May 1999]:* There are currently 222 staff years allocated to the Cargo Division at Heathrow. In Customs Cargo at Heathrow the following reductions have been made in staff since 1997:

Year to March 1998—10.5 Staff years (4 per cent.)

Year to March 1999—9 staff years (3.6 per cent.)

Year to March 2000—15 staff years (6.2 per cent.).

Of these reductions the following numbers were involved in import control:

1998—0

1999—0

2000—8.

The reductions in the current year have been made to reflect the movement of freight control inland as a result of the take up of Customs Freight Simplified Procedures (CFSP). The percentage of import entries at Heathrow now being processed via the CFSP system is 41.8 per cent.

The increase in traffic of undeclared excise goods from the continent is being addressed in a number of ways. During the last financial year a special exercise was run, under Customs risk testing programme, to target tobacco goods in freight. The exercise produced £53.085 in revenue over six weeks, of which all but £300 was for tobacco goods. The results of that exercise have been fed into Customs ongoing risk review. This will provide sharper and more focused targeting of staff onto those freight consignments and importers that are considered a risk to the revenue, together with better intelligence in trend analysis and identification.

DTI documentary checks and CAP control checks are subject to computer-based selection profiles. Community transit and anti-counterfeit checks are carried out by import and export control staff as part of their normal scrutiny and examination roles, using intelligence and risk analysis techniques to target resources effectively.

The estimated revenue loss from failure to detect undeclared excise goods at Heathrow Cargo is not known as all current estimates specifically exclude freight consignments. The revenue estimated as lost nationally through cigarette smuggling by air passengers is £50m per year. Further details on cross-border shopping and smuggling of alcohol and tobacco products were laid in the House of Commons Library on 19 November 1998.

Tobacco Smuggling

Ms Lawrence: To ask the Chancellor of the Exchequer what is his latest estimate of the revenue lost to the Exchequer through smuggling of tobacco. [76050]

Dawn Primarolo: In his Budget speech of 9 March, the Chancellor explained that in terms of the turnover of criminals' tobacco smuggling is now a £1½ billion business. That was an assessment by HM Customs and Excise based on their work in progress to monitor the scale of such smuggling (chiefly of cigarettes and hand-rolling tobacco). The provisional results of this work indicate that the total amount of revenue (excise duty and VAT) evaded in 1998 was perhaps around £1.7 billion.

Forms of tobacco duty evasion covered by this assessment include cross-Channel smuggling of cigarettes and hand-rolling tobacco, smuggling by air passengers, diversion frauds and smuggling over very large consignments in freight.

HM Customs and Excise will continue to examine ways of measuring such smuggling, and are discussing with representatives of the tobacco industry ways of improving the methodologies used.

Mr. Whittingdale: To ask the Chancellor of the Exchequer what assessment he has made of the loss of revenue due to illegal imports of tobacco products in 1999–2000, 2000–01 and 2001–02, taking account of his Budget changes. [76569]

Dawn Primarolo: The forecast for tobacco revenue receipts for 1999–2000, published in the March 1999 Financial Statement and Budget Report, is £7 billion. This takes into account a range of factors including smuggling, forestalling behaviour by manufacturers, the affordability of tobacco products, trends in public health awareness, etc.

Budget

Mr. Gibb: To ask the Chancellor of the Exchequer if he will recalculate the figures used in paragraph 1.26 of the Red Book taking into account his July 1997 Budget and using an assumption for private car use of 8,300 miles in an average 1600cc car. [80855]

Dawn Primarolo: The impact of Budget 97, Budget 98 and Budget 99 measures on households is as follows:

over 20 million households gain, of which 7 million are households with children and 7 million are pensioner households;

on average, households will be £350 a year better off;

families with children will on average be £690 a year better off;

poorer families will also benefit: 700,000 children will be taken out of poverty;

working households will on average be £410 a year better off;

the new 10p rate of tax will halve the tax bill for 1.8 million, of whom 1.5 million are low-paid employees;

the Working Families Tax Credit will on average give low earning families an extra £24 a week, compared with Family Credit.

All the figures are relative to indexation and are in 1999–2000 prices. They reflect the impact on disposable income of measures included in the 1999, 1998 and July 1997 Budgets and taking effect over the four years from 1998–99, plus the impact of the national minimum wage. They are based on data from the ONS Family Expenditure Survey, the DSS Family Resources Survey and Inland Revenue's Survey of Personal Incomes.

Compared with the Red Book, the only extra measure included is the cut in the mortgage interest relief (MIR) tax credit rate from 15 per cent. to 10 per cent. which was announced in the July 1997 Budget and came into force in April 1998.

Estimating the impact of indirect taxes is imprecise as spending patterns vary widely between households with the same composition and income, with the consumption

of the majority of goods and services far from universal. For example, just over half the adult population are in households paying vehicle excise duty.

Mr. Maude: To ask the Chancellor of the Exchequer (1) if he will estimate the effect in *(a)* 1999–2000 and *(b)* 2000–01 of his budgets to date on a married pensioner couple with a combined pension income of £18,000 plus £4,000 in dividend income, assuming that they drive 8,300 miles each year in a 1.6 litre car registered in 1974 and smoke 20 cigars each week; [78753]

(2) if he will estimate the effect in *(a)* 1999–2000 and *(b)* 2000–01 of his budgets to date on a married couple in England with one partner who smokes 20 cigarettes a day earning £25,000 per annum and the other earning £5,000 per annum, assuming that they have a mortgage of £40,000 and drive 8,300 miles each year in a two litre car with one 18 year old child in his first year of a four-year course at university in Scotland; [78751]

(3) if he will estimate the effect in *(a)* 1999–2000 and *(b)* 2000–01 of his budgets to date on a married couple with one partner earning £15,000 per annum as a self-employed road haulier who drives a 38-tonne diesel lorry 75,000 miles each year and the other partner being non-earning with two children aged 15 and 16, assuming that they have a £45,000 mortgage and smoke 20 cigarettes a day between them; [78750]

(4) if he will estimate the effect in *(a)* 1999–2000 and *(b)* 2000–01 of his budgets to date on a non-smoking married couple with one partner earning £50,000 per annum and the other earning £4,000 per annum in dividend income, assuming that they have a mortgage of £80,000 and drive 8,300 miles each year in a two litre car. [78752]

Dawn Primarolo: Information on the effect of the Budget on individuals and households is published in the Red Book and accompanying press notices. The reply to the hon. Member for Bognor Regis and Littlehampton (Mr. Gibb) sets out changes in disposable income after taking account of the effects of the last two Budgets.

Estimating the impact of indirect taxes is imprecise as spending patterns vary widely between households with the same composition and income, with the consumption of the majority of goods and services far from universal. For example, only around one third of adults are smokers, just over half the adult population are in households paying vehicle excise duty and around 10 per cent. of households pay air passenger duty.

This can be contrasted with direct taxes and benefits where at specified earnings and for particular household types there is a known benefit entitlement or tax liability.

The 1998 and 1999 Red Books set out the effect of the last two Budgets on:

cigarettes and cigars (1998 table 5.4—page 81), (1999 table 1.10—page 110);

for road fuels (1998 table 5.2—page 75), (1999 table 1.9—page 109);

and VED HM Treasury Budget Press Notice number 16 (1998) and number 7 (1999).

Mr. Gibb: To ask the Chancellor of the Exchequer if he will list the assumptions used for the purposes of the calculations in paragraph 1.26 of the Red Book. [80852]

Dawn Primarolo: All the figures given in paragraph 1.26 of the Budget 99 Report (the Red Book) are relative to indexation and are in 1999–2000 prices. They reflect the impact on disposable income of measures included in the 1999 and 1998 Budgets and taking effect over the three years from 1999–2000, plus the impact of the national minimum wage.

The figures are based on data from the ONS Family Expenditure Survey, the DSS Family Resources Survey and Inland Revenue's Survey of Personal Incomes.

Mr. Gibb: To ask the Chancellor of the Exchequer what assumptions were used for *(a)* car mileages and *(b)* pension contributions in the calculations used in paragraph 1.26 of the Red Book. [80851]

Dawn Primarolo: The figures in the Red Book are based on UK household expenditure and income patterns from the ONS Family Expenditure Survey, the DSS Family Resources Survey and Inland Revenue's Survey of Personal Incomes.

Withholding Tax

Mr. Bercow: To ask the Chancellor of the Exchequer if he will veto the withholding tax at the ECOFIN Council on 25 May. [84527]

Dawn Primarolo: The draft Directive on savings is still in draft form. There is no proposal to vote on the matter at the ECOFIN meeting on 25 May.

Tobacco (Excise Duty)

Mr. Whittingdale: To ask the Chancellor of the Exchequer how much extra revenue will be raised in excise duty on tobacco products due to changes made since 1 May 1997 in 1997–98 and each of the following four years. [76573]

Dawn Primarolo: The table shows the estimated extra revenue raised in excise duty on tobacco products due to changes made since 1 May 1997:

£ million

Year	*Extra Revenue*
1997–1998	5
1998–1999	210
1999–2000	–875
2000–2001	975
2001–2002	1,160

These figures have been calculated by comparing estimated cash revenue streams under the Government's 5 per cent. tobacco escalator with an estimate of what revenue streams would have been under the previous government's 3 per cent. escalator.

Cigarettes Market

Mr. Whittingdale: To ask the Chancellor of the Exchequer what is the latest estimate of the proportion of the market in cigarettes taken by *(a)* legal personal imports and *(b)* illegal imports. [76566]

Dawn Primarolo: HM Customs and Excise estimate the proportion of the UK tobacco market taken by legitimate cross-border shopping (excluding duty free

purchases) to be about ½ per cent. in 1997. This is based on Customs' analysis of data from the International Passenger Survey conducted by the Office for National Statistics, for which the latest year available is 1997. Separate estimates for cross-border shopping of individual tobacco products are not published.

HM Customs and Excise also estimate the proportion of the UK cigarette market taken by cross-Channel smuggling and smuggling by air passengers to be about 3 per cent. This is based on Customs' own surveys of international passengers carried out in 1998.

Additionally, HM Customs and Excise are working, with representatives of the tobacco industry, to establish robust ways of measuring the overall scale of tobacco duty evasion. Work is still in progress on this, but Customs' latest assessment, based on the results to date, leads us to believe that the proportion of the UK cigarette market taken by all forms of smuggling, including smuggling in freight consignments, was perhaps approaching 10 per cent. in 1998.

Smuggling

Mr. Cox: To ask the Chancellor of the Exchequer what is his estimate of the loss of duty to the Inland Revenue as a result of *(a)* spirit, *(b)* beer and *(c)* tobacco purchases in France by United Kingdom residents during the last 12 months. [76055]

Dawn Primarolo: The collection of excise duty is the responsibility of HM Customs and Excise. Customs do not publish specific estimates for purchases made in France only. Customs' most recent estimates of the revenue lost (excise duty and VAT) through cross-border shopping and cross-Channel smuggling from other EU member states, for 1997 and 1998 respectively, are given in the table.

Table 1: Revenue lost through cross-border shopping and cross-Channel smuggling

£ million

	Cross-border shopping 1997			*Cross-Channel smuggling 1998*		
Product type	*Duty*	*VAT*	*Total*	*Duty*	*VAT*	*Total*
Beer	35	20	50	90	50	140
Wine	95	45	140	35	15	50
Spirits	40	15	50	20	5	30
Hand-rolling tobacco	—	—	—	575	150	730
Cigarettes & Other tobacco products	50	10	60	220	50	270
Total	215	85	305	945	275	1,220

Separate estimates for cross-border shopping of individual tobacco products are not published. The total for all tobacco products is shown under 'cigarettes and other tobacco products'.

Notes:

1. Estimates of legitimate cross-border shopping are based on data from the International Passenger Survey conducted by the Office for National Statistics, for which the latest year available is 1997.
2. Estimates of cross-Channel smuggling are based on Customs own survey of returning sea and Tunnel passengers, most recently carried out in June 1998.
3. Figures have been independently rounded to £5 million. Components may not therefore sum to the totals shown.
4. Figures use Customs' assumptions that 70–80 per cent. of alcohol purchased abroad substitutes for similar purchases in the UK.

The estimates exclude any amounts for revenue lost on alcoholic drinks and tobacco products smuggled in freight consignments. Customs have not published any estimates for the extent of these activities for alcoholic drinks. Customs' assessment of the scale of all forms of tobacco smuggling, based on work still in progress to measure such smuggling, is given in reply to a written parliamentary question from my hon. Friend the Member for Preslie Pembroke (Jackie Lawrence) today.

Further details of the cross-border shopping and cross-Channel smuggling estimates are given in a technical report placed in the House of Commons library on 19 November 1998.

AGRICULTURE, FISHERIES AND FOOD

Animals (Exports)

Mr. Baker: To ask the Minister of Agriculture, Fisheries and Food what was the result of discussions between his Department and the Home Office concerning possible criteria for further controls on the export of animals for use in experiments, which would enable his Department to take into account the treatment of animals in the country of destination before the issuing of official non-statutory health certification. [84186]

Mr. Rooker: Officials from both Departments have met to discuss this matter and will be meeting again this month. I am not yet in a position to report on how we plan to proceed since further discussion and consideration is needed.

Organophosphates

Mr. Tyler: To ask the Minister of Agriculture, Fisheries and Food what action has been taken to implement the recommendation of the Carden Committee on Organophosphates, that a database of case histories of adverse reactions to organophosphates should be established. [84177]

Mr. Rooker *[holding answer 14 May 1999]:* Officials are actively pursuing this issue as recommended by the Official Group on OPs. We await a fully worked up research proposal to enable a funding decision to be made.

Cattle (Berne Convention)

Mr. Drew: To ask the Minister of Agriculture, Fisheries and Food if he will bring forward proposals on measures to protect cattle through the Berne Convention. [84422]

Mr. Rooker: The Government have no plans to seek the inclusion of cattle in the Berne Convention. The aims of the Convention are to conserve wild flora and fauna and their natural habitats with particular emphasis given to endangered and vulnerable species.

Written Answers to Questions

Wednesday 19 May 1999

DEFENCE

Eurofighter

Mr. Hancock: To ask the Secretary of State for Defence what reports he has received from the manufacturers of Eurofighter concerning production delays; and if he will make a statement. [82524]

Mr. George Robertson: This is a matter for the Chief Executive of the Defence Procurement Agency. I have asked the Chief Executive to write to the hon. Member.

Letter from Robert Walmsley to Mr. Mike Hancock, dated 19 May 1999:

I am replying to your question to the Secretary of State for Defence about reports he has received from Eurofighter manufacturers concerning production delays. The matter falls within my area of responsibility as Chief Executive of the Defence Procurement Agency.

Contracts for the production of the first tranche of 148 Eurofighter aircraft, including 55 for the Royal Air Force, were signed in September 1998. Since then industry has not submitted any reports concerning delays to the contracted production schedule. Prior to contract signature, however, industry advised that to maintain the delivery schedule it would be necessary to introduce lower functionality in early aircraft, with a series of increments leading to the full standard. Nations identified functionality standards that would satisfy the initial training requirement, and these were reflected in the contract. The availability of such aircraft will allow conversion training of pilots to go ahead as planned. All aircraft will be upgraded to the final standard within the agreed prices.

Ministerial Meetings (US)

Mr. Matthew Taylor: To ask the Secretary of State for Defence how many meetings he held with members and officials of the US Administration during his visit to the United States of America on 16 to 18 April; with whom he held the meetings and at what locations. [84314]

Mr. George Robertson: During my visit to the US from 16 to 18 April 1999 my only formal meeting was with Mr. William Cohen, the US Secretary for Defence. This meeting took place in the Marriott Hotel, Portland, Maine, on the morning of Saturday 17 April.

Scalp EG Missile

Mr. Hancock: To ask the Secretary of State for Defence what percentage of the Scalp EG missile is being built in the UK; and what agreements have been made on the United Kingdom's share of the work. [84516]

Mr. Spellar: This is a matter for the Chief Executive of the Defence Procurement Agency. I have asked the Chief Executive to write to the hon. Member.

Letter from Robert Walmsley to Mr. Mike Hancock, dated 19 May 1999:

I am replying to your question to the Secretary of State for Defence which asked what percentage of the Scalp EG missile is being built in the UK; and what agreements have been made on the United Kingdom's share of the work. This matter falls within my area of responsibility as Chief Executive of the Defence Procurement Agency.

Scalp EG is being procured by the French government for its own armed forces; it is essentially the same weapon as Storm Shadow, which we are procuring for the UK's forces, although there are certain unique requirements specific to each country. National procurements are being pursued under separate contracts: the UK's contract for Storm Shadow was placed with Matra BAe Dynamics UK Ltd in February 1997 and the French government's contract for Scalp EG was placed with Matra BAe Dynamics France S.A. in December 1997. The two parts of Matra BAe Dynamics act as separate prime contractors and hold the individual Storm Shadow and Scalp EG contracts for their respective national governments.

Although a Memorandum of Understanding exists between the UK and France covering co-operation in and co-ordination on technical matters of these missile programmes, this does not allow UK access to details of the French Industries' commercial arrangements and commitments. I am therefore unable to provide the information you seek.

I am sorry I cannot be more helpful.

Defence Clothing and Textiles Agency

Mr. Bob Russell: To ask the Secretary of State for Defence how many personnel are based at the Defence Clothing and Textiles Agency in Colchester; and how many staff have agreed to be transferred to Caversfield. [84648]

Mr. Doug Henderson: There are 148 personnel currently based at the Defence Clothing and Textiles Agency's site at Colchester. A staff preference exercise is currently being conducted which, when completed, will indicate the number of staff who wish to transfer to Caversfield.

Operation Allied Force

Mr. Llew Smith: To ask the Secretary of State for Defence what representations he has received concerning the use of depleted uranium weapons in operation Allied Force against Yugoslavia. [84624]

Mr. George Robertson: I have received a number of representations concerning the use of depleted uranium munitions in operation Allied Force from Members of Parliament, including from my hon. Friend himself, and from some members of the public.

Chinook Helicopters

Mr. Key: To ask the Secretary of State for Defence if cockpit voice recorders will be fitted to the first six RAF Chinook helicopters by 30 June as set out in his answer of 16 November 1998, *Official Report*, columns *325–26*. [84703]

Mr. Spellar *[holding answer 18 May 1999]:* This is a matter for the Chief Executive of the Defence Procurement Agency. I have asked the Chief Executive to write to the hon. Member.

Letter from Robert Walmsley to Mr. Robert Key, dated 19 May 1999:

I am replying to your question to the Secretary of State for Defence about the fitting of cockpit voice recorders to RAF Chinook helicopters. The matter falls within my area of responsibility as Chief executive of the Defence Procurement Agency.

Unfortunately, continuing technical difficulties associated with the development of the Health and Usage Monitoring System (HUMS), of which the cockpit voice recorders form an integral part, and with the integration of this equipment onto the Chinook Mk2/2a helicopters, have resulted in further slippage to the programme of which you were advised previously The difficulties have been addressed jointly by Smiths Industries, the prime contractor, and the Defence Procurement Agency. The project has passed key major milestones this year, including Design Acceptance and ground testing, and flight trials will commence shortly. We now plan on having the first six helicopters fitted by late November this year. The plan to fit the remainder of the Chinook fleet by the end of 2000, remains as previously advised.

Army Units (Germany)

Mr. Drew: To ask the Secretary of State for Defence what plans he has for the withdrawal of British army units from Germany. [84972]

Mr. George Robertson: I stressed in the Strategic Defence Review that the forward basing of ground forces in Germany would remain a key aspect of British defence policy. 1(UK) Armoured Division, with its three brigades, will continue to be stationed in Germany, together with United Kingdom Support Command (Germany) and the Headquarters of the Allied Command Europe Rapid Reaction Corps (ARRC) with its signals brigades. But the withdrawal of some units to the United Kingdom will mean that we have a reduced requirement for barracks accommodation and can plan to return to the German authorities at least one Army barracks. The Army has now concluded its studies of its barracks requirement, and I am in a position to give a clearer indication of the likely impact, and timescale, of these moves, which are, to an extent, dependent on the timescale within which refurbished accommodation becomes available in the United Kingdom.

The process of withdrawal will be phased and we do not expect the full withdrawal of the about 2,500 British troops that I announced to be completed until 2005 at the earliest. However, barracks are now available in the UK to accommodate 1st Royal Tank Regiment, currently located at Paderborn.

The plan is therefore to withdraw this unit by August of this year. To make best use of the barracks vacated in Germany, and to meet our operational requirements more effectively, we intend to move 35 Engineer Regiment, currently based in Hameln, to Paderborn. Internal moves within Hameln will be initiated, which will enable the eventual handback of Bindon Barracks to the Federal authorities by 2002.

Our plans for the later phases of the withdrawal are much less certain at the moment and many details have yet to be worked out. Our current assumptions are that there will be two further phases, the first involving the surrender of a barracks in Osnabruck following the withdrawal of an armoured regiment from there. We do not expect this second phase to commence before the year 2001, or to be complete until some time after that.

The third and final phase will involve the withdrawal of an armoured regiment from 7th Armoured Brigade which is based in Hohne. In this case, it is expected that there will be a regrouping of units of the 7th Armoured Brigade with the result that the requirement for Trenchard Barracks, Celle, will cease, although some married quarters are likely to be retained. This last phase is unlikely to take place before the year 2005.

Finally, I should say that these withdrawal plans are predicated on our current level of operational commitments in the Balkans, and that a change in the situation there may affect our basing plans.

Media Relations

Mr. Baker: To ask the Secretary of State for Defence how many *(a)* civil servants and *(b)* special advisers involved in media relations were employed within his Department at 1 May (i) 1997, (ii) 1998 and (iii) 1999. [84192]

Mr. George Robertson *[holding answer 18 May 1999]:* Detailed information on the numbers of permanent civil servants employed in Departmental Press Offices during the financial years 1997–98 and 1998–99 was provided in a memorandum dated 16 June 1998 to the Select Committee on Public Administration and published in its report on The Government Information and Communication Service (HC770) in July 1998. A copy is in the Library of the House. The number of civil servants, excluding administrative support staff, permanently employed in the MOD Press Office on media relations work on 1 May 1999 was 10. In addition three military officers were assigned to the MOD Press Office.

The two Special Advisers in this Department have ad hoc contact with the media but neither is specifically employed in media relations.

ATTORNEY-GENERAL

Crown Prosecution Service

Mrs. Curtis-Thomas: To ask the Attorney-General what measures he is taking to improve the *(a)* speed and *(b)* effectiveness of the Crown Prosecution Service. [84324]

The Attorney-General: The Crown Prosecution Service has been piloting a number of initiatives to reduce delay as part of the inter-agency Reducing Delays Initiative. The pilots were completed at the end of March of 1999 and are now being evaluated. The evaluation report is expected in July 1999 and Ministers will then take final decisions on national implementation of the initiatives. The CPS is also continuing to make good progress in implementing the Glidewell Report, which made a number of recommendations aimed at improving the effectiveness of the Service. From April 1999, the CPS has been reorganised into 42 geographical Areas, each headed by a new Chief Crown Prosecutor. This re-organisation, announced when the Government first took office, represents a significant step towards improving the effectiveness of the CPS.

CULTURE, MEDIA AND SPORT

EU Culture Ministers Meeting

Mr. Maclean: To ask the Secretary of State for Culture, Media and Sport if he will list the issues which he (i) plans to raise and (ii) expects other states to raise at the Culture Ministers meeting on 18 and 19 May. [84677]

Mr. Alan Howarth *[holding answer 18 May 1999]:* I will be attending the informal meeting of EU Ministers responsible for cultural and audiovisual issues, taking place in Weimar on 18 and 19 May.

The main issues which will be raised at that meeting are the Culture 2000 programme, culture and employment, European identity and history, self-regulation of the media at the European level, and the results of the consultations on the European Commission green paper on convergence.

TRADE AND INDUSTRY

National Minimum Wage

Mr. Redwood: To ask the Secretary of State for Trade and Industry what assessment he has made of the need for amendments to the *(a)* national minimum wage and *(b)* working time legislation on the basis of experience since their implementation. [84342]

Mr. Byers: The national minimum wage has been in operation for almost seven weeks and so it is too early to make a considered assessment of whether any major amendments might be required in the light of experience. However, the Government propose to make an amendment to the National Minimum Wage Act 1998 to exempt members of Intentional Communities (religious and spiritual residential organisations) following the Low Pay Commission's report. The amendment will be introduced through the Employment Relations Bill which is currently before Parliament. Adjustments to implementation procedures may also be made as necessary.

With regard to the Working Time Directive, we will issue guidance that will address the questions that have been most frequently asked since the regulations came into force.

Electronic Commerce

Mr. Redwood: To ask the Secretary of State for Trade and Industry when he plans to publish a draft bill on electronic commerce. [84341]

Mr. Byers: As Her Majesty announced in Her Gracious Speech on the opening of Parliament, the Government intend to introduce legislation on electronic commerce during the current session.

Milk Market

Mr. Tyler: To ask the Secretary of State for Trade and Industry when he expects to publish the report of the Monopolies and Mergers Commission into the milk market; and if he will make a statement. [84122]

Dr. Howells *[holding answer 14 May 1999]:* I refer the hon. Member to the answer given by my right hon. Friend the Secretary of State for Trade and Industry on 6 May 1999, *Official Report*, columns *1069–70*, to the hon. Member for Somerton and Frome (Mr. Heath).

Electricity Meters

Mr. Forth: To ask the Secretary of State for Trade and Industry how many households in the UK use coin-operated meters for electricity. [84661]

Mr. Battle: The latest Office of Electricity Regulation statistics (for the last quarter of 1998) show that there were 661 coin meters in use in Scotland, England and Wales. I have asked my right hon. Friend the Secretary of State for Northern Ireland to provide the right hon. Member with the relevant figures for Northern Ireland, and to place a copy of her response in the Library of the House.

EU Research Council

Mr. Maclean: To ask the Secretary of State for Trade and Industry if he will list the agenda for the EU Research Council on 20 May. [84676]

Mr. Byers *[holding answer 18 May 1999]:* The agenda for the formal session of EU Research Council on 20 May consists of:

1. Approval of the adoption of decisions concerning the association of applicant countries (CCEE and Cyprus) with the Fifth Framework Programme for European Research and Technological Development.
2. Consideration of a draft Council Resolution on "Women and Science: Mobilising women to enrich European research".
3. Any Other Business:
   (a) the Commission will provide information on the competitiveness of European enterprises in the face of globalisation, with regard to action to be taken on its Communication.
   (b) the Presidency will provide information on scientific and technical co-operation with the Mediterranean partner countries.
   (c) the Commission will provide information on decommissioning of the Joint Research Centre's obsolete nuclear facilities.

There will also be an informal afternoon session at which the Presidency aims to stimulate a wide-ranging debate on the future of European research. Ministers will be joined by seven representatives of industry and academia who will speak briefly on key issues in European research.

FOREIGN AND COMMONWEALTH AFFAIRS

Public Records (EEC Entry Negotiations)

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs what is the restricted marking classification of his Department's internal history of the negotiations on United Kingdom entry to the European Economic Community. [83398]

Ms Quin: The text referred to is the "Report on the Negotiations for entry into the European Economic Community" written in 1972 by Sir Con O'Neill. The text

was classified as Confidential. This report is expected to be published later this year, ahead of its scheduled release in 2003 under the 30 year rule.

EU Defence Policy Document

Mr. Mitchell: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will place in the Library a copy of the document presented to the General Affairs Council of the European Union by the Presidency concerning a future European Defence Policy and capability, in co-operation with NATO; what discussion there has been in Council of the proposals; and what consultation Her Majesty's Government propose to hold. [84315]

Ms Quin: The German Presidency are in the course of preparing a report on European defence, which will be submitted to European Union Heads of Government at the Cologne European Council, after discussion at the General Affairs Council. A copy of the final version will be placed in the Library once it is available.

EU Russia Co-operation Council

Mr. Maclean: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will publish the agenda for the meeting of Co-operation Council with Russia on 18 May. [84699]

Ms Quin *[holding answer 18 May 1999]:* The provisional agenda for the EU/Russia Co-operation Council on 17 May was as follows:

1. Opening statements
2. Adoption of the agenda
3. Approval of the minutes of the first Co-operation Council
4. Common EU Strategy towards Russia
5. Russian Strategy of development of relations with EU
6. Common foreign and security policy according to Amsterdam Treaty; prospects of further development of EU/Russia political dialogue
7. Developing EU/Russia relations in the framework of the Partnership and Co-operation Agreement
8. International issues of mutual concern
9. Refocussing TACIS programme and member states' bilateral assistance programmes
10. Other business
11. Closing statements.

European Economic Area Council

Mr. Maclean: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will publish the agenda for the EEA Council of 18 May. [84697]

Ms Quin *[holding answer 18 May 1999]:* The agenda for the 11th EEA Council on 18 May was as follows:

1. Adoption of the agenda
2. Approval of the minutes of the 8th and 9th and 10th meetings of the EEA Council
3. Progress Report by the EEA Joint Committee
4. Resolutions adopted by the EEA Joint Parliamentary Committee at its meeting on 16 March 1999
5. Assessment of the overall functioning of the EEA Agreement
6. Resolutions adopted by the EEA Consultative Committee at its meeting on 11 March 1999
7. Enlargement of the European Union and the EEA
8. Review of developments of European integration and regional issues
9. EEA Financial Mechanism
10. Adoption of the conclusions of the EEA Council
11. Other business.

Kurdish Self-determination

Mr. Edwards: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the Government's policy in relation to Kurdish self-determination. [84428]

Ms Quin: We fully respect the territorial integrity of all the regional states with sizeable kurdish populations (ie Turkey, Iraq, Iran and Syria).

With relation to Turkey, we have repeatedly urged the Turkish Government to address the social and economic problems of south-east Turkey, in order to bring an end to conflict in the region. We believe that, by addressing the aspirations of the local population, including the Kurdish population, the Turkish authorities can bring about a peaceful resolution of the conflict.

In Iraq, we are committed to supporting peace and stability in northern Iraq, and are one of the co-sponsors of the Kurdish reconciliation process there. We wish to see autonomy (not independence) for the Iraqi Kurds. The Kurds have made clear that this is what they want.

ENVIRONMENT, TRANSPORT AND THE REGIONS

Genetically Modified Foods

Mr. Burgon: To ask the Secretary of State for the Environment, Transport and the Regions if he has responded to the Local Government Association statement on genetically modified foods. [75496]

Mr. Meacher: Yes, I have responded to the Local Government Association statement on genetically modified foods and a copy has been placed in the Library.

Mr. Stinchcombe: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the organisations represented on the Scientific Steering Group for the field-scale evaluations of the ecological effects of genetically modified crops. [83259]

Mr. Meacher: The precise membership of the scientific steering committee has not yet been finalised. However, it will be made up of independent scientific experts with experience in a range of appropriate disciplines, including invertebrate and plant ecology, statistical analysis, pesticide use, agronomy, conservation and an expert from English Nature. The membership of the steering committee should be confirmed shortly and it is hoped that it will hold its first meeting in early June.

Regional Development Agencies

Mr. Ottaway: To ask the Secretary of State for the Environment, Transport and the Regions how many regional development agencies have changed their name in the past five years. [84493]

Mr. Meale: Six of the Regional Development Agencies have changed their names. The names of each of the Regional Development Agencies are provided in the table.

Region	*Name of the Regional Development Agency*
North East	One North East
North West	North West Development Agency
Yorkshire and Humber	Yorkshire Forward
West Midlands	Advantage West Midlands
East Midlands	East Midlands Development Agency
East of England	East of England Development Agency
South East	South East England Development Agency
South West	South West of England Regional Development Agency

Lorna Fitzsimons: To ask the Secretary of State for the Environment, Transport and the Regions when he proposes to designate regional chambers for the purposes of regional development agencies; and if he will make a statement. [84973]

Mr. Prescott: I am pleased to announce that we have today issued:

a direction to the East Midlands Development Agency designating the East Midlands Regional Assembly as its regional chamber;

a direction to the North West Development Agency designating the North West Regional Assembly as its regional chamber and;

a direction to Advantage West Midlands designating the West Midlands Regional Chamber as its regional chamber.

Section 8 of the Regional Development Agencies Act 1998 provides that, if the Secretary of State is of the opinion that there is a body which is representative of those in the RDA's area with an interest in its work, and that body is suitable to be given the role of regional chamber for the RDA, he may designate it.

RDAs must take full account of regional interests. Regional chambers will provide a mechanism through which RDAs can take account of regional views and account for their activities. Ministers expect that each RDA will have regard to the chamber's view in preparing it strategy, consult the chamber on its corporate plan and give an account of its performance to the chamber.

I am currently considering applications for designation from bodies in other regions.

Mr. Ottaway: To ask the Secretary of State for the Environment, Transport and the Regions what is the total cost, including consultancy fees, for changing its name to each regional development agency which has done so in the past five years. [84492]

Mr. Meale: Section 26 of the Regional Development Agencies Act 1998 provides for a change of name of the agency from that specified under Section 1 of the Act. The change of name is a matter for the Boards. I understand that, where consultants were involved, it was part of their wider consideration of corporate image and communications strategy for the Regional Development Agency and the cost associated with the name change were not separately identified.

Stop Fuming Campaign

Mr. Gordon Prentice: To ask the Secretary of State for the Environment, Transport and the Regions how much his Department has spent on the Stop Fuming campaign; and if he will make a statement. [84405]

Ms Glenda Jackson: The Stop Fuming campaign run by the Society of Motor Manufacturers and Traders encourages car owners to undertake regular exhaust emission checks. Last year, the campaign linked with the messages being disseminated through my Department's "are you doing your bit?" campaign. My Department produced a leaflet at a cost of £366 to ensure that our messages were jointly reinforced. The SMMT distributed that through their members. We understand the SMMT are planning further campaign activity this autumn.

Transport (Wheelchair Access)

Rev. Martin Smyth: To ask the Secretary of State for the Environment, Transport and the Regions if he will introduce legislation to prevent the surcharging of wheelchair-using passengers on the cost of loading and unloading wheelchairs onto aircraft. [84407]

Ms Glenda Jackson: We have no current plans to introduce legislation, but if the hon. Member wishes to write to me about particular instances of surcharging, I will be glad to consider them.

Rev. Martin Smyth: To ask the Secretary of State for the Environment, Transport and the Regions what provision has been made for access for wheelchair users to *(a)* the London Underground and *(b)* the Jubilee Line; and if he will make a statement. [84406]

Ms Glenda Jackson: The existing London Underground network has approximately 40 stations with step free access.

The Government are very keen to improve access to the transport system in London. However, full accessibility cannot happen overnight, especially on London Underground where most of the stations are old and not designed with access for mobility impaired people in mind.

London Transport is developing a scheme to improve access to a core network of 68 Underground stations. This will be taken forward under the Public Private Partnership for the Underground.

The Jubilee line extension will be fully accessible and will enable wheelchair users to travel from mainline stations to Waterloo, Stratford and London Bridge stations to the Millennium Exhibition at North Greenwich.

Freight Facilities Grant

Dr. Whitehead: To ask the Secretary of State for the Environment, Transport and the Regions how many grants have been *(a)* applied for and *(b)* awarded for coastal shipping routes under the terms of the expansion of the freight facilities grant. [84322]

Ms Glenda Jackson: None. Extension of the current Freight Facilities Grant scheme will require primary legislation, for which Parliamentary time has not yet been available.

Alternative Fuels

Mr. Jim Cunningham: To ask the Secretary of State for the Environment, Transport and the Regions what efforts the Government are making to advise the British transportation industry on *(a)* the availability and *(b)* the applicability of alternative fuels [83985]

Ms Glenda Jackson *[holding answer 17 May 1999]:* The Government are keen to provide more information and advice on the environmental merits of different fuel and vehicle technologies, to enable fleet operators and private motorists to select cleaner, more fuel-efficient vehicles. Detailed advice on the availability and applicability of alternative fuels is already provided by the Energy Savings Trust's Powershift programme, which is funded by my Department. The Cleaner Vehicles Task Force intends to provide further information later this year about the merits of alternative fuel and vehicle technologies which are likely to emerge over the next decade. Several trade and commercial organisations also provided information on the availability of different alternative fuels.

Mr. Jim Cunningham: To ask the Secretary of State for the Environment, Transport and the Regions what requirements his Department *(a)* has set down and *(b)* proposes to set down for local authorities for the purchasing of motor vehicles in respect of the use of alternative fuels. [83986]

Ms Glenda Jackson *[holding answer 17 May 1999]:* My Department is actively considering setting targets for the proportion of low emission vehicles that local authorities should try to achieve in their fleets.

Local authorities are not currently required to purchase alternatively fuelled vehicles. They are, however, obliged to review and assess air quality in their areas. Where they conclude that the objectives set out in the National Air Quality Strategy will not be achieved, they must designate air quality management areas and put in place action plans to improve air quality. One measure that local authorities could include in such action plans is to reduce emissions from their own fleets through the use of alternative fuels or cleaner conventionally fuelled vehicles.

Ear Protectors

Mr. Gordon Prentice: To ask the Secretary of State for the Environment, Transport and the Regions if he will make it a duty on employers to ensure that ear protectors are worn by persons operating pneumatic drills; and if he will make a statement. [84627]

Mr. Meale: Persons who operate pneumatic drills are already covered by the provision of the Noise at Work Regulations 1989 which require employers to reduce the risk of damage to hearing from exposure to noise and to take specific actions, including providing suitable ear protectors to employees at specified levels of daily personal noise exposure.

Channel Tunnel Rail Link

Mr. Baker: To ask the Secretary of State for the Environment, Transport and the Regions what estimate he has made of the construction cost of *(a)* phase one and *(b)* phase two of the Channel Tunnel Rail Link. [84512]

Ms Glenda Jackson: The estimated construction cost of the Channel Tunnel Rail Link (in January 1997 prices) is £1.67 billion for phase one and £2.5 billion for phase two.

Mr. Baker: To ask the Secretary of State for the Environment, Transport and the Regions how the level of Government guarantee funding for *(a)* phase one and *(b)* phase two of the Channel Tunnel Rail Link was determined; and if he will make a statement. [84513]

Ms Glenda Jackson: The Government's participation in the Channel Tunnel Rail Link was assessed using a model of London and Continental Railway's future finances. £3.75 billion of Government backed debt was guaranteed with first element (£2.65 billion) raised in February this year to ensure funding is available for both the financing and construction of Section 1 and to cover forecast losses on Eurostar. The remaining £1.10 billion will help fund section 2.

A130

Mr. Baker: To ask the Secretary of State for the Environment, Transport and the Regions what alternative options were appraised using the New Approach to Appraisal before the decision to authorise the A130 PFI road in Essex; and if he will place in the Library copies of the appraisal summary tables for the scheme and the other options which were appraised. [84427]

Ms Glenda Jackson: Essex County Council's A130 Bypass PFI project was appraised using the New Approach to Appraisal (NATA). NATA requires the problems with the existing road to be stated together with the options which have been considered for addressing them. Essex County Council did consider smaller scale local schemes but concluded they would not provide the regeneration, environmental and safety benefits that the new A130 Bypass will provide. All options were considered at the 1992 Public Inquiry which found in favour of the A130 Bypass route. Given these circumstances, an appraisal summary table was produced only for the A130 Bypass, a copy of which has been placed in the Library.

Railway Stations

Mr. Baker: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the railway stations expected to open in 1999. [84423]

Ms Glenda Jackson: Railtrack tell me that the following railway stations are expected to open in 1999:

West Ham
Braintree Freeport
Beauly
Dunfermline Queen Margarets
West Brompton
Luton Parkway
Horwich Parkway.

Assaults (Railways)

Mr. Baker: To ask the Secretary of State for the Environment, Transport and the Regions how many attacks on individuals occurred (i) on trains and (ii) at

stations during *(a)* the last year for which figures are available, *(b)* 1990 and *(c)* 1995 broken down by train operating company responsibility. [84424]

Ms Glenda Jackson: The number of attacks on individuals for the years 1990–91, 1995–96 and 1998–99 are provided in the first table. These figures include crimes of violence against a person, sexual assaults and robberies. The British Transport Police do not hold these data broken down by train operating company or whether the crimes were on or off-train, but a previous search carried out in 1997–98 does show the percentages of on/off-train crime and these are shown in the second table.

Year	National Rail	London Underground	Totals
1990–91	2,852	1,646	4,498
1995–96	3,336	1,269	4,605
1998–99	3,141	1,164	4,305

Percentage

Year	On-train	Off-train
1997–98		
National Rail	37.8	62.2
London Underground	50.6	49.4
Total	41.6	58.4

Train Operating Companies

Mr. Baker: To ask the Secretary of State for the Environment, Transport and the Regions if he will make it his policy not to agree to franchise extensions for train operating companies where such proposals involve the closure of *(a)* stations and *(b)* lines. [84425]

Ms Glenda Jackson: At the Rail Summit on 25 February 1999, we made it clear that renegotiations must deliver substantial passenger benefits and value for the taxpayer; and we set out a number of criteria that will have to be satisfied. The closure of stations and lines does not figure in these criteria and is subject to an extensive statutory procedure under the Railways Act 1993.

Rough Sleepers

Ms Moran: To ask the Secretary of State for the Environment, Transport and the Regions how many people are sleeping rough in England. [85035]

Ms Armstrong: We estimate that, as at June 1998, there were 1,850 people sleeping rough in England on any single night, including 621 in Greater London.

These figures are the first detailed estimate of rough sleeping in England. They have been calculated on a basis agreed with the voluntary sector, using local authority data from local street counts and estimates provided by local authorities. Full details are given in the table, which includes the results of street counts in every area which has made such a count and (where no count has been made) all estimates above the lowest estimate band of 0–10. Numbers are shown in descending size order, by count and then estimate.

The most robust information available is provided by local single night street counts. In 1996 DETR issued guidance to all local authorities on how to undertake street counts, based on a standard methodology developed in conjunction with Shelter and other voluntary groups. As well as encouraging all authorities to consider the need for counts, the Department has actively pursued this approach in all areas where information suggests there may be a significant number of rough sleepers (ie at least 10 on any single night). As a result of DETR and voluntary sector efforts, counts have been undertaken in 93 local authorities across England since 1996; another 4 authorities undertook counts in 1995 before the guidance was issued. Further information on rough sleeping in other areas is available from the estimates of the number of people sleeping rough on a single night supplied by local authorities annually since 1996 as part of my Department's Housing Investment Programme (HIP); the most recent figures available relate to June 1998.

The methodology for producing a national estimate of numbers sleeping rough involves aggregating figures for individual local authority districts to generate a total for England. Wherever street counts have been conducted these data are used, and they are supplemented by figures derived from local authority HIP estimates in all other areas. As HIP estimates are provided within bands rather than as single figures (eg 0 to 10, 11 to 20 etc), these are converted into a single figure by assuming that the lowest point within the band is the most representative figure; this assumption is justified by clear DETR experience that local authorities almost invariably overestimate the scale of rough sleeping in their district until they undertake a street count,

The national estimate of 1,850 thus arrived at provides the best possible indication currently available of the scale of rough sleeping. However, the accuracy of the estimate is reliant on the quality of the information reported to DETR by individual local authorities. The Department will continue to seek to improve the quality of information on rough sleeping by encouraging all local authorities to estimate the numbers of rough sleepers in their area; by investigating any claims by local agencies that they have evidence of a local problem that does not show up in the HIP estimates; and by encouraging areas where there is a known rough sleeping problem to undertake street counts at appropriate intervals as shown, depending on the size of the counted local rough sleeping population:

(a) Areas with substantial numbers of rough sleepers (20 or more)—At least two street counts a year;

(b) Areas with significant numbers (between 10 and 19)—At least one street count a year;

(c) Areas with low numbers (under 10) or no rough sleepers—Local authorities to report estimates through the HIP returns, and DETR to ensure that street counts are undertaken in some areas to spot check the validity of estimates, especially in areas which had previously recorded a significant problem.

This approach should provide the basis for discerning trends in the numbers of rough sleepers over time, and thus for measuring the success of action to tackle the problem of rough sleeping. However, DETR will, in conjunction with the voluntary sector, continue to

encourage the 32 local authorities who have estimated a significant local rough sleeping population but not yet undertaken a street count to undertake a count to generate more robust information on the scale of the local problem and to improve the quality of the national estimate. DETR will also encourage the 69 local authorities who have neither carried out a count nor provided a HIP estimate to produce better information on the numbers of people sleeping rough in their area.

We will in future publish estimates of the total number of people sleeping rough in England twice a year, showing the position each June and December. To help put this information in context, we will also monitor the number of new rough sleepers coming onto the streets over time, and record the achievements of Government-funded activity in terms of work by voluntary sector agencies to prevent rough sleeping and help people to move off the streets.

Estimate of the number of people sleeping rough in England in descending order of size—June 1998

				Street count		*June 1998 estimate*	
Local authority district	*County*	*Region*	*1998 HIP estimate*	*Date*	*Number*	*Source*	*Number*
Street Counts							
Westminster	Inner London	L	51+	June 1998	237	Count	237
Camden	Inner London	L	51+	June 1998	59	Count	59
Birmingham	West Midlands	WM	51+	November 1997	56	Count	56
Brighton and Hove	East Sussex	SE	51+	June 1996	44	Count	44
Bournemouth	Dorset	SW	41–50	August 1997	44	Count	44
Bristol	Avon	SW	41–50	June 1998	42	Count	42
City of London	Inner London	L	41–50	June 1998	41	Count	41
Oxford	Oxfordshire	SE	41–50	July 1996	39	Count	39
Tower Hamlets	Inner London	L	51+	June 1998	31	Count	31
Manchester	Greater Manchester	NW	51+	July 1996	31	Count	31
Cambridge	Cambridgeshire	E	31–40	July 1997	30	Count	30
Brent	Outer London	L	21–30	October 1997	29	Count	29
Exeter	Devon	SW	41–50	July 1997	27	Count	27
Croydon	Outer London	L	21–30	October 1997	25	Count	25
Ealing	Outer London	L	41–50	July 1996	24	Count	24
Kensington and Chelsea	Inner London	L	21–30	April 1998	23	Count	23
Southampton	Hampshire	SE	21–30	June 1998	22	Count	22
Portsmouth	Hampshire	SE	11–20	October 1997	21	Count	21
Leicester	Leicestershire	EM	21–30	June 1996	20	Count	20
Lambeth	Inner London	L	11–20	April 1998	20	Count	20
Hounslow	Outer London	L	No estimate	April 1998	20	Count	20
Worcester	Hereford and Worcester	WM	11–20	1995	20	Count	20
Stoke-on-Trent	Staffordshire	WM	21–30	November 1997	20	Count	20
Norwich	Norfolk	E	21–30	October 1997	19	Count	19
Liverpool	Merseyside	NW	11–20	March 1998	17	Count	17
Penwith	Cornwall	SW	11–20	April 1998	17	Count	17
Swindon	Wiltshire	SW	11–20	December 1997	17	Count	17
Gloucester	Gloucestershire	SW	11–20	November 1997	16	Count	16
Blackpool	Lancashire	NW	11–20	July 1997	15	Count	15
Sheffield	South Yorkshire	YH	21–30	April 1997	15	Count	15
Nottingham	Nottinghamshire	EM	41–50	July 1996	14	Count	14
Northampton	Northamptonshire	EM	11–20	September 1997	13	Count	13
Great Yarmouth	Norfolk	E	11–20	November 1997	13	Count	13
Islington	Inner London	L	11–20	November 1997	13	Count	13
Reading	Berkshire	SE	11–20	November 1997	13	Count	13
Fareham	Hampshire	SE	11–20	February 1998	13	Count	13
Plymouth	Devon	SW	11–20	October 1997	13	Count	13
Richmond upon Thames	Outer London	L	31–40	July 1996	12	Count	12
Bury	Greater Manchester	NW	11–20	January 1998	12	Count	12
Slough	Berkshire	SE	11–20	December 1997	12	Count	12
Bath and North East Somerset	Avon	SW	11–20	July 1996	12	Count	12
York	North Yorkshire	YH	11–20	March 1998	12	Count	12
Hammersmith and Fulham	Inner London	L	21–30	April 1998	11	Count	11
Canterbury	Kent	SE	11–20	June 1996	11	Count	11
Restormel	Cornwall	SW	11–20	March 1998	10	Count	10
Mid Devon	Devon	SW	0–10	October 1997	9	Count	9
Haringey	Inner London	L	41–50	February 1998	8	Count	8
Guildford	Surrey	SE	11–20	November 1997	8	Count	8
Doncaster	South Yorkshire	YH	11–20	September 1998	8	Count	8
Leeds	West Yorkshire	YH	11–20	October 1997	8	Count	8
Wakefield	West Yorkshire	YH	0–10	February 1996	8	Count	8
Ipswich	Suffolk	E	0–10	December 1997	7	Count	7
Woking	Surrey	SE	11–20	October 1997	7	Count	7
East Hertfordshire	Hertfordshire	E	21–30	March 1998	6	Count	6
Hackney	Inner London	L	0–10	November 1997	6	Count	6
Waltham Forest	Outer London	L	21–30	December 1997	6	Count	6
Wyre	Lancashire	NW	0–10	September 1997	6	Count	6
Luton	Bedfordshire	E	0–10	December 1997	5	Count	5

Estimate of the number of people sleeping rough in England in descending order of size—June 1998

				Street count		June 1998 estimate	
Local authority district	*County*	*Region*	*1998 HIP estimate*	*Date*	*Number*	*Source*	*Number*
Basingstoke and Deane	Hampshire	SE	0–10	February 1998	5	Count	5
Worthing	West Sussex	SE	0–10	October 1997	5	Count	5
Poole	Dorset	SW	0–10	October 1997	4	Count	4
St. Albans	Hertfordshire	E	0–10	June 1998	3	Count	3
Oldham	Greater Manchester	NW	0–10	July 1995	3	Count	3
Windsor and Maidenhead	Berkshire	SE	0–10	November 1997	3	Count	3
Shepway	Kent	SE	0–10	July 1996	3	Count	3
Caradon	Cornwall	SW	0–10	April 1998	3	Count	3
Carrick	Cornwall	SW	0–10	April 1998	3	Count	3
Kerrier	Cornwall	SW	0–10	March 1998	3	Count	3
Weymouth and Portland	Dorset	SW	0–10	May 1997	3	Count	3
Warwick	Warwickshire	WM	0–10	September 1997	3	Count	3
Derby	Derbyshire	EM	0–10	October 1997	2	Count	2
Peterborough	Cambridgeshire	E	0–10	June 1997	2	Count	2
Barnet	Outer London	L	21–30	July 1996	2	Count	2
Newcastle upon Tyne	Tyne and Wear	NE	0–10	March 1998	2	Count	2
Wycombe	Buckinghamshire	SE	0–10	November 1997	2	Count	2
Bradford	West Yorkshire	YH	11–20	September 1997	2	Count	2
Mid Bedfordshire	Bedfordshire	E	0–10	December 1997	1	Count	1
Bromley	Outer London	L	0–10	October 1996	1	Count	1
South Tyneside	Tyne and Wear	NE	0–10	June 1998	1	Count	1
Tameside	Greater Manchester	NW	0–10	February 1998	1	Count	1
North Somerset	Avon	SW	11–20	December 1997	1	Count	1
Cheltenham	Gloucestershire	SW	0–10	December 1997	1	Count	1
Taunton Deane	Somerset	SW	0–10	May 1997	1	Count	1
Harrogate	North Yorkshire	YH	0–10	March 1998	1	Count	1
Colchester	Essex	E	0–10	December 1997	0	Count	0
Southend-on-Sea	Essex	E	0–10	1996	0	Count	0
Harrow	Outer London	L	0–10	November 1995	0	Count	0
Kingston upon Thames	Outer London	L	0–10	November 1997	0	Count	0
Sunderland	Tyne and Wear	NE	0–10	February 1998	0	Count	0
Burnley	Lancashire	NW	0–10	October 1997	0	Count	0
Reigate and Banstead	Surrey	SE	0–10	September 1995	0	Count	0
North Cornwall	Cornwall	SW	0–10	March 1998	0	Count	0
Redditch	Hereford and Worcester	WM	0–10	March 1998	0	Count	0
Newcastle-under-Lyme	Staffordshire	WM	0–10	November 1997	0	Count	0
Kingston upon Hull	Humberside	YH	0–10	November 1997	0	Count	0
Hambleton	North Yorkshire	YH	0–10	June 1997	0	Count	0
Barnsley	South Yorkshire	YH	0–10	May 1998	0	Count	0
Sub total from street counts							1,378
HIP estimates							
Southwark	Inner London	L	31–40	—	—	Estimate	31
Torbay	Devon	SW	31–40	—	—	Estimate	31
East Lindsey	Lincolnshire	EM	21–30	—	—	Estimate	21
Mansfield	Nottinghamshire	EM	21–30	—	—	Estimate	21
North Hertfordshire	Hertfordshire	E	21–30	—	—	Estimate	21
Chester	Cheshire	NW	21–30	—	—	Estimate	21
Lancaster	Lancashire	NW	21–30	—	—	Estimate	21
Sefton	Merseyside	NW	21–30	—	—	Estimate	21
Maidstone	Kent	SE	21–30	—	—	Estimate	21
Epsom and Ewell	Surrey	SE	21–30	—	—	Estimate	21
Bedford	Bedfordshire	E	11–20	—	—	Estimate	11
Castle Point	Essex	E	11–20	—	—	Estimate	11
Uttlesford	Essex	E	11–20	—	—	Estimate	11
Newham	Inner London	L	11–20	—	—	Estimate	11
Greenwich	Outer London	L	11–20	—	—	Estimate	11
Tynedale	Northumberland	NE	11–20	—	—	Estimate	11
Bolton	Greater Manchester	NW	11–20	—	—	Estimate	11
Wigan	Greater Manchester	NW	11–20	—	—	Estimate	11
St. Helens	Merseyside	NW	11–20	—	—	Estimate	11
Newbury	Berkshire	SE	11–20	—	—	Estimate	11
Aylesbury Vale	Buckinghamshire	SE	11–20	—	—	Estimate	11
Milton Keynes	Buckinghamshire	SE	11–20	—	—	Estimate	11
Eastbourne	East Sussex	SE	11–20	—	—	Estimate	11
Rother	East Sussex	SE	11–20	—	—	Estimate	11
Tonbridge and Malling	Kent	SE	11–20	—	—	Estimate	11
Elmbridge	Surrey	SE	11–20	—	—	Estimate	11
Runnymede	Surrey	SE	11–20	—	—	Estimate	11
Horsham	West Sussex	SE	11–20	—	—	Estimate	11

Estimate of the number of people sleeping rough in England in descending order of size—June 1998

				Street count		June 1998 estimate	
Local authority district	*County*	*Region*	*1998 HIP estimate*	*Date*	*Number*	*Source*	*Number*
West Dorset	Dorset	SW	11–20	—	—	Estimate	11
Sedgemoor	Somerset	SW	11–20	—	—	Estimate	11
Salisbury	Wiltshire	SW	11–20	—	—	Estimate	11
Rotherham	South Yorkshire	YH	11–20	—	—	Estimate	11
Subtotal from HIP estimates							472
England total							1,850

Note:
A zero estimate has been included for all other local authorities, including 156 which provided a HIP estimate of 0–10, and 69 which did not make a HIP estimate

Planning

Ms Corston: To ask the Secretary of State for the Environment, Transport and the Regions when he proposes to issue new guidance to local authorities on the training of councillors involved in planning decisions. [85053]

Mr. Caborn: In partnership with the Local Government Association, the Improvement and Development Agency and the Royal Town Planning Institute, I have today issued a leaflet to all councillors in England, giving guidance on the training which they should be undertaking in planning issues. Planning is a crucial local authority function involving the consideration and balancing of complex issues. It has a central and positive role to play in delivering services to local communities. However, it can also raise sensitive propriety issues. It is vital, therefore, that those carrying out this important task are properly equipped to do so.

The proposed syllabus identifies the key topics on which training should be given. We have also emphasised the importance of councillors being given a continuing programme of planning training to keep their knowledge up to date. The leaflet is being issued as part of my Modernising Planning Initiative to help improve the effectiveness of local authority planning services. It is also intended to help councils implement the recommendation of the Third Report of the Committee on Standards in Public Life (Cm 3702–1) that

"All members of an authority's planning committee (or equivalent) should receive training in the planning system ... ".

We have, however, gone further than this. All elected members will have contact with planning and we have therefore given guidance on the training needs of all councillors depending on their particular role.

Copies of the leaflet have been placed in the House Libraries.

INTERNATIONAL DEVELOPMENT

Iraq

Mr. Fitzpatrick: To ask the Secretary of State for International Development what is the Government's policy on supervision of aid to Iraq; and what steps the Government have taken at the United Nations to pursue its policy. [84411]

Clare Short: The UN oil-for-food programme is the largest source of humanitarian assistance for the Iraqi people. It was established in 1996 under UN Security Council Resolution 986, and is implemented largely by the Government of Iraq under the supervision of the UN Office of Iraq Programme (OIP). It is much less effective than it could be if the Government of Iraq wished to provide effective humanitarian assistance to the people of Iraq. The UK maintains regular contact with the OIP to monitor progress on the oil-for-food programme. We have proposed a number of practical improvements to the programme, many of which have already been accepted by the UN Humanitarian Panel. We have included our proposals in a draft Resolution, which is now before the Security Council for its consideration.

Mr. Fitzpatrick: To ask the Secretary of State for International Development if she will estimate the amount of international aid dispatched to Iraq in the last five years; and if she will make a statement on the method of its distribution. [84412]

Clare Short: From 1993–1997, (the last years for which figures are available) international donors (bilateral and multilateral) provided an estimated £918 million in humanitarian assistance to Iraq. This figure does not include the UN oil-for-food programme, which provides the majority of humanitarian supplies to Iraq, and is funded through the sale of Iraqi oil. International donors usually distribute their aid through UN organisations, such as UNICEF and FAO, the European Commission Humanitarian Organisation (ECHO), and the International Committee of the Red Cross, and Non-Governmental Organisations such as CARE International, and Premiere Urgence. The Iraqi authorities permit only seven NGOs to operate in Baghdad-controlled Iraq.

Mr. Fitzpatrick: To ask the Secretary of State for International Development if she will make a statement on the impact of United Nations sanctions on people in Iraq. [84410]

Clare Short: There has been a marked decline in living standards in Iraq since the Gulf War. The economy has stagnated, public health and education services have declined and infrastructure (water and sanitation, electricity) has seriously deteriorated. Food and medicines have always been exempted from sanctions, but it was only in 1996 that the Government of Iraq agreed to implement the oil-for-food programme. This has provided invaluable humanitarian relief, but has been less effective than it could be because the Government of Iraq have

not implemented the programme effectively. The UK is currently working to achieve an improvement in the operation of the programme.

Montserrat

Sir Alastair Goodlad: To ask the Secretary of State for International Development what plans her Department has to provide assistance for information technology in schools in Montserrat; and if she will make a statement. [84364]

Clare Short: The three year public sector investment programme, agreed with the Government of Montserrat (GoM) as part of the Country Policy Plan signed in January this year, includes a project to rehabilitate existing school facilities. The actual detail of this project is still being prepared by the GoM. I will write to the right hon. Member when their plans are finalised.

Sir Alastair Goodlad: To ask the Secretary of State for International Development what discussions she has had with the Government of Montserrat about the cost and constructing time of the new Government headquarters temporary buildings; and if she will make a statement. [84361]

Mr. Foulkes: The original concept for the new Government Headquarters (GHQ) had been for a basic, only temporary, facility. This was planned in the belief that the Government of Montserrat (GoM) would be able to re-establish itself in Plymouth. However, the subsequent escalation of volcanic activity meant that this would not be possible, at least in the foreseeable future. Therefore, the GHQ needed to be constructed in a more permanent fashion and with more extensive facilities than originally envisaged—thus increasing the cost. An audit, earlier this year, found that most of the increases in cost were unavoidable. I wrote on 15 March to the Chairman of the International Development Committee about the audit and copied my letter and the report to the Library of the House. I will send copies to the right hon. Gentleman. My officials have had on-going discussions with the GoM to ensure that the additional work is completed in the shortest possible time, commensurate with keeping the increased costs to a minimum.

Sir Alastair Goodlad: To ask the Secretary of State for International Development how much money her Department has spent on consultancy work in connection with Montserrat in each of the last two years; and how much has been budgeted for the current year. [84363]

Clare Short: We spent approximately £2.7 million on consultants from the Montserrat programme in 1997/98 and £1.8 million in 1998/99. We have budgeted £1.8 million for the current year.

Sir Alastair Goodlad: To ask the Secretary of State for International Development what discussions she has had with the Government of Montserrat about mortgages on properties in the exclusion zone; and if she will make a statement. [84362]

Clare Short: We have agreed that the Government of Montserrat can reschedule mortgage payments owed to them on properties in the exclusion zone, on a case by case basis, reflecting the ability of each borrower to meet the repayment schedule.

Glaucoma

Mr. Gordon Prentice: To ask the Secretary of State for International Development what assessment she has made of the incidence of glaucoma in developing countries; what assessment she has made of the cost of treating the condition; and if she will make a statement. [84628]

Clare Short: No estimate for glaucoma incidence alone is available, and as treatments for the condition vary widely there is no reliable cost estimate per case. The World Health Organisation (WHO) estimates that glaucoma, cataracts and trachoma account for more than 70 per cent. of the 36 million cases of blindness in the world. Nine out of ten of these cases are in the developing world. We have committed £400,000 to the WHO's Social Change and Mental Health work under which "Vision 2020—the Right to Sight" initiative falls, and which aims to eliminate avoidable blindness by the year 2020.

Women (Higher Education)

Mr. Edwards: To ask the Secretary of State for International Development what support Her Majesty's Government provide to encourage access by women to higher education in developing countries. [84430]

Clare Short: We make clear in our White Paper in November 1997 that we are strongly committed to the international goals of universal primary education by 2015 and gender equity in primary and secondary education by 2005. Our education programme focuses on these priorities. They reflect strong international evidence that investment in the education of girls is the single, most effective way to reduce poverty. The Department for International Development (DFID) is committed to supporting governments who give priority to the education of girls within their education systems.

Clearly, as more countries achieve universal primary education there will be greater demand for secondary and higher education. We will work with governments to help find ways to meet this demand. We provide support at higher education level through scholarship schemes and academic links. Our academic links programme has earmarked funds to encourage participation by women and all links are organised to ensure that they are properly represented.

Our support for the Commonwealth of Learning's efforts to develop ways of delivering education through distance and open learning systems will also facilitate increasing access by women in developing countries to higher education.

NORTHERN IRELAND

Rate Collection Agency

Mrs. Ellman: To ask the Secretary of State for Northern Ireland what performance targets have been set for the Rate Collection Agency in 1999–2000. [84929]

Marjorie Mowlam: For 1999–2000, the following performance targets have been set for the RCA.

Collection and Recovery of Rates

To collect 97.55 per cent. of the gross domestic collectable rate, (excluding late assessments) by 31 March 2000.

To collect 98.80 per cent. of the gross non-domestic collectable rate (excluding late assessments) by 31 March 2000.

To achieve a reduction of 1 per cent. in the real value of the unit costs of collecting rates per hereditament.

To generate refunds to 98 per cent of ratepayers to entitled within 14 days of credits being identified.

Housing Benefit Administration

To process by 31 March 1999, 96 per cent. of applications for the incoming year received from Housing Benefit recipients before 15 March 2000.

To achieve a reduction of 1 per cent. in the real value of unit costs or processing Housing Benefit cases.

To assess 97 per cent. of Housing Benefit claims free of error.

Child Support Agency

Mrs. Ellman: To ask the Secretary of State for Northern Ireland when she plans to publish details of the targets for the Child Support Agency; and if she will make a statement. [84930]

Mr. McFall: The Child Support Agency will publish its 1999–2000 Strategic and Business Plan today. Copies will be placed in the Library.

The targets that I have set for the Child Support Agency for 1999–2000 are set out:

Case Compliance, to measure the proportion of cases where the non resident parents are paying child maintenance, a value of 74 per cent.

Cash Compliance, to measure the proportion of the total amount of child maintenance which is due for payment that is actually being paid, a value of 72 per cent.

Accuracy, 80 per cent. value accuracy of all cases checked.

Minimum Service Standards.

clear 68 per cent. of new Maintenance Assessments in 20 weeks;

97 per cent. of payment to be made to PWC within 10 working days;

88 per cent. of review assessments to be made within 12 weeks;

reply to 90 per cent. of letters within 10 working days;

see 97 per cent. of clients within 10 minutes of appointment;

acknowledge 90 per cent. of complaints within 2 working days;

send a full reply within 10 working days in 75 per cent. cases;

80 per cent. of callers answered first time by Client Help Lines;

90 per cent. of customers surveyed on quality call backs (following contact with National Enquiry Line, Client Help Lines and Face-to-Face) to be at least satisfied with the service they have received, and

to reduce the number of complaints received compared to current caseload to less than 0.28 per cent.

The targets in the Business Plan present the Agency with a challenging but attainable objective which should lead to improvements both in customer service and in the maintenance flowing between parents.

TREASURY

EU Withholding Tax

Mr. Whittingdale: To ask the Chancellor of the Exchequer on what date the current proposal for the introduction of a European-wide withholding tax was first raised at a meeting of a Council of Ministers. [84575]

Dawn Primarolo *[holding answer 18 May 1999]:* The Commission's current proposal for a Directive was made on 20 May 1998, following a period of discussions initiated by the Commission at the Verona informal ECOFIN in April 1996. It is a revised version of an earlier draft Directive which was originally published in 1989 and still on the table when this Government came into office.

Share Fishermen

Mr. Kirkwood: To ask the Chancellor of the Exchequer what rules for payment are planned for the introduction of Working Families Tax Credit to share fishermen who may have intermittent work periods due to *(a)* vessel breakdown, *(b)* lack of quota and *(c)* adverse weather. [83633]

Dawn Primarolo: Share fishermen will be entitled to apply for Working Families Tax Credit and will be subject to the same rules as those applying to workers with a pattern of intermittent work. WFTC will be awarded for a fixed 26 week period and once the award commences it will not be affected by changes to income during that period.

Invest to Save Initiative

Mr. Gareth R. Thomas: To ask the Chancellor of the Exchequer what progress is being made on the Government's Invest to Save Initiative. [83653]

Mr. Milburn: I refer my hon. Friend to the reply I gave to my hon. Friend the Member for Preseli Pembrokeshire (Ms Lawrence) on 13 January 1999, *Official Report,* columns *193–95.* This lists the projects which were allocated resources from the Invest to Save Budget following the first bidding round.

Guidance has now been issued for a second bidding round, which will provide funding for new projects from 2000. Bids are invited from all public sector bodies and expressions of interest should be submitted to the Treasury by 31 May 1999.

LORD CHANCELLOR'S DEPARTMENT

Census Returns

Mr. John M. Taylor: To ask the Minister of State, Lord Chancellor's Department if he will list *(a)* the linear metres of storage space occupied by each of the pre-1992 decennial census returns for England and Wales, *(b)* the actual costs, at current prices, of micro-filming each of the pre-1901 census returns and *(c)* the average micro-film cost per linear metre, at current prices. [84494]

Mr. Vaz: *(a)* The space in linear metres occupied by each of the pre-1922 decennial census returns for England and Wales is as follows:

1841: 101

1851: 164

1861: 146

1871: 146

1881: 140

1891: 173

1901: 122

1911: 1,924

1921: 1,375.

(b) It would not be possible to calculate the cost of micro-filming each of the pre-1901 census returns without examining them in detail, which would incur disproportionate cost.

(c) It would not be possible to calculate the average micro-film cost per linear metre without examining them in detail, which would incur disproportionate cost.

SOCIAL SECURITY

Child Benefit (Shrewsbury and Atcham)

Mr. Paul Marsden: To ask the Secretary of State for Social Security how many families have received the increase in child benefit for the eldest child in the Shrewsbury and Atcham constituency; and if he will make a statement. [83922]

Angela Eagle: The administration of the Child Benefit is a matter for the Chief Executive of the Benefits Agency, Peter Mathison. I have asked him to reply to my hon. Friend.

Letter from Peter Mathison to Mr. Paul Marsden, dated 18 May 1999:

The Secretary of State for Social Security has asked Peter Mathison to reply to your recent Parliamentary Question asking how many families have received the increase in child benefit for the eldest child in the Shrewsbury and Atcham constituency. As Mr. Mathison is away from the office on leave, I am replying.

Unfortunately the information to identify families, by region, who are receiving Child Benefit is not readily available. These figures could only be obtained at disproportionate cost.

I would like to take this opportunity to explain the current rates of Child Benefit in force from April 1999. They are £14.40 for the eldest child and £9.60 for each subsequent child. The increase for the eldest child includes the extra £2.50 a week announced in the March 1998 budget, in addition to the April 1999 increase. This is an overall increase of £3.25 for a family with two children.

I am sorry that I could not be of more help on this occasion but I am glad to have had the opportunity to comment.

Share Fishermen

Mr. Kirkwood: To ask the Secretary of State for Social Security what rules for payment of Jobseeker's Allowance apply to share fishermen who are temporarily out of work by reason of *(a)* vessel breakdown *(b)* lack of quota and *(c)* adverse weather. [83632]

Angela Eagle: In order to receive contribution-based Jobseeker's Allowance a share fisherman must show that he has not failed to take up a reasonable opportunity of employment as a share fisherman. If he satisfies this condition, Jobseeker's Allowance may be paid. Examples of where this condition would count as satisfied include where the whole fleet has been unable to put to sea because of bad weather, if a share fisherman has fished his quota, or if he is undertaking necessary repairs to his boat.

Mr. Kirkwood: To ask the Secretary of State for Social Security if agreement has been reached on a standard earnings form for use by the Benefits Agency/Inland Revenue when calculating entitlement to Jobseeker's Allowance/Working Families Tax Credit by share fishermen. [83634]

Angela Eagle: A new form to collect earnings information from share fishermen is currently under development. The form has been developed in consultation with organisations representing the interests of share fishermen. The intention is that the form should be trialled in a few areas before it is used nationally.

Working Families Tax Credit is a matter for my right hon. Friend the Chancellor of the Exchequer.

Mr. Kirkwood: To ask the Secretary of State for Social Security if he will establish arrangements to enable share fishermen to confirm details of Jobseeker's Allowance claims in place of making fresh claims on condition that the repeat Jobseeker's Allowance claim is made within 12 weeks of the original application. [83635]

Angela Eagle: From June, share fishermen claiming Jobseeker's Allowance will be able to use a shorter claim form where there is a break of six weeks or less between claims.

Mr. Kirkwood: To ask the Secretary of State for Social Security what work is being undertaken in the course of the current pilot schemes examining the introduction of the single work-focused gateway to the special circumstances of share fishermen. [83636]

Angela Eagle: The unique position of share fishermen in the benefit system will continue in the single work-focused gateway pilots. Share fishermen who go through the single work-focused gateway will be given the same help and support as other claimants in their efforts to find work.

Mr. Kirkwood: To ask the Secretary of State for Social Security if he will make an official visit to Exmouth to meet representatives of the fishing industry to discuss the operation of Jobseeker's Allowance and Working Families Tax Credit to claims made by share fishermen. [83637]

Angela Eagle: It would be helpful if, in the first instance, the hon. Member would ask local representatives from the fishing industry to write to me setting out any issues that they would like to raise about claims for Jobseeker's Allowance from share fishermen.

Working Families Tax Credit is a matter for my right hon. Friend the Chancellor of the Exchequer.

HOME DEPARTMENT

Asylum Support System

Mr. Clappison: To ask the Secretary of State for the Home Department what is his current estimate of the cost of providing *(a)* accommodation, *(b)* support for essential living needs and *(c)* expenses incurred in connection with (i) a claim for asylum and (ii) an appeal made in relation to it for each asylum seeker receiving support under his proposed asylum support system. [83956]

Mr. Mike O'Brien: We are not yet in a position to estimate the cost of providing accommodation. We shall shortly be setting up arrangements for the supply of

accommodation by local authorities, housing associations and the private sector. The accommodation will be furnished and will be supplied with essential equipment and utensils. Council tax and utility charges will be paid separately. The proposed levels of support for other essential living needs and expenses incurred in connection with a claim for asylum or appeal were set out in the Information Document published on 22 March.

Mr. Clappison: To ask the Secretary of State for the Home Department what estimate he has made of the cost of establishing the administrative machinery for the proposed Home Office asylum support system. [83960]

Mr. Mike O'Brien: The consultants KPMG were engaged in February to consider the size and administrative costs of the administrative machinery for the new Asylum Support Directorate. Their report is being assessed. Administrative costs will cover not only the staff and other resources for the Asylum Support Directorate, but also grants to the voluntary sector for their contribution to the new arrangements.

Asylum Seekers

Mr. Clappison: To ask the Secretary of State for the Home Department (1) how many applications for asylum were (i) received and (ii) determined in *(a)* February, *(b)* March and *(c)* April; [83953]

(2) what proportion of asylum applications made *(a)* before 1 July 1993 and *(b)* between 1 July 1993 and 31 December 1995 have resulted in the granting of leave to remain under the asylum backlog procedures; [83952]

(3) how many asylum applications were outstanding in *(a)* each of the last six months for which figures are available and *(b)* May 1997. [83949]

Mr. Mike O'Brien: It is not possible to reply to these Questions within the normal period because of the volume of Questions to be answered on immigration and asylum statistics.

I will write to the hon. Member shortly.

Mr. Coleman: To ask the Secretary of State for the Home Department what level of clothing allowance he plans to make available to *(a)* adult and *(b)* child asylum seekers, whose application has not been processed within six months; and if he will make a statement. [84041]

Mr. Mike O'Brien: None. The vouchers and cash which will be given to asylum seekers are designed to meet the cost of essential living needs, including clothing, which are not being provided in kind, such as utilities. However, we are contributing to consider carefully the representations made in the Special Standing Committee on the Immigration and Asylum Bill and elsewhere.

Immigration and Nationality Enquiry Bureau

Mr. Norman: To ask the Secretary of State for the Home Department how many telephone lines there are for the public switchboard at Lunar House; how many telephone calls were received on average each day in the last 12 months; and how many staff man the telephone lines between 9 am and 5 pm. [84102]

Mr. Mike O'Brien: There are currently 30 lines open into the Immigration and Nationality Enquiry Bureau (INEB).

The average number of calls into the INEB each day for the five months from 7 December (the date on which the new system went live) was 41,462. Figures are not available for the seven preceding months, when the old system operated.

During the month of April, an average of 35 staff each day were logged in to the telephone system and were available to answer telephone calls. The average number of staff in post in the INEB as a whole during April was 73. This figure includes managers and staff engaged in answering written inquiries.

Kosovar Asylum Seekers

Ms Buck: To ask the Secretary of State for the Home Department (1) what account will be taken of the confiscation from Kosovar Albanians of documents issued by the former Yugoslav authorities when deciding what penalties to apply to *(a)* Kosovar Albanians seeking asylum in the UK and *(b)* carriers who transport Kosovar Albanians to the UK; [84216]

(2) what penalties may be applied to Kosovar Albanians seeking asylum in the UK if they arrive *(a)* without proper documents and *(b)* clandestinely. [84215]

Mr. Mike O'Brien: The Government, in line with other European Union member states, are committed to a policy of protecting Kosovar refugees in the Balkan region as far as possible. Where this is not possible, and in response to United Nations High Commissioner for Refugees (UNHCR) requests, the United Kingdom has agreed to the evacuation to this country of refugees. No account is taken of whether evacuees under this programme have documents, and liability under the Immigration (Carriers' Liability) Act 1987 has been waived for these specific flights.

Kosovans who arrive in this country by their own means will be able to apply for asylum in the normal way. The general policy is to grant refugee status if there is no doubt as to nationality. A person entering clandestinely has committed an offence under section 24 of the Immigration Acts and asylum applications from undocumented applicants may be certified under the provisions of the Asylum and Immigration Appeals Act 1993. But sanction under either provision would only apply if an asylum application were refused. Carriers who bring undocumented passengers to the United Kingdom other than under the agreed UNHCR evacuation programme are liable to a charge under the Carriers' Liability Act. But where such a person is subsequently recognised as a refugee under the 1951 Convention, it is our normal policy to waive the charge or to refund it if it has been paid.

Prison Service (Absences)

Mr. Fearn: To ask the Secretary of State for the Home Department what plans he has for new measures to reduce levels of sickness absence in the Prison Service *(a)* in the short-term and *(b)* in the long-term. [84390]

Mr. George Howarth: The Secretary of State has approved the proposal by the Director General of the Prison Service to set a new Key Performance Indicator (KPI) for reducing sickness absence within the Prison Service as part of the Annual Business Plan of the Service. This requires the Service not to exceed an average of 12.5 working days lost due to sickness in 1999–2000. This target takes account of an expected increase in recorded levels of sick absence due to improved recording practice.

The Prison Service have also published a new attendance strategy containing measures designed to reduce sickness absence within the Service by 20 per cent. by 2001 and by 30 per cent. by 2003 in line with targets set by the Cabinet Office in their inter-departmental strategy for reducing sickness absence across the public sector.

Mr. Fearn: To ask the Secretary of State for the Home Department (1) what is his estimate of the annual cost to his Department of sickness absence in the Prison Service in each of the last five years; [84389]

(2) if he will make a statement on the reasons for changes in levels of sickness absence in the Prison Service over the past five years; [84414]

(3) what assessment his Department has made of levels of sickness absence in the Prison Service in the last five years; and if he will make a statement. [84415]

Mr. George Howarth: The National Audit Office published a comprehensive report on managing sickness absence in the Prison Service on 30 April 1999.

This report analysed sickness absence data from the Home Office payroll system and concluded that Prison Service employees took, on average, 12.6 working days sickness absence in 1997–98 and similar rates in the previous three years. The report estimated that the salary and related cost of sickness absence in the Prison Service were between £56 and £62 million per year over this period.

No verified data are yet available for 1998–99.

Public Safety Radio Communications Project

Mr. Greenway: To ask the Secretary of State for the Home Department (1) if he will make it his policy to provide to police authorities funding towards the cost of the implementation of the Public Safety Radio Communications Project from the proceeds of any sale of existing radio frequencies; [84490]

(2) what plans he has to provide capital funding support to police authorities towards the cost of implementing the Public Safety Radio Communications Project; [84489]

(3) what assessment he has made of the commercial value of the radio frequencies currently used by the Police Service and which will become surplus on the implementation of the Public Safety Radio Communications Project. [84488]

Mr. Boateng: The radio spectrum currently used by the police service is not the property of the Home Office. The current plan is that when the Public Safety Radio Communications Project (PSRCP) is fully implemented and the police service has migrated to the new spectrum allocated for this, the existing spectrum will be surrendered to the national pool. It will be for the Department of Trade and Industry to decide on its future use.

Under the Government's spending plans, capital funding for the police is set to remain at £144 million for 3 years until 2001–02. This provides stability after 4 successive years of cuts. The Government have also relaxed the rules on the use of capital receipts from the sale of assets. Police authorities now have freedom to use all proceeds from sales for capital investment.

The scope for additional funding for PSRCP is under consideration.

Education Classes (Prisons)

Mr. Cox: To ask the Secretary of State for the Home Department how many education classes were provided each week at each of the London prisons in the last 12 months. [84398]

Mr. George Howarth: Information on the numbers of education classes which were provided each week at each of the London prisons in the last 12 months is not held centrally. This information could be obtained only at disproportionate cost.

The average number of weekly classes for the 12 months period ending February 1999 for each of the London establishments was:

Prison	*Number*
Belmarsh	89
Brixton	85
Downview	47
Feltham Young Offender Institution	130
Highdown	90
Holloway	88
Latchmere	4
Pentonville	77
Wandsworth	38
Wormwood Scrubs	63

Elderly Prisoners

Mr. Cox: To ask the Secretary of State for the Home Department how many *(a)* male and *(b)* female prisoners in England and Wales are over the age of (i) 90 years, (ii) 80 years and *(c)* 70 years. [84399]

Mr. George Howarth: The information requested is given in the table.

Population of prisoners[1] aged (i) over 70 years, (ii) over 80 years and (iii) over 90 years in prisons in England and Wales on 30 April 1999[2] by sex

Aged	*Males*	*Females*
Over 70 years	122	3
Over 80 years	11	—
Over 90 years	—	—
Total	133	3

[1] Remand and sentenced prisoners
[2] Provisional figures

Sexual Abuse (Compensation)

Mrs. Curtis-Thomas: To ask the Secretary of State for the Home Department what was the *(a)* largest and *(b)* smallest amount paid in compensation to victims of sexual abuse and how many payments above £100,000 were made in each of the last three years for which information is available. [84339]

Mr. Boateng: Data are readily available only for claims received on or after 1 April 1996 under the tariff-based criminal injuries compensation scheme effective from that date which, unlike the former common law damages based scheme it superseded, is supported by a comprehensive computer system. The data on cases involving sexual abuse are as follows:

£

	Largest award	*Smallest award*
1996–97	27,500	1,000
1997–98	27,500	500
1998–99	22,500	750

In those three years the numbers of cases where Payments exceeded £100,000 were 139,115 and 130 respectively. Most such payments were in respect of claims made under the common law damages based scheme effective for claims submitted up to and including 31 March 1996. It is not possible to ascertain readily whether any of these concern sexual abuse cases.

Arson

Mrs. Brinton: To ask the Secretary of State for the Home Department what proposals he has for tackling arson; and if he will make a statement. [84882]

Mr. George Howarth: As part of the Government's commitment to delivering safer communities, the Home Office is publishing today the outcome of a study undertaken to review arrangements for tackling arson. Copies of the report have been placed in the Library.

The report, "Safer Communities—Towards Effective Arson Control", was commissioned because of concern that the number of arson fires had grown considerably in recent years while prosecutions and cautions for the offence had fallen. The outcome of the study has shown that although some local examples of good practice exist, much more needs to be done to tackle deliberately started fires. I want this report to mark the first step in the process to rectify that situation.

The report makes 22 recommendations for putting in place more effective arson control arrangements. A great deal of emphasis in the study is placed on greater liaison and co-operation, so I want to hear the views of all those who can contribute to tackling arson. We will therefore be consulting a wide range of interested parties over the next few months on how to take these proposals forward.

Trial Committals

Mr. Efford: To ask the Secretary of State for the Home Department what plans he has to change the procedure for determining the mode of trial in either-way cases; and if he will make a statement. [84884]

Mr. Straw: The Royal Commission on Criminal Justice, and more recently the Narey Review of Delay in the Criminal Justice System, recommended that defendants should not be able to choose to be tried by a jury in either-way cases which magistrates have indicated that they would be content to hear.

Having considered this recommendation and the responses to the consultation paper I issued last year on election for trial, I am announcing today that I will be bringing forward legislation when parliamentary time allows to abolish the ability of defendants to elect for jury trial in either-way cases (where the cases are triable either on indictment at the Crown Court or summarily at the magistrates' court).

The Government readily acknowledge that jury trial is preferable for certain sorts of either-way case. The question is whether it should be available at the choice of the defendant, or restricted to cases which objectively warrant it. In the same way that defendants do not have a choice of which magistrate, or which judge and jury, hears their case, we believe that defendants should not be able to choose a criminal justice jurisdiction where their case is tried. England and Wales is almost alone in allowing defendants a choice of court. In most jurisdictions, it is a matter for the court. In Scotland, it is at the election of the prosecution.

The majority of cases in which the defendant elects for Crown Court trial result eventually in guilty pleas, but only after greater inconvenience and worry to victims and witnesses, and at considerable extra cost. This Government's proposals will end the practice that many rightly regard as a manipulation of the criminal justice system by defendants demanding Crown Court trial for no good reason other than to delay proceedings.

But there will be safeguards. In determining where the case should be tried, magistrates' will be required to have regard not only to any defence representations, but also to such factors as the gravity of the offence, the complexity of the case and the effect of conviction (as legislation already requires) and the likely sentence on the defendants livelihood and reputation. Defendants will also be given an interlocutory right of appeal to the Crown Court against the Magistrates' decision on mode of trial.

Identity Cards

Mr. Campbell-Savours: To ask the Secretary of State for the Home Department if he will establish a focus group consultative arrangement on the issue of national identity cards. [83663]

Mr. George Howarth: We have no present plans to establish a focus group; but we are continuing to consider the issues involved in identity cards.

HEALTH

Audiology Services

Mr. Hammond: To ask the Secretary of State for Health (1) if he will set out his Department's expenditure on *(a)* NHS audiology services and *(b)* the NHS provision of hearing aids for (i) adults and (ii) children, for each of the last five years; [84302]

(2) how much his Department plans to spend on *(a)* NHS audiology services and *(b)* the provision of hearing aids by the NHS for (i) adults and (ii) children, in the current year. [84303]

Mr. Hutton: The Department does not collect figures nationally for expenditure on National Health Service audiology services or of the cost of providing hearing aids. However, around half a million hearing aids per year are purchased from the NHS Supplies Authority at a cost of £16 million. In addition audiology departments also purchase some hearing aids from commercial suppliers.

Learning Disabilities

Dr. Cable: To ask the Secretary of State for Health what plans he has for a White Paper on guidance and funding for people with learning disabilities; and if he will make a statement. [84247]

Mr. Hutton: Our White Paper "Modernising Social Services", published in November 1998, set out our strategy for the development of social services for all client groups including people with learning disabilities. They will also benefit from wider developments such as the proposals in our National Health Service White Paper and Public Health Green Paper, and developments elsewhere in Government. We have recently completed a review of learning disability hospital reprovisioning plans and a survey of 21 local authorities and their matching health authorities. The Department has also recently received comments from academic experts on the draft report of an evaluation of the cost and outcomes of different types of residential provision for people with learning disabilities. We will shortly be considering what, if any, further action needs to be taken in the light of this work and of the advice we receive from the Learning Disability Advisory Group set up last November.

Cancer

Mr. Paul Marsden: To ask the Secretary of State for Health what advice and guidance is disseminated by his Department to the public on which lifestyle changes can improve their chances of avoiding cancer. [84236]

Ms Jowell: The Department provides advice to the public, in leaflets and through health education campaigns, on a number of lifestyle changes that can improve the chances of avoiding cancer. The areas covered include smoking, diet and nutrition, alcohol, physical activity, sexual behaviour and excessive sun exposure.

The health strategy Green Paper "Our Healthier Nation" proposed a national contract on cancer that specified action that can be taken at national, local and individual level to reduce the incidence of cancer. The contract reiterated advice on lifestyle changes. The corresponding White Paper will be published later this year.

The Department also provides funding for promotional material used within the United Kingdom for the "Europe Against Cancer" programme. A different cancer-related theme is chosen each year. The theme for 1998 was "Cancer in Men", and this year's theme is "Smoking Cessation in Young People Aged 16–19 Years".

Mr. Paul Marsden: To ask the Secretary of State for Health what plans he has to introduce a national screening programme for bowel cancer; and if he will make a statement. [84244]

Mr. Hutton: The National Screening Committee, which advises United Kingdom Health Ministers about policy on screening, has recommended that evaluative pilots for bowel cancer screening be established to provide information about the public acceptability, feasibility and service implications of a national screening programme.

On 2 March, the Government announced the two pilot sites in Coventry and Warwickshire and Tayside, Grampian and Fife, which will start later this year and run for two years. The data from the pilots will inform decisions about whether to introduce a national bowel cancer screening programme.

Mr. Paul Marsden: To ask the Secretary of State for Health what proposals the National Institute for Clinical Excellence has to improve survival rates for cancer patients; and if he will make a statement. [84245]

Mr. Hutton: The work programme for the National Institute for Clinical Excellence has yet to be agreed.

There are several health topics in which NICE is currently being invited to take an interest and a number of new and existing health technologies will be considered for the NICE's work programme.

Donor Register

Mr. Casale: To ask the Secretary of State for Health (1) what the annual running costs are of the donor register; [84306]

(2) what the cost was of setting up the donor register; [84307]

(3) how many transplants have been carried out from patients on the donor register *(a)* in the last 12 months and *(b)* in total. [84308]

Mr. Hutton: Expenditure in 1998–99 for the running costs of the donor register amounted to £197,118. The first year cost of setting up the donor register was £298,294. The number of transplants carried out from people registered on the Organ Donor Register were *(a)* from May 1998 to April 1999, 186 solid organs and 218 corneas and *(b)* since the register started in 1994 486 solid organs and 679 corneas.

PRIME MINISTER

Kosovar Refugees

Q19. **Rev. Martin Smyth:** To ask the Prime Minister if he will make a statement on places in Northern Ireland for Kosovo refugees. [83687]

The Prime Minister: The Refugee Council and its partner agencies are working closely with the Home Office and local government associations to identify sites for further reception centres across the United Kingdom. We are looking at parts of the United Kingdom, and hope that places will be found in Northern Ireland.

Engagements

Mr. Waterson: To ask the Prime Minister if he will list his official engagements for Wednesday 19 May. [83682]

Sir Peter Tapsell: To ask the Prime Minister if he will list his official engagements for Wednesday 19 May. [84328]

The Prime Minister: This morning, I had meetings with ministerial colleagues and others. In addition to my duties in the House, I will have further such meetings later today.

EDUCATION AND EMPLOYMENT

New Deal (Interviews)

Mr. Green: To ask the Secretary of State for Education and Employment how often trainees on the New Deal for 18 to 24-year-olds are required to attend an interview with their personal adviser. [84396]

Mr. Andrew Smith: The number and frequency of interviews given to young people vary according to their individual needs and the stage they are at in the New Deal. The majority of young people are interviewed fortnightly during the New Deal Gateway.

Class Sizes

Mr. Harvey: To ask the Secretary of State for Education and Employment if he will list for schools in the Devon Local Education Authority the change in the average size of classes, taught by one teacher, between January 1998 and January 1999 for pupils in *(a)* nursery classes, *(b)* Key Stage Two and *(c)* secondary schools. [84645]

Ms Estelle Morris: Information on class sizes for individual schools is not published centrally. The available information for Devon Local Education Authority area is shown in the following table.

The Government have pledged to reduce infant class sizes to 30 or below by September 2001 at the latest, and we are on course to meet that pledge.

Average class size of one teacher classes—Devon local authority area

	[1]*1998*	[1]*1999*
Nursery classes	27.0	25.6
Key Stage One	26.8	24.8
Key Stage Two	29.3	28.9
Overall Primary	28.0	26.7
Secondary	22.7	21.9

[1] January each year

New Deal (Schools)

Mr. Lidington: To ask the Secretary of State for Education and Employment how much money is currently being held in reserve by his Department under the New Deal for schools (phase 3) following the allocation of awards to local education authorities; and if he will make a statement on his policy towards the use of this money. [84558]

Mr. Charles Clarke: Following the NDS3 announcement of grant allocations on 30 March, a total of £12,269,810 is currently being held in reserve.

The reserve represents a combination of provisional commitment of grant still to be distributed to those Authorities which did not receive a complete allocation on 30 March; and grant earmarked for specific projects which are awaiting decisions on Statutory Proposals or, as in the case of Public Private Partnership projects, Central Government approval.

There is no unallocated Reserve. It is not envisaged that much, if any, allocated or reserved grant will be returned to the Department for re-allocation during the year.

Mr. Lidington: To ask the Secretary of State for Education and Employment if he will list in respect of each local education authority in England, *(a)* the amount bid for under the New Deal for Schools (phase 3), *(b)* the amount awarded by his Department and *(c)* the amount awarded expressed as a percentage of the bid. [84556]

Mr. Charles Clarke: The information requested is shown on the following table:

New Deal for schools—Phase 3
Table of allocations as a percentage of total bids

Local Education Authority	*NDS 3 bid (£)*	*NDS 3 allocation (£)*	*NDS 3 allocation as a percentage of bid (%)*
Barking & Dagenham	21,097,222	1,921,000	9.11
Barnet	5,967,682	1,388,500	23.27
Barnsley	7,639,233	1,062,000	13.90
Bath & North East Somerset	5,290,678	940,201	17.77
Bedfordshire	4,698,729	1,835,676	39.07
Bexley Council	3,228,916	786,908	24.37
Birmingham	16,760,924	6,909,845	41.23
Blackburn With Darwen	7,818,980	1,467,030	18,76
Blackpool[1]	8,346,200	750,000	8.99
Bolton	17,725,984	3,309,915	18.67
Bournemouth	5,859,788	1,073,200	18.31
Bracknell Forest	6,106,617	450,528	7.38
Bradford	27,026,971	20,000,000	74.00
Brent	13,313,899	1,361,904	10.23
Brighton & Hove	4,638,498	866,933	18.69
Bromley	3,357,485	780,616	23.25

New Deal for schools—Phase 3
Table of allocations as a percentage of total bids

Local Education Authority	*NDS 3 bid (£)*	*NDS 3 allocation (£)*	*NDS 3 allocation as a percentage of bid (%)*
Buckinghamshire	13,138,480	1,622,015	12.35
Bury	2,081,550	952,150	45.74
Calderdale	3,241,146	1,700,000	52.45
Cambridgeshire	24,241,315	2,366,864	9.76
Camden	5,044,598	760,560	15.08
Cheshire	10,402,292	4,330,679	41.63
City of Bristol	7,445,973	2,026,000	27.21
City of London	0	0	0.00
City of Nottingham	19,920,230	1,807,790	9.08
City of York	5,751,458	1,725,721	30.00
Cornwall	11,075,669	2,802,680	25.30
Coventry	11,103,475	1,912,613	17.23
Croydon	17,079,880	1,517,525	8.88
Cumbria	3,115,942	2,685,863	86.20
Darlington	5,506,754	770,131	13.99
Derby City	5,727,180	1,183,455	20.66
Derbyshire	11,834,372	5,083,510	42.96
Devon	12,146,776	5,803,864	47.78
Doncaster	9,250,567	2,290,710	24.76
Dorset	18,231,100	2,051,000	11.25
Dudley	30,513,213	2,092,506	6.86
Durham	7,535,852	3,252,769	43.16
Ealing	5,265,197	1,313,866	24.95
East Riding of Yorkshire	15,186,328	2,448,585	16.12
East Sussex	5,271,311	1,663,000	31.55
Enfield	8,124,930	1,915,000	23.57
Essex	12,771,860	6,237,505	48.84
Gateshead	8,683,450	962,150	11.08
Gloucestershire	9,744,874	3,704,923	38.02
Greenwich	23,149,769	2,541,919	10.98
Hackney	6,017,504	1,067,004	17.73
Halton	4,481,894	1,831,385	40.86
Hammersmith & Fulham	7,601,901	1,385,000	18.22
Hampshire	20,070,199	3,503,346	17.46
Haringey	7,861,247	1,386,572	17.64
Harrow	7,419,442	1,232,994	16.62
Hartlepool	2,822,244	1,308,763	46.37
Havering	5,225,870	996,781	19.07
Herefordshire	7,664,268	1,296,426	16.92
Hertfordshire	21,453,011	5,333,255	24.86
Hillingdon	4,683,851	1,172,399	25.03
Hounslow	9,946,717	1,408,320	14.16
Isle of Wight	4,486,077	841,608	18.76
Isles of Scilly	57,596	0	0.00
Islington	7,795,865	950,369	12.19
Kensington & Chelsea	1,108,330	275,940	24.90
Kent	34,099,163	3,268,823	9.59
Kingston upon Hull	10,099,179	2,961,720	29.33
Kingston upon Thames	4,350,254	1,116,813	25.67
Kirklees	5,379,495	2,551,628	47.43
Knowsley	5,601,137	1,337,492	23.88
Lambeth	13,909,082	500,000	3.59
Lancashire	13,350,490	7,538,334	56.46
Leeds	14,943,428	4,111,768	27.52
Leicester City	9,961,677	2,483,624	24.93
Leicestershire	14,221,370	2,862,282	20.13
Lewisham	26,779,014	2,593,530	9.68
Lincolnshire	8,359,932	2,434,449	29.12
Liverpool	19,410,197	2,738,470	14.11
Luton	5,589,822	691,219	12.37
Manchester	13,567,400	2,056,000	15.15
Medway	4,641,936	1,441,310	31.05
Merton	7,562,704	1,317,351	17.42
Middlesbrough	3,444,881	1,253,516	36.39
Milton Keynes	2,182,980	849,603	38.92
North East Lincolnshire	8,129,485	1,599,906	19.68
Newcastle upon Tyne	8,922,816	6,318,200	70.81
Newham	6,435,236	3,031,137	47.10
Norfolk	29,633,848	3,742,938	12.63
North Lincolnshire	11,603,862	1,211,130	10.44

New Deal for schools—Phase 3
Table of allocations as a percentage of total bids

Local Education Authority	*NDS 3 bid (£)*	*NDS 3 allocation (£)*	*NDS 3 allocation as a percentage of bid (%)*
North Somerset	4,301,910	1,318,137	30.64
North Tyneside	3,626,255	1,363,628	37.60
North Yorkshire	56,602,284	3,617,957	6.39
Northamptonshire	10,538,379	2,589,700	24.57
Northumberland	14,313,550	1,908,000	13.33
Nottinghamshire	22,630,536	4,968,555	21.96
Oldham	9,455,699	3,344,291	35.37
Oxfordshire	12,100,128	2,891,106	23.89
Peterborough	9,126,958	619,172	6.78
Plymouth	3,768,519	2,148,485	57.01
Poole	2,415,718	678,575	28.09
Portsmouth	10,017,757	1,052,828	10.51
Reading	2,792,418	558,283	19.99
Redbridge	3,766,960	1,190,752	31.61
Redcar and Cleveland Borough Council	11,510,296	7,700,000	66.90
Richmond upon Thames	2,163,900	524,500	24.24
Rochdale	3,297,824	1,111,051	33.69
Rotherham[1]	20,888,008	0	0.00
Rutland	4,779,155	0	0.00
Salford Mbc	7,643,480	1,877,469	24.56
Sandwell	12,807,740	2,526,743	19.73
Sefton	20,032,123	1,862,285	9.30
Sheffield	14,328,791	6,395,901	44.64
Shropshire	7,615,357	1,196,337	15.71
Slough	6,554,768	644,483	9.83
Solihull	5,317,434	1,526,584	28.71
Somerset	8,253,903	2,849,615	34.52
South Gloucestershire Council	6,039,642	1,843,487	30.52
South Tyneside	5,032,435	1,269,536	25.23
Southampton	7,542,431	1,631,319	21.63
Southend on Sea	2,007,530	595,061	29.64
Southwark	17,905,223	5,319,676	29.71
St. Helens	4,890.400	1,962,400	40.13
Staffordshire	14,550,466	5,521,253	37.95
Stockport	8,274,324	1,190,439	14.39
Stockton on Tees	8,006,946	1,373,903	17.16
Stoke on Trent	3,362,269	1,752,602	52.13
Suffolk	4,457,500	2,937,500	65.90
Sunderland[1]	19,476,714	0	0.00
Surrey	7,547,268	3,363,155	44.56
Sutton	2,268,003	563,530	24.85
Swindon	4,117,373	2,799,000	67.98
Tameside	6,262,009	1,871,932	29.89
Telford & Wrekin	5,861,218	1,800,856	30.72
Thurrock	1,613,942	587,600	36.41
Torbay Council	2,755,011	1,521,183	55.22
Tower Hamlets	5,110,392	2,446,151	47.87
Trafford	13,948,425	1,223,323	8.77
Wakefield Mdc	8,364,798	2,381,983	28.48
Walsall	11,112,860	1,497,097	13.47
Waltham Forest	7,148,533	1,361,183	19.04
Wandsworth	3,148,794	1,015,500	32.25
Warrington	8,748,072	1,500,211	17.15
Warwickshire	13,110,827	1,949,349	14.87
West Berkshire	2,716,697	587,950	21.64
West Sussex	6,818,827	3,598,889	52.78
Westminster	8,209,792	651,632	7.94
Wigan	8,755,708	3,797,167	43.37
Wiltshire	10,664,442	1,586,726	14.88
Windsor & Maidenhead	3,780,690	524,137	13.86
Wirral	14,537,717	2,714,806	8.00
Wokingham	9,297,570	744,000	8.00
Wolverhampton	5,636,120	1,975,486	35.05
Worcestershire	11,690,306	2,390,990	20.45
Grand Total	1,457,758,871	317,528,785	21.78

[1] Indicates that a final allocation is still to be agreed with the Authority

Special Schools

Mr. Lidington: To ask the Secretary of State for Education and Employment if he will make a statement on the changes made by his Department since 2 May 1997 to the rules on allocating capital approvals for special school re-organisation projects. [84557]

Mr. Charles Clarke: There have been no changes. Proposals to alter, establish or discontinue special schools are subject to a statutory process, and we give priority within available capital resources to projects to implement approved proposals. The Department is currently considering responses to a recent consultation paper on its Schools Capital Strategy.

Labour and Social Affairs Council

Mr. Maclean: To ask the Secretary of State for Education and Employment if he will publish the agenda for the Labour and Social Affairs Council of 25 May. [84685]

Mr. Andrew Smith: The agenda is as follows:

1. (poss.) Approval of the list of 'A' items
2. Draft Directive concerning employee involvement within the European Company Statute[1]
   (Legal base: to be determined)
   Political agreement
3. Working Time Directive
   (a) Proposal for a Council Directive amending Council Directive 93/104/EC of 23 November 1993 concerning certain aspects of the organisation of working time to cover sectors and activities excluded from that Directive[1]
   (Legal base: Article 118A/Article 137 EC Treaty (new))
   Political agreement
   (b) Proposal for a Council Directive concerning the Agreement on the organisation of working time of seafarers concluded by the European Community Shipowners' Association (ECSA) and the Federation of Transport Workers' Union in the European Union (FST)[1]
   (Legal base: Agreement on social policy, Article 4, para 2/Article 139, para 2 EC Treaty (new))
   Political agreement
   (c) Proposal for a Council Directive concerning the enforcement of seafarers' hours of work on board ships using Community ports[1]
   (Legal base: Article 84, para 2/Article 80, para 2 EC Treaty (new)
   Political agreement
4. Amended proposal for a Council Directive on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (Legal base: Article 118A/Article 137 EC Treaty (new))
   Progress report
5. European Employment Pact:
   (a) Presidency draft for a European Employment Pact
   (b) Presidency memorandum "Youth and Europe—Our Future"
   (c) Presidency draft for a Council resolution on equal employment opportunities for people with disabilities[1]
   Adoption
   (d) Commission contributions:
   draft recommendation concerning the Board Economic Guidelines of Member States and the Community
   Communication "Community Policy in favour of Employment" (Article 127 of the Treaty)
   (e) Commission Communication "Modernising the organisation of work"
   Commission information
   (f) Proposal for a Council Directive concerning the framework agreement on temporary work concluded by the UNICE, CEEP and ETUC[1]
   (Legal base: Article 139, para 2 EC Treaty (new))
   Political agreement
6. Other business:

Draft Council Directive on minimum requirements for improving the health and safety protection of workers potentially at risk from explosive atmospheres (15th individual directive within the meaning of Article 16, para 1 of Directive 89/391/EEC)

Presidency information

[1] Points on which a vote may be taken.

The morning session will begin at 10.30 am, with lunch at 1 pm. The afternoon session begins at 3.30 pm with item 5, followed by further discussion on the European Employment Pact in joint session with ECOFIN from 5.30 pm.

Teacher Training Agency

Mrs. Ellman: To ask the Secretary of State for Education and Employment when the report of the Prior Options Quinquennial Review of the Teacher Training Agency announced on 3 February will be published. [84971]

Mr. Blunkett: The Report of the Prior Options Quinquennial Review of the Teacher Training Agency (TTA) is published today.

The Report concludes that there is no case at present for abolition or privatisation of the TTA. There will continue to be a need for the core functions of the TTA. But the TTA's responsibilities should be redrawn to take account of the General Teaching Councils (GTCs) and the leadership college, and the need to bring some elements of the Green Paper agenda closer to the Department for Education and Employment (DfEE).

The Report argues that the TTA's current remit is too wide, and that the Agency should concentrate substantially on the two priorities it had when it was established in 1994 (teacher supply and recruitment and initial teacher training). Both areas present key challenges and the TTA will need to devote all of its efforts to meeting the Government's policy objectives in these areas.

Ensuring that there are enough high quality candidates to meet the future needs of schools is crucial to the achievement of the Government's standards agenda. The Report recommends that tackling teacher supply and recruitment should be the TTA's top priority in the next phase of its work. The profile of this work will be significantly boosted, including through the employment of in-house marketing expertise and by taking over the Recruitment Strategy Managers' programme from the Department.

Increasing both the rigour and the flexibility of initial teacher training provision remains vital in order to ensure that each new generation of teachers is properly prepared. The Government wish to build on the start the TTA has made on some elements of the ITT agenda set out in the Green Paper. ITT funding and quality remains core business for the TTA. And it should continue with advisory and developmental work in the area of induction.

Following the formation of the GTCs and the leadership college, my Department will need to provide a coherent and strategic view across teaching issues. A clear division of roles and responsibilities is also needed between the TTA and the GTCs.

Headship/leadership functions should become the responsibility of the National College for School Leadership in due course, with the DfEE taking lead responsibility for work on headship training as a transitional measure.

The GTC for England should have an advisory role across the piece, but no funding functions at this stage.

My Department will now take the lead in policy development to establish a coherent and strategic programme for continuing professional development. The TTA will retain operational responsibility for the NOF-funded ICT training programme.

My Department will continue to take a strategic overview of research, and the TTA will continue to support the Government's drive for a research-based profession. But the TTA will commission research only in areas within its responsibilities. The GTC and the leadership college will maintain research capability reflecting their responsibilities.

The composition of the TTA Board will need to be changed to reflect the renewed emphasis on teacher recruitment, in particular, and the need for more of an operational rather than policy focus. Teachers need to by more strongly represented.

I have agreed with my right hon. Friend the Secretary of State for Wales that any final decisions about future arrangements in Wales should be delayed until the National Assembly for Wales is fully established and ready to consider the issue. The TTA Unit in Wales might be placed in the Welsh Office Education Department now. Teacher recruitment in Wales, which is not part of the Unit's responsibility, is currently handled as part of an integrated England and Wales programme by the TTA in London. To minimise disruption, this should remain the case until decisions can be taken by the National Assembly for Wales. Similarly, no change is proposed for the responsibility of the Higher Education Funding Council for Wales' for funding and accreditation of initial teacher training.

These conclusions take account of a substantial consultation exercise, In broad terms, the TTA are commended by consultees for their work on developing the link between funding and quality, improving standards in teacher training provision, promotion of teaching as a profession, and for implementing the Leadership Programme for Serving Heads. General criticism is expressed in the Report in relation to some aspects of the TTA's funding and accreditation approach, and over the failure to meet the Department's supply and recruitment targets because of continuing under-recruitment by some ITT providers. There were also some general concerns about the TTA's effectiveness, management and organisation, and how it relates to its partners and stakeholders.

I have today written to Clive Booth, TTA Chair, to inform him that I have accepted the Report's recommendations in full.

Copies of the Report will be placed in the Library.

School Meals

Mr. Jenkins: To ask the Secretary of State for Education and Employment what proportion of school children in *(a)* Staffordshire and *(b)* Hertfordshire (i) received and (ii) were eligible to receive free school dinners in each of the last 10 years. [84329]

Ms Estelle Morris: The available information is shown in the following table.

School meal arrangements in maintained nursery, primary and secondary schools in England
January each year

	Hertfordshire		Staffordshire		Staffordshire		Stoke	
	Percentage of pupils taking free meals	Percentage of pupils known to be eligible for free meals	Percentage of pupils taking free meals	Percentage of pupils known to be eligible for free meals	Percentage of pupils taking free meals	Percentage of pupils known to be eligible for free meals	Percentage of pupils taking free meals	Percentage of pupils known to be eligible for free meals
Maintained nursery and primary schools								
1988	[1]—	[1]—	[1]—	[1]—	[1]—	[1]—	[1]—	[1]—
1989	6	[1]—	11	[1]—	[2]—	[2]—	[2]—	[2]—
1990	6	[1]—	11	[1]—	[2]—	[2]—	[2]—	[2]—
1991	7	[1]—	12	[1]—	[2]—	[2]—	[2]—	[2]—
1992	9	[1]—	15	[1]—	[2]—	[2]—	[2]—	[2]—
1993	11	14	17	20	[2]—	[2]—	[2]—	[2]—
1994	12	16	17	20	[2]—	[2]—	[2]—	[2]—
1995	12	14	17	19	[2]—	[2]—	[2]—	[2]—
1996	12	14	17	19	[2]—	[2]—	[2]—	[2]—
1997	10	13	16	19	[2]—	[2]—	[2]—	[2]—
1998	9	11	[2]—	[2]—	11	14	24	28
Maintained secondary schools								
1988	[1]—	[1]—	[1]—	[1]—	[2]—	[2]—	[2]—	[2]—
1989	4	[1]—	6	[1]—	[2]—	[2]—	[2]—	[2]—
1990	3	[1]—	5	[1]—	[2]—	[2]—	[2]—	[2]—
1991	4	[1]—	6	[1]—	[2]—	[2]—	[2]—	[2]—
1992	6	[1]—	7	[1]—	[2]—	[2]—	[2]—	[2]—
1993	7	9	8	13	[2]—	[2]—	[2]—	[2]—
1994	8	10	9	13	[2]—	[2]—	[2]—	[2]—

School meal arrangements in maintained nursery, primary and secondary schools in England
January each year

	Hertfordshire		Staffordshire		Staffordshire		Stoke	
	Percentage of pupils taking free meals	Percentage of pupils known to be eligible for free meals	Percentage of pupils taking free meals	Percentage of pupils known to be eligible for free meals	Percentage of pupils taking free meals	Percentage of pupils known to be eligible for free meals	Percentage of pupils taking free meals	Percentage of pupils known to be eligible for free meals
1995	8	10	9	14	[2]—	[2]—	[2]—	[2]—
1996	8	10	9	14	[2]—	[2]—	[2]—	[2]—
1997	7	9	9	13	[2]—	[2]—	[2]—	[2]—
1998	6	9	[2]—	[2]—	7	10	14	24

[1] Not available
[2] Not applicable
Notes:
1. Before Local Government re-organisation of April 1998
2. After Local Government re-organisation of April 1998

Mr. Jenkins: To ask the Secretary of State for Education and Employment how much was spent by *(a)* Staffordshire County Council and *(b)* Hertfordshire County Council on subsidising school meals in each of the last 10 years. [84330]

Ms Estelle Morris: The following table shows how much was spent subsidising school meals in the last six years by *(a)* Staffordshire County Council *(b)* Hertfordshire County Council. Information for earlier years is not available.

£

Year	Staffordshire	Hertfordshire
1993–94	6,086,600	4,676,000
1994–95	5,329,800	4,793,000
1995–96	4,297,000	3,989,000
1996–97	6,504,000	2,298,000
1997–98	4,072,900	2,295,000
1998–99	4,500,100	2,552,000

Disability Discrimination Act 1995

Mr. Baker: To ask the Secretary of State for Education and Employment if he will make a statement on the implications for owners and occupiers of listed buildings used for trading purposes of the decision to implement fully the Disability Discrimination Act 1995; what the total cost to business will be and over what timescale; and if he will make a statement. [84426]

Ms Hodge: When fully implemented, the Disability Discrimination Act 1995 will require service providers to make adjustments, where reasonable, so that their services are accessible to disabled people. These requirements are being introduced in two phases. They will apply to service providers in listed buildings.

From 1 October, service providers will have to take reasonable steps to change practices, policies or procedures which make it impossible or unreasonably difficult for disabled people to use a service; to provide auxiliary aids or services which would make it easier for, or enable, disabled people to use a service; and to provide the service by a reasonable alternative method where a physical feature makes it impossible or unreasonably difficult for disabled people to use the service. From 2004, service providers will have to take reasonable steps to remove, alter, or provide reasonable means of avoiding physical features that make it impossible or unreasonably difficult for disabled people to use a service.

Planning Policy Guidance Note (PPG 15) issued by the Department of the Environment, Transport and the Regions makes it clear that

> "it is important in principle that disabled people should have dignified easy access to and within historic buildings",

and that with a proper approach

> "it should normally be possible to plan suitable access for disabled people without compromising a building's special interest".

English Heritage's booklet "Easy Access to Historic Properties" is designed to help those who own, manage, or are professionally concerned with historic properties to strike a balance between conservation and access.

The Disability Discrimination Act, in common with the Sex Discrimination Act 1975 and the Race Relations Act 1976, cannot require anything to be done that would contravene another piece of legislation. Where a service provider must get statutory consent to a particular alteration, including listed building or scheduled monument consent, and that consent is not given, the Disability Discrimination Act will not have been contravened. However, a service provider would still need to take whatever other steps under the Act were reasonable to provide the service.

At the end of June, we shall be publishing a new Code of Practice which explains the duties coming into force in October as well as the current rights under the Disability Discrimination Act, and which gives examples of good practice. In due course, a public consultation exercise will be held in respect of a revised Code explaining the duties which are due to come into force in 2004.

The Government's assessment of the costs, and benefits, of implementing the later rights in Part III of the Disability Discrimination Act are contained in the Regulatory Impact Assessment, copies of which are in the Library. It is also available on the disability website: www.disability.gov.uk.

Drugs

Mr. Stringer: To ask the Secretary of State for Education and Employment if he will make a statement on co-ordinating initiatives on drugs in schools. [83651]

Mr. Charles Clarke: The Department is committed to delivering the education strands of the Government's 10 year UK anti-drugs strategy, and has issued guidance to schools and the youth service on the effective delivery of drug education. In particular, it offers teachers and headteachers advice on some key areas in the delivery of drug education, encouraging them to take note of best practice and develop their own detailed programmes and policies of drug education which take account of their own pupils' needs and of local circumstances. A copy of the guidance, entitled "Protecting Young People; Good practice in drug education in schools and the youth service" is in the Library.

The DfEE is making support for drug education available to local education authorities, to assist primary and secondary schools and the youth service to deliver effective drug education. Support is available, through the Standards Fund programme, for the next three years, starting in 1999–2000. £7.5 million is available each year, following the Comprehensive Spending Review.

SCOTLAND

Inward Investment

Mrs. Gillan: To ask the Secretary of State for Scotland if he will make a statement on the work he has done to secure *(a)* Korean and *(b)* Japanese inward investment into the United Kingdom. [81101]

Dr. Reid *[holding answer 16 April 1999]:* Locate in Scotland promotes Scotland's advantages as a business location, working in partnership with the Local Enterprise Companies, Highlands and Islands Enterprise and other bodies in both the public and private sectors. Scotland has attracted strong flows of inward investment in recent years, and inward investment projects from Korea and Japan over the last 5 years have involved 30 projects with planned investment of over £3.2 billion and over 5,000 new/safeguarded jobs.

As from 1 July 1999, this will be a matter for the Scottish Parliament.

Advertising Campaigns

Mr. Wallace: To ask the Secretary of State for Scotland if he will list the amounts the Government have spent on *(a)* opinion polling, *(b)* focus groups and *(c)* advertising in Scotland or related to Scottish Office responsibilities since it came to office. [80051]

Dr. Reid *[holding answer 13 April 1999]:* The details are:

(a) Nil

(b) £145,000

(c) £6,074,600.

Tuition Fees

Mr. Swinney: To ask the Secretary of State for Scotland what is the current level of assessed parental income above which a student becomes eligible for (i) full and (ii) part payment of tuition fees; what plans he has to increase these threshold levels in line with inflation; what estimate he has of the number of students who will become eligible for paying in full or in part their tuition fee if the threshold is not increased in line with inflation; and if he will make a statement. [82656]

Dr. Reid *[holding answer 29 April 1999]:* For academic session 1998–99 parents with a residual income (gross income less certain allowable deductions) greater than £27,000 are expected to contribute the full amount towards their children's tuition fees. Parents whose residual income is between £16,945 and £27,000 are expected to make some contribution towards tuition fees, based on a sliding scale. Parents with a residual income of less than £16,944 make no contribution.

In line with previous practice relating to maintenance grants, the income threshold levels have been increased for academic session 1999–2000 by reference to the Retail Prices Index. The increase of 2.5 per cent. was announced on 15 February 1999, *Official Report*, column *464*.

As from 1 July 1999, this will be a matter for the Scottish Parliament.

School Funding

Mr. Peter Atkinson: To ask the Secretary of State for Scotland what the current level of per capita funding for students is in the Borders Region *(a)* in primary schools, *(b)* in secondary schools up to the age of 16 years and *(c)* for those aged between 16 and 18 years. [84174]

Mr. Macdonald: Per pupil expenditure by Scottish Borders Council in 1996–97, the latest financial year for which information is available, was £1,896 in primary schools, and £3,039 in secondary schools. The figures, which are derived from local authority financial returns, do not include the cost of home to school transport, school meals, education authority central administration costs and loan charges. The returns do not identify expenditure according to the age of pupils.

From 1 July 1999, this will be a matter for the Scottish Parliament.

Census Returns

Mr. John M. Taylor: To ask the Secretary of State for Scotland which of the decennial population returns for Scotland have been closed to public inspection for *(a)* 100 years, *(b)* 80 years or *(c)* permanently. [84495]

Mr. Macdonald: The 1841–91 census returns are open to the public. The 1901 and later census returns are closed for 100 years. No census returns are kept closed for 80 years, nor are any closed permanently.

From 1 July 1999, this will be a matter for the Scottish Parliament.

Mr. John M. Taylor: To ask the Secretary of State for Scotland if he will list *(a)* the linear metres of storage space occupied by each of the pre-1992 decennial census returns for Scotland, *(b)* the actual costs, at current prices, of microfilming each of the pre-1901 census returns and *(c)* the average microfilm cost per linear metre, at current prices. [84496]

Mr. Macdonald: The 1841–91 census returns for Scotland which are open to the public occupy approximately the following amounts of shelving in accommodation belonging to the Registrar General for

Scotland. For more details of the storage space occupied by the 1901 and later censuses, I refer the hon. Member to the answer given to the right hon. Member for North-West Cambridgeshire (Sir B. Mawhinney) on 13 May 1999, *Official Report*, column *191*.

		Linear metres
1841 Census	[1]278	47
1851 Census	[2]176	26.9
1861 Census	[2]1,328	35.9
1871 Census	[2]1,392	26.9
1881 Census	[2]1,080	26.9
1891 Census	[2]1,480	39.2
All open censuses	—	202.8
All closed censuses	—	6,025.8
All censuses	—	6,228.6

[1] Boxes
[2] Volumes

The open censuses have all been microfilmed and there are no plans to refilm. Information on the actual costs of filming—which took place over a period of years starting in the 1950s—cannot now be assembled.

As a very approximate guide, the estimated cost at 1999 prices of microfilming paper volumes of census returns such as would take up one linear metre of shelving might be of the order of £400 to £500.

From 1 July 1999, this will be a matter for the Scottish Parliament.

Mr. John M. Taylor: To ask the Secretary of State for Scotland if he will publish the text of the *(a)* non-statutory assurances of confidentiality and *(b)* 100-year extended closure given by the Registrar General on the householders' forms for the 20th century censuses of population for Scotland. [84497]

Mr. Macdonald: *(a)* The text appearing on the various census returns is as follows:

1901

The Return is required for carrying out the provisions of the Census Act. The contents of the Schedules will be treated as confidential; they will be published in General Abstracts only, and strict care will be taken that the Returns are not used for the gratification of curiosity, or for other purposes than those of the Census.

1911

The contents of the Schedule will be treated as strictly confidential.

1921

Strictly Confidential (marked at top of Householder's Schedule).

1931

Strictly Confidential (marked at top of Householder's Schedule).

1951

The contents of the schedule are strictly confidential.

1961

The contents of the schedule are strictly confidential.

1966

The information you give on the form will be treated as confidential and used only for compiling statistics. No information about named individuals will be passed by the Census Office to any other Government Department or any other authority. If anyone employed on the census improperly discloses information you provide, he will be liable to prosecution.

Where information is supplied to you—for example by a visitor or anyone not belonging to the family—you must not disclose or use it for any purpose other than filling in this form. (If you do, you will be liable to a fine of up to £10. There is also a penalty of up to £10 for refusing to fill in the form or refusing to give you information to enable you to fill it in, or for giving false information).

1971

The information you give on the form will be treated as Confidential and used only for compiling statistics. No information about named individuals will be passed by the Census Office to any other Government Department or any other authority or person. If anyone employed in taking the census improperly discloses information you provide, he will be liable to prosecution. Similarly you must not disclose information which anyone (for example, a visitor or boarder) gives you to enable you to complete the form.

1981

The form is used only for compiling statistics and when you have completed it in accordance with the instructions it will be treated as Confidential and no information about named individuals will be passed by the Census Office to any other Government Department or any other authority or person. If anyone employed in taking the census improperly discloses information you provide, he will be liable to prosecution. Similarly you must not disclose information which anyone (for example, a visitor or boarder) gives you to enable you to complete the form.

1991

Your answers will be treated in strict confidence and used only to produce statistics. Names and addresses will not be put into the computer; only the postcode will be entered. The forms will be kept securely within my Office and treated as confidential for 100 years.

Anyone using or disclosing Census information improperly will be liable to prosecution. For example, it would be improper for you to pass on to someone else information which you had been given in confidence by a visitor to enable you to complete the Census form.

(b) The interpretation of strict confidentiality as requiring lengthy closure of the census returns was not printed on the census forms themselves before 1991, but is part of the Registrar General's policy agreed in 1974 by the then Secretary of State for Scotland and announced in Parliament (Hansard, Official Report Vol 874, no. 46, Written Answer cols 272–3). This confirmed that Scottish census returns for 1901 or later years would not be made available until 100 years after the census to which they relate, and that only in exceptional circumstances could closed census returns be accessed. These public access provisions were affirmed by the present Government in the White Paper "The 2001 Census of Population" (Cm. 4253), published on 4 March 1999. The closure period is intended to safeguard the confidentiality of the personal information collected in the census, and successive Governments have honoured an undertaking that the information would remain confidential. Protection of the credibility of the undertaking is crucial to maintaining the quality of the information collected.

From 1 July 1999, this will be a matter for the Scottish Parliament.

Genetically Modified Salmon

Mr. Baker: To ask the Secretary of State for Scotland, pursuant to his answer of 20 April 1999, *Official Report*, column *525*, for what reason the three-year land-based trial project involving genetically modified salmon has been terminated early. [84185]

Mr. Macdonald *[holding answer 18 May 1999]:* The trial project was terminated early by the company involved for commercial reasons.

As from 1 July 1999, this will be a matter for the Scottish Parliament.

WALES

NHS Waiting Lists

Mr. Edwards: To ask the Secretary of State for Wales if he will make a statement on NHS waiting lists for *(a)* hip replacements, *(b)* cataract operations and *(c)* breast screening for each health authority in Wales for 1996, 1997 and 1998. [84511]

Mr. Jon Owen Jones: Waiting lists for hip replacements and cataract operations are not held centrally. Aggregate figures are available for the numbers of people who had been waiting over 18 months for in-patient or day case admission for the following group of operations—hip and knee replacements and cataract removals. The numbers of patients waiting for an operation in this group at 31 December 1996, 1997 and 1998 are given in the following table.

Number of patients waiting over 18 months for hip and knee replacement and cataract removal operations

Health Authority	*31 December 1996*	*31 December 1997*	*31 December 1998*
Gwent	5	4	42
Bro Taf	0	12	249
Dyfed Powys	0	78	36
North Wales	2	4	14
Morgannwg	0	16	12
All Welsh health authorities	7	114	353

Bro Taf Health Authority, in particular, is concerned about, and is addressing, the problems of long waiters. Additional measures are being taken to increase capacity at the new UHW and Llandough NHS Trust and to offer patients treatment in other local hospitals.

There are no waiting lists for breast screening services which are provided by Breast Test Wales on a rolling three yearly invitation to well women aged 50 to 64 and by self-appointment for well women aged 65 and over. Following the transfer of functions, this will be a matter for the National Assembly for Wales.

Agriculture Secretary

Mr. Evans: To ask the Secretary of State for Wales what representations he has received from the Farmers' Union of Wales and the NFU about the appointment of the Agriculture Secretary of the National Assembly for Wales. [84737]

Mr. Michael: I have received no such representations.

AGRICULTURE, FISHERIES AND FOOD

Integrated Administration and Control System Map

Mr. Maclean: To ask the Minister of Agriculture, Fisheries and Food how many map errors were discovered when performing IACS map checks; and what was the net potential loss to his Department if the errors had not been corrected. [73292]

Mr. Rooker: Map checks only form a small component of the total number of detailed validation checks on Area Aid Applications carried out under IACS, and it is not possible to separate out exactly how many officials were involved. Map checks have been carried out on all 2,174,843 parcels entered on IACS Area Aid Applications in England between 1995 and 1998, and discrepancies in field numbers and areas have been discovered in 352,941 of these. However, some 73 per cent. of the discrepancies found were of a clerical nature which would have had no effect on any claims made. No separate information is available on the savings resulting from map checks in terms of the adjustment made to the value of claims, but they do not as a rule have a major impact. On the other hand, if the checks had not been carried out there would have been significant risk of disallowance of exchequer expenditure for reimbursement out of the European Agricultural Guidance and Guarantee Fund. It is not possible to quantify the net potential loss involved as it is the responsibility of the Commission to decide the amount of disallowance for each individual case. The amount is calculated by determining the risk (real or potential) to Community funds.

Overgrazing

Mr. Todd: To ask the Minister of Agriculture, Fisheries and Food if he will list the number and location of incidents where overgrazing was confirmed by the Ministry in each year between 1990 and 1998. [83479]

Mr. Rooker: No cases of overgrazing were confirmed between 1990 and 1993. The following table gives the information requested for the period from 1994 to 1998. It does not cover work on the separate but related issue of environmental damage caused by the use of unsuitable methods to provide supplementary feed to livestock. Reports of suspected overgrazing are investigated by the Farming and Rural Conservation Agency on behalf of the Ministry using a two-stage assessment process.

Year	*Number of cases where overgrazing confirmed after Stage 2 assessment*	*Location of confirmed cases*
1994	3	Crosby Ravensworth (Cumbria), Long Mynd (Shropshire) and Ingleborough (North Yorkshire)
1995	1	Birkbeck (Cumbria)
1996	3	Reeth Low Moor, Kearton Pasture (both North Yorkshire) and Clee Hills (Shropshire)
1997	4	Brackenber (Cumbria), Newton Fell (Lancashire), Heath Mynd (Shropshire) and Matley Moor (Derbyshire)
1998	4	Askham/Helton, Barton (both Cumbria), Ugborough and Harford (both Devon)

Mr. Todd: To ask the Minister of Agriculture, Fisheries and Food how many incidents of overgrazing were *(a)* reported and *(b)* investigated by the Ministry in each year between 1990 and 1998. [83480]

Mr. Rooker: The material requested is not readily available and could be provided quickly only at disproportionate cost. The Ministry is, however, taking steps to collate this information and I will write to my hon. Friend in due course with a full reply.

Mr. Todd: To ask the Minister of Agriculture, Fisheries and Food how many hill livestock compensatory allowance and sheep annual premium payments were withheld or reduced as a result of overgrazing by recipients in each year between 1990 and 1998. [83476]

Mr. Rooker: There have been no cases where payments of Hill Livestock Compensatory Allowance or Sheep Annual Premium have been withheld because of overgrazing. In cases where overgrazing is confirmed, subsidy payments are reduced or withheld only if the producers concerned do not take appropriate steps to address the problem. So far it has not been necessary to apply these sanctions.

Non-genetically Modified Soya Beans

Joan Ruddock: To ask the Minister of Agriculture, Fisheries and Food what reports his Department has received concerning the efforts of the state Government of Rio Grande do Sol to guarantee non-genetically modified soya bean production throughout their state; and what plans his Department has to give assistance. [84503]

Mr. Rooker: My hon. Friend the Parliamentary Secretary and I met the Secretary of Agriculture for the Brazilian State of Rio Grande do Sol on 13 May 1999 at his request to hear about the ability of his State to supply non-GM soya to UK customers.

We offered to add details of Brazilian companies to the MAFF list of non-GM soya suppliers published on the Department's website, so that those who wished to purchase such material can be aware of this source.

Flax

Dr. Whitehead: To ask the Minister of Agriculture, Fisheries and Food what support his Department is giving to the growing of flax as a substitute fibre for glass fibre panels in motor vehicles. [84321]

Mr. Rooker: The technical feasibility of using flax in motor vehicle panels was demonstrated in research funded by the Ministry to assess the industrial potential of fibres from UK grown crops. The use of crop derived raw materials is promoted at workshops, seminars and agricultural shows, and through the dedicated Website of the Ministry's Alternative Crops Unit.

Animal Slaughter (Inspection Charges)

Miss McIntosh: To ask the Minister of Agriculture, Fisheries and Food what plans the Government have to contribute towards the new charges for veterinary inspection on the slaughter of animals; and if he will make a statement. [84565]

Mr. Rooker: The Government have no plans to contribute towards the costs of those hygiene/welfare inspections conducted at licensed fresh meat premises in accordance with harmonised EU meat hygiene rules. We are obliged by EU law to recover the costs of such inspections from the industry and are not permitted to subsidise such costs. However, the Government's study of the impact of all proposed charges in the slaughtering sector, announced on 21 April, will also look at EU legislation and the way in which inspections are carried out so as to ensure that, when charges are set, they are as low as possible consistent with maintaining public safety and honouring our obligations under EU law.

In the meantime, the Government are bearing the cost of enforcement of specified risk material controls for a further year. Nevertheless, we remain of the view that recovering these costs from the industry is right in principle.

CABINET OFFICE

Access to Information

12. **Dr. David Clark:** To ask the Minister for the Cabinet Office what discussions he has had with the Home Department on changes to the Code of Practice on Access to Government Information. [83652]

Dr. Jack Cunningham: My right hon. Friend the Secretary of State for the Home Department intends to publish the draft Freedom of Information Bill shortly. In the interim, he has no plans to amend the Code of Practice on Access to Government Information.

Public Appointments

13. **Dr. Tony Wright:** To ask the Minister for the Cabinet Office what plans he has to extend the range of public appointments covered by the Public Appointments Commissioner. [83654]

Mr. Kilfoyle: The Government extended the remit of the Commissioner for Public Appointments last autumn. I have no plans to extend the Commissioner's remit further.

Public Sector Ombudsmen

15. **Mr. Bercow:** To ask the Minister for the Cabinet Office if he will make a statement on the progress of the review of public sector Ombudsmen in England. [83656]

Mr. Kilfoyle: Wide consultation has now started. Views have been invited from those representing the public, government and others with an interest in the work of the Ombudsmen. The review is working with the Select Committee on Public Administration to canvass Members' views.

Biotechnology

16. **Mr. Dalyell:** To ask the Minister for the Cabinet Office pursuant to his oral answer of 21 April 1999, *Official Report*, column 896 on biotechnology, if he will make a statement on the research sponsored by the Government into cross-pollination from genetically modified crops. [83657]

Dr. Jack Cunningham: The Government are currently funding studies into cross-pollination between oilseed rape and other species. The results of the work will be made available once the research is completed.

Anti-drugs Co-ordinator

17. **Helen Jones:** To ask the Minister for the Cabinet Office if he will make a statement on the work of the UK Anti-drugs Co-ordinator. [83658]

Dr. Jack Cunningham: The UK Anti-drugs Co-ordinator's first report and national plan will be published shortly.

Modernising Government

18. **Ms Moran:** To ask the Minister for the Cabinet Office what measures he plans to put in place to ensure that targets for the use of new technology announced in the Modernising Government White Paper are directed towards collecting views from the public on the quality of public services. [83659]

Mr. Kilfoyle: Finding out what people want and expect from public services is an important part of the Government's approach to Modernising Government. Through research on electronic service delivery and from the People's Panel, we have begun that process. We will work closely with the public services in central and local government to ensure that services are developed in accordance with what citizens want.

Better Regulation Task Force

19. **Mr. Chope:** To ask the Minister for the Cabinet Office how many meetings he has had with the Chairman of the Better Regulation Task Force this year. [83660]

Mr. Kilfoyle: My right hon. Friend had five meetings with the Chairman of the Better Regulation Task Force.

One-stop Shops

20. **Mr. Goggins:** To ask the Minister for the Cabinet Office what plans he has to support one-stop shops for access to both local and national government services. [83661]

Mr. Kilfoyle: The "Modernising Government" White Paper, launched on 30 March, contains a number of initiatives to encourage joint working between central and local government, including one-stop shops. There will be a drive to eliminate obstacles to joined-up working, including a more co-ordinated approach to property management, and a second round of the Invest to Save Budget to fund new projects that involve partnership working.

Civil Servants (Ethnic Minorities)

21. **Mr. Pickthall:** To ask the Minister for the Cabinet Office what progress he has made in recruiting and retaining black and Asian civil servants in higher grades. [83662]

Mr. Kilfoyle: Black and Asian Civil Servants make up 5.7 per cent. of the Civil Service overall and 1.6 per cent. of the Senior Civil Service. The Government are committed to redressing under-representation in the higher grades and we are actively working to recruit and retain ethnic minorities at all levels in the Civil Service.

We have recently launched with Civil Service Trade Unions, a joint Charter to address under-representation of ethnic minorities at senior levels.

We have also set targets that by the year 2004–05, 3.2 per cent. of the Senior Civil Service will be from ethnic minority backgrounds.

Special Advisers

22. **Mr. Evans:** To ask the Minister for the Cabinet Office if he will list the total budget of all Departments for Special Advisers *(a)* in the current year and *(b)* in 1996–97. [83664]

Mr. Kilfoyle: The pay bill for Special Advisers in 1999–2000 is estimated at £3.9 million. In 1996–97, when the Government employed 38 Advisers against the current 69, the pay bill was £1.8 million.

Red Boxes

23. **Mr. Fabricant:** To ask the Minister for the Cabinet Office what plans he has to promote the use of electronic red boxes for ministers. [83665]

Mr. Kilfoyle: I refer the hon. Member to the reply given to the right hon. Member for Penrith and The Border (Mr. Maclean) on 16 March 1999, *Official Report*, column *651*.

Public Funds

24. **Mr. David Heath:** To ask the Minister for the Cabinet Office what progress he has made in investigating the case for a code of conduct on the use of public funds for the purpose of opinion research. [83666]

Mr. Kilfoyle: My officials are looking at ways of bringing together the various existing sources of advice and expertise on Government public opinion research, in consultation with colleagues in other departments.

Government Buildings, Marsham Street

25. **Mr. Leigh:** To ask the Minister for the Cabinet Office what proportion of the office space at the old Department of the Environment buildings at Marsham street is empty; and for how long such space has been empty. [83667]

Mr. Kilfoyle: 2 Marsham Street has been completely empty since 30 April 1998. Vacation occurred progressively over the previous two years as the Department of the Environment, Transport and the Regions relocated to new accommodation.

Drug Misuse

26. **Mr. Flynn:** To ask the Minister for the Cabinet Office what forecast he has made of the date by which there will be a reduction in illegal drug use. [83668]

Dr. Jack Cunningham: Details will be published shortly in the Co-ordinator's first annual report and national plan.

Annual Report

Mr. Simon Hughes: To ask the Minister for the Cabinet Office what independent auditing he plans of the Government's annual report. [83655]

Mr. Kilfoyle: This year's Annual Report will be prepared in the same way as last year's, as set out in my reply to the hon. Gentleman on 13 January 1999, *Official Report,* columns 226–27.

Written Answers to Questions

Thursday 20 May 1999

PRIME MINISTER

Kosovo

Mr. Dalyell: To ask the Prime Minister if he will take steps to establish a Committee of Privy Counsellors to inquire into the circumstances of British involvement in the conflict in Serbia. [83832]

The Prime Minister *[holding answer 11 May 1999]:* I refer the hon. Member to the reply I have given to the right hon. Member for Richmond, Yorks (Mr. Hague) today, column 401.

Mr. Hague: To ask the Prime Minister if he will appoint a Committee of Privy Councillors to review the way in which the responsibilities of the Government in relation to British policy towards Kosovo were discharged in the period leading up to the start of the NATO action on 24 March, taking account of all such factors in previous years as are relevant, and to report; and if he will make a statement. [84887]

The Prime Minister: I see no need.

Cancer Treatment

Mr. Paul Marsden: To ask the Prime Minister if he will set up a Cabinet Committee on the provision of cancer treatment in the UK; and if he will make a statement. [84235]

The Prime Minister: The Government is firmly committed to improving the provision of cancer treatment in the UK and has made it one of its highest priorities. All people, wherever they live, should have access to high quality cancer services. This was the aim of the Calman/Hine report "A Policy Framework for commissioning Cancer Services". However, when the Calman/Hine principles were adopted in 1995, no machinery to monitor progress was established. We are now rectifying that omission.

We have established a National Cancer Forum with a remit of acting as the focus for maintaining the strategic oversight of the Calman/Hine cancer services implementation programme, and to advise Ministers on specialised issues related to cancer.

Other UK countries are represented on the National Cancer Forum and have similar strategies and initiatives to improve cancer services, and Ministers take a keen interest in progress.

In recognition of the importance of cancer to the Government's agenda, we are also holding a high level cancer seminar today at 10 Downing Street. Those attending will cover the spectrum from prevention, screening, treatment, research, voluntary organisations, patient perspective and NHS implementation. The purpose of the seminar is to review where the UK's performance stands in comparison to other countries, to consider the action we have already taken and are taking, to improve performance and identify further action to be taken in pursuit of our objectives. Our intention is to look across the complete pathway of the disease, from research to hospice care and from prevention to the application of the latest treatments.

I do not believe a Cabinet Committee would improve the Government's ability to address this important issue.

European Union

Mr. Bercow: To ask the Prime Minister if it is his policy to assist in the development of a single economy and a single political unity within the European Union. [84212]

The Prime Minister: No. As I said in my speech in Aachen last week, this Government has made huge strides in improving Britain's relations with Europe. We will engage with Europe to push forward on the economic reform agenda, making ourselves more competitive, developing a European defence capability and a co-ordinated approach to foreign policy issues. I believe we need to integrate when necessary and decentralise where possible.

Bilderberg Group

Mr. Bercow: To ask the Prime Minister, pursuant to his answer to the hon. Member for Hereford (Mr. Keetch) of 7 May 1999, *Official Report*, columns *476–77*, on the Bilderberg Group, what official (i) transport and (ii) funds have been used to facilitate attendance at Bilderberg meetings of members of his Government; which members have attended meetings; what reports they have made on the meetings; and what subsequent communication they have had with others attending on subjects discussed at the meetings. [84213]

The Prime Minister: As far as I am aware, only one member of this Government—the Defence Secretary—has attended a meeting of the Bilderberg Group. He provided a detailed account of his attendance in answers to the hon. Members for Ludlow (Mr. Gill) on 23 July 1998, *Official Report*, column *609*, and for Hereford (Mr. Keetch) on 20 July 1998, *Official Report*, column *434*.

MI6

Mr. Gordon Prentice: To ask the Prime Minister what methods are used to identify and recruit MI6 personnel; and if he will make a statement. [84630]

The Prime Minister: The Secret Intelligence Service recruits a wide range of staff, including specialists, graduates and school leavers. Before an offer of appointment is confirmed, candidates are vetted to the highest level of security clearance, known as Developed Vetting. The Service adopts, as far as is practicable, the civil service code of practice on recruitment, to ensure that the procedures used are as open and as fair as possible. Recruitment policies are kept under constant review and a number of improvements have been made over the past three years to ensure that they remain effective and that a wide range of candidates is able to apply.

Yugoslavia

Mr. Llew Smith: To ask the Prime Minister how many civilians have been killed as a result of the use of *(a)* British and *(b)* NATO weapons in operation Allied Force against Yugoslavia. [84644]

The Prime Minister: As I said in the House last week, we do everything we can to avoid civilian casualties and minimise damage to civilian property. The cases of injury and death among civilians which have nevertheless occurred by accident have been acknowledged by NATO and are deeply regretted; they are a regrettable consequence of having to use force to stop the violence which Milosevic has unleashed against the people of Kosovo. They stand in contrast to the deliberate murders and brutalities of the Milosevic regime. Verification of civilian casualties is not possible as access to sites is controlled by the Milosevic regime. Alleged evidence of fatalities claimed to arise from allied action should therefore always be treated with great caution.

War Widows' Pensions

Mr. Hayes: To ask the Prime Minister, pursuant to his oral answer of 12 May 1999, *Official Report*, column 315, if he will make a statement on the progress of his review into the way in which war widows pensions relate to housing benefit. [84665]

The Prime Minister *[holding answer 18 May 1999]:* The mandatory disregards for War Disablement and War Widows' Pensions that already exist in Housing Benefit and Council Tax Benefit recognise the special nature of these pensions, and ensure that the pensioners receive preferential treatment. For example, a war pensioner can have between £10 and £181 a week of his pension disregarded on a statutory basis.

We will keep this under review, but further extending existing disregards is not a main priority: A full disregard of War Disablement and War Widows' Pension in Housing Benefit and Council Tax Benefit would cost in the region of an additional £70 million a year.

Rural Representation

Mr. Hayes: To ask the Prime Minister, pursuant to his oral answer of 12 May 1999, *Official Report*, column 318, what was the basis for his statement relating to rural representation in the House. [84666]

The Prime Minister *[holding answer 18 May 1999]:* The Boundary Commission defines as county constituencies those that are "primarily rural". 170 county constituencies are held by Labour, compared with 135 by the Conservatives and 32 by the Liberal Democrats.

Cabinet Meetings

Mrs. Virginia Bottomley: To ask the Prime Minister on what basis Cabinet meetings are held in his absence. [84768]

The Prime Minister: I refer the right hon. Member to the reply I gave her in the House on Wednesday 19 May 1999, *Official Report*, column 1060.

Secretary of State for Wales

Mr. Evans: To ask the Prime Minister when he plans to announce his decision on the separation of the functions of the Secretary of State for Wales and the First Secretary. [84796]

The Prime Minister: The functions of the Secretary of State for Wales which will be transferred to the National Assembly for Wales on 1 July are listed in the National Assembly for Wales (Transfer of Functions) Order 1999. The functions of the First Secretary of the National Assembly for Wales include those which are conferred by the Government of Wales Act 1998 and related legislation, but are otherwise a matter for the Assembly.

Sierra Leone

Mr. Gardiner: To ask the Prime Minister when he intends to publish the Government's response to the Intelligence and Security Committee's report on Sierra Leone. [85205]

The Prime Minister: The Government has carefully considered the findings in the Intelligence and Security Committee's Report on the intelligence aspects of the counter-coup in Sierra Leone. The Government's response to the report is being published today.

NORTHERN IRELAND

Terrorist Activities

Mr. William Ross: To ask the Secretary of State for Northern Ireland when, where and by what means *(a)* Judge William Doyle, *(b)* Mr. Edgar Graham, *(c)* Lord Justice Gibson and his wife, *(d)* Resident Magistrate W. Staunton and *(e)* Resident Magistrate Martin McBirney were murdered; which terrorist organisation was responsible; how many persons have been brought before the courts for that crime; and what sentences were imposed. [81166]

Mr. Ingram *[holding answer 16 April 1999]:* The information requested is as follows:

Judge William Doyle: At approximately 12.55 pm on 16 January 1983, Judge Doyle was shot in Derryvolgie Avenue, Belfast, having just left Mass at St. Brigid's Church. An elderly lady passenger in the vehicle was seriously injured. The murder was claimed by the Irish Republican Army. to date no person has been made amenable.

Mr. Edgar Graham: At approximately 10.50 am on 7 December 1983, at University Square, Belfast, Mr. Graham was shot dead. The murder was claimed by the Irish Republican Army.

RUC investigations resulted in one person being convicted of making property available and withholding information and sentenced to 2 years imprisonment suspended for 3 years. Another person, convicted of withholding information, was sentenced to 18 months imprisonment suspended for 2 years.

A number of other persons were arrested and interviewed in relation to this murder but released without charge.

Lord Justice Sir Maurice Gibson and Lady Cecily Gibson: At approximately 8.40 am on 25 April 1987, an explosion occurred on the Dublin Road at Killeen, Newry. Lord Justice Gibson and his wife were fatally injured. They had been returning home from a short holiday in England and had travelled overnight on the car ferry from Liverpool to Dublin. Explosives had been placed in a vehicle parked at the roadside and were detonated as the Gibson's

car passed. The murders have been attributed to the Irish Republican Army but despite extensive inquiries no one to date has been made amenable.

William John Staunton RM: At approximately 8.50 am on 11 October 1972, Mr. Staunton stopped his car outside St. Dominic's Convent Grammar School, Falls Road, Belfast. As his daughter and some school friends alighted from the vehicle to enter the school, a motor cycle drew up alongside and the pillion passenger shot Mr. Staunton. He was taken to the Royal Victoria Hospital where he underwent emergency surgery. He never regained consciousness and died at 9.55 pm on Thursday 25 January 1973.

The murder was attributed to the Irish Republican Army. Two persons were arrested, interviewed and released without charge. To date no one has been made amenable.

Robert Martin McBirney QC, RM: At approximately 8.20 am on 16 September 1974, Mr. McBirney was shot in his home at 172 Belmont Road, Belfast. A man was seen to get out of a car and walk to the rear of the McBirney home. The man was then observed leaving and getting back into the car which had two other occupants. The car was located some 500 yards from the scene of the murder. Its occupants were seen to drive off in another vehicle. The car used to convey the gunmen to and from the scene had been hi-jacked on the morning of the murder. It was attributed to the Irish Republican Army.

Police investigations linked one person to the murder who was also identified as being the gunman. He was subsequently charged and convicted of murder and received a life sentence.

Mr. William Ross: To ask the Secretary of State for Northern Ireland when, where and by what means Resident Magistrate Mr. Tom Travers and his wife were injured and their daughter murdered; which terrorist organisation was responsible; how many persons have been brought before the courts for that crime; and what sentences were imposed. [81167]

Mr. Ingram *[holding answer 16 April 1999]:* At approximately 1 pm on 8 April 1984, Mr. Thomas Travers RM, his wife and their daughter Mary were walking to their home having just attended Mass at St. Brigid's Church in Derryvolgie Avenue when they were attacked by two gunmen. As a result Mary Travers was fatally wounded and Thomas Travers was seriously wounded. Mrs. Travers escaped injury. The attack was attributed to the Irish Republican Army.

Shortly after the incident police arrested a young woman in the Wellington Park area of the city. She was found to have two handguns in her possession. Both guns were later linked to the attack on the Travers family. She was subsequently convicted of the murder of Mary Travers and the attempted murder of Thomas Travers and received a life sentence.

A second person was arrested some seven weeks later and was identified by Mr. Travers as being one of the gunmen. However, he was acquitted of all charges.

Mr. William Ross: To ask the Secretary of State for Northern Ireland when, where, and by what means Judge Rory Conaghan was murdered; which terrorist organisation was responsible; how many persons have been brought before the courts for that crime; and what sentences were imposed. [81245]

Mr. Ingram *[holding answer 16 April 1999]:* At approximately 8.30 am on 16 September 1974, a person, posing as a postman, rang the doorbell of Judge Conaghan's home at 17 Beechlands, Malone Road, Belfast. The door was answered by Judge Conaghan. He was shot and fatally wounded. The gunman made off and was seen to get into a car which was driven by another person. The car was later abandoned in Windsor Avenue, Belfast. Witnesses observed that two males and a girl were seen to leave the car. The vehicle had been taken from its owner in the Dermott Hill Road, Belfast earlier that day by a person claiming to be from the Irish Republican Army.

To date, no one has been made amenable for Judge Conaghan's murder.

Belfast Brook Pregnancy Advisory Clinic

Rev. Martin Smyth: To ask the Secretary of State for Northern Ireland if she will list the amount of Government grants given to the Belfast Brook Pregnancy Advisory Clinic for each year since 1990 *(a)* directly and *(b)* through health boards and trusts. [84409]

Mr. McFall: The information requested is as follows:

(a) Directly: nil

(b) Through boards and trusts:

Year	£
1990–91	0
1991–92	30,000
1992–93	31,500
1993–94	31,500
1994–95	45,172
1995–96	49,847
1996–97	67,468
1997–98	72,340
1998–99	69,096

Sports Funding

Mr. John D. Taylor: To ask the Secretary of State for Northern Ireland how much public funding has been given to *(a)* the Irish Rugby Football Union, *(b)* the Irish Football Association, *(c)* the Northern Ireland Cricket Association and *(d)* the Irish Hockey Union in each of the last five years; and if she will make a statement. [84323]

Mr. McFall: Responsibility for funding sports organisations rests with the Sports Council of Northern Ireland, who have advised me that the total amount of public funding from normal funding and the Lottery for the Irish Rugby Football Union (IRFU), the Irish Football Association (IFA), the Northern Ireland Cricket Association (NICA) and the Irish Hockey Union (IHU) is as follows:

£

	IRFU	*IFA*	*NICA*	*IHU*
1998–99	10,073.85	53,548.67	41,384.02	36,671.13
1997–98	23,544.45	47,719.56	25,866.20	19,177.42
1996–97	5,829.75	60,115.03	24,799.46	31,623.09
1995–96	3,631.35	[1]40,856.03	24,357.75	47,829.14
1994–95	6,973.70	15,148.44	23,865.75	31,730.94

[1] Includes a special capital grant of £3,811.38 from Department of Education

Census Returns

Mr. John M. Taylor: To ask the Secretary of State for Northern Ireland if she will publish the text of the *(a)* non-statutory assurances of confidentiality and

(b) 100-year extended closure given by the Registrar General on the householders' forms for the 20th century censuses of population for Northern Ireland. [84491]

Mr. Paul Murphy: The assurances on confidentiality listed on household forms for the 20th century censuses of population for Northern Ireland are as follows:

1928 and 1937:

All particulars given in the Return will be regarded as strictly confidential and will be issued only to prepare general census summaries.

1951:

All particulars given in this Return will be regarded as strictly confidential.

1961:

The contents of this Return are strictly confidential.

1971:

The information you give on the form will be treated as "Confidential" and used only for compiling statistics. No information about named individuals will be passed by the Census Office to any other Government Department or any other Authority or person.

1981:

The information which you give on the form will be treated as "Strictly Confidential" and will be used only for compiling statistics. No names and addresses will be fed into the computer and no information about named individuals will be passed by the Census Office to any other Government Department or to any other Authority or person.

1991:

Your answers will be treated in strict confidence and used only to produce statistics. No names and addresses will be put into the computer; only the postcode will be entered. The forms will be kept securely and treated as confidential. No information about named individuals will be passed by the Census Office to any other Government Department or to any other authority or person.

Note:

The Censuses of 1901 and 1911 were taken on an all Ireland basis. The original census records are held in Dublin.

The Census Act (Northern Ireland, 1969 requires that information obtained from Northern Ireland censuses is to be used for census purposes only and that census records are to be kept closed.

Mr. John M. Taylor: To ask the Secretary of State for Northern Ireland, pursuant to section 123 of the White Paper on the 2001 Census, when she plans to bring forward proposals for an end to the permanent closure to public inspection of Northern Ireland census returns. [84499]

Mr. Paul Murphy: The Census White Paper (cm 4253) indicated that consideration would be given to availing of a suitable legislative opportunity to introduce to Northern Ireland similar provisions to those in Great Britain on the closure of historic census records. To date, no suitable opportunity has arisen, but the position is kept under continuous review.

Carryduff Primary School

Mr. John D. Taylor: To ask the Secretary of State for Northern Ireland what plans she has to grant Carryduff Primary School integrated status; and if she will make a statement. [84570]

Mr. McFall: The Department of Education is aware of local interest in the establishment of an integrated primary school in the Carryduff area, but I understand that developments are at a very early stage. The transformation of Carryduff Primary School to controlled integrated status is a matter for the school's Board of Governors and the South Eastern Education and Library Board to consider in the first instance. If the school decides to seek integrated status this would involve a ballot of parents and the publication of a statutory development proposal by the Education and Library Board.

Military Complaints Procedures

Mr. Salter: To ask the Secretary of State for Northern Ireland when she intends to lay before Parliament Mr. Jim McDonald's annual report as Independent Assessor of Military Complaints Procedures in Northern Ireland. [85206]

Marjorie Mowlam: Mr. McDonald's report is being published today and copies are being placed in the Library.

I note that Mr. McDonald has said that the complaints procedures are given proper attention by the Army and are being operated fairly, I note also that there has been a marked decrease in the overall number of complaints received.

The Report provides valuable reassurances to Government and the public that the Army's complaints procedures stand scrutiny.

Prison Service

Mr. Salter: To ask the Secretary of State for Northern Ireland when the Northern Ireland Prison Service intends to publish its 1999–2002 Corporate and Business Plan; and what performance targets have been set for 1999–2000. [85207]

Marjorie Mowlam: The Northern Ireland Prison Service's Corporate and Business Plan for 1999–2002 was published today. The following key performance targets have been set for 1999–2000:

1. To ensure 100 per cent. security for prisoners in high and top risk categories.
2. To ensure at least 99.5 per cent. security for prisoners in medium and low risk categories.
3. To ensure that the number of significant breaches of order and control does not exceed 7.1 per 100 prisoners.
4. To introduce a system of booked visits to a prison establishment by march 2000.
5. To increase the target number of hours of constructive activity undertaken each week by prisoners by 3 per cent. from 22.85 hours to 23.5 hours.
6. To offer sentence planning to all eligible prisoners and to achieve a 50 per cent. uptake.
7. To achieve an average of 5 days training and development per member of staff.
8. To ensure that the average cost per prisoner place does not exceed £83,426[1]

[1] This figure is higher than in 1998–99, as the number of staffed prisoner places has reduced to 1,597 as a result of the closure of 2 Blocks at the Maze. The number may alter again during 1999–2000 in the light of developments. The target net operating costs for 1999–2000 are 3.4 per cent. lower in real terms than the target net operating costs for 1998–99, excluding the exceptional redundancy costs in both years.

PRESIDENT OF THE COUNCIL

Death Penalty (Commonwealth Countries)

Mr. Cox: To ask the President of the Council, pursuant to her answer of 19 April 1999, *Official Report*, column *467*, on the death penalty in Commonwealth countries for how long each of the appeals and applications for appeal in Trinidad and Tobago have been outstanding; and when each person was sentenced to death. [84683]

Mrs. Beckett: The seven appeals from Trinidad and Tobago referred to in my answer of 19 April were registered in the Judicial Committee of the Privy Council on the following dates:

P.C. Appeal number	*Registration date*
(1) 29 of 1998	11 May 1998
(2) 32 of 1998	12 May 1998
(3) 40 of 1998	28 May 1998
(4) 63 of 1998	30 September 1998
(5) 73 of 1998	12 November 1998
(6) 75 of 1998	10 December 1998
(7) 4 of 1999	12 February 1999

The first three listed have since been heard and judgment is awaited.

The 10 petitions for leave to appeal referred to in the answer of 19 April were lodged with the Judicial Committee Registry on the following dates:

Petitions	
1	15 July 1997
2	8 October 1997
3	19 February 1998
4	3 June 1998
5	16 February 1999
6	8 March 1999
7	8 March 1999
8	25 March 1999
9	30 March 1999
10	31 March 1999

Five of these petitions have now been heard. Two have been granted, two have been dismissed and one has been adjourned to await the determination of another case. The sentence of death in each of the above appeals and petitions was passed on various dates between 12 February 1996 and 29 May 1998.

TRADE AND INDUSTRY

ICL Pathway Project

Mr. Rendel: To ask the Secretary of State for Trade and Industry how many post offices remain to be computerised under the ICL Pathway Project. [84253]

Mr. Ian McCartney *[holding answer 14 May 1999]:* At the end of March 1999, the Post Office network comprised 18,775 offices. To date, 204 offices have been automated under the ICL Pathway Project.

Fireworks

Mr. Burden: To ask the Secretary of State for Trade and Industry if he will discuss with the Secretary of State for the Environment, Transport and the Regions trends in harassment and nuisance arising from the misuse of fireworks; and if he will make an assessment of the risks to consumer safety arising from such misuse. [84691]

Dr. Howells: My right hon. Friend the Secretary of State for the Environment, Transport and the Regions has no responsibility for the harassment and nuisance issues arising from fireworks.

Firework incidents that occur in the street during the November firework season and require treatment by A&E departments are recorded in the DTI's census of firework injuries, which is conducted over a four-week period covering the run-up to 5 November and a few days afterwards. The summary report of firework injuries treated during the 1998 firework season—a copy of which is in the Library of the House—shows that there was a 12 per cent. drop, from 256 in 1997 to 226 in 1998, in hooligan-related injuries.

The Fireworks (Safety) Regulations 1997, among other things, introduced controls on the supply of certain fireworks, including some types that are most often misused. These controls, together with a targeted safety campaign, played a significant part in reducing the number of firework injuries and incidents of misuse during the last firework season.

Mr. Burden: To ask the Secretary of State for Trade and Industry what arrangements are in place to ensure that imported fireworks placed on the market in the United Kingdom have received authorisation and categorisation by the Department of the Environment, Transport and the Regions, [84692]

Mr. Meale: I have been asked to reply.

It is a requirement in law that any commercial explosive, including fireworks be classified by the Health and Safety Executive before it is imported into the UK. It is also a requirement under section 40(9) of the Explosives Act 1875 for explosives to be authorised. The conditions for authorisation have been published by the HSE. In the case of fireworks, authorisation is conditional on compliance with the requirements of British Standard 7114:1988. This is also a requirement under the Firework (Safety) Regulations 1997 which are enforced by Local Authority Trading Standards officers.

If satisfied with an application for classification, the HSE issues a Competent Authority Document assigning the fireworks to an appropriate Hazard Classification and United Nations Serial Number. The details of each classified firework are held on a database and published as a list from time to time. The Competent Authority Document also acts to authorise the fireworks but this is subject to the fireworks meeting the relevant conditions for authorisation. Any firework not meeting these conditions would be considered not to be Authorised.

The HSE has enforcement powers under the applicable classification regulations and will take appropriate action where unclassified or unauthorised fireworks are found in the UK. Checks for compliance are made as part of the normal duties of the explosives inspectorate such as

inspection of explosives factories and magazines, checks of transport activity, liaison and support to local authorities and investigation of incidents and complaints.

Mr. Burden: To ask the Secretary of State for Trade and Industry what assessment he has made of the likely trends in the use of fireworks at the time of the millennium celebrations; and what plans he has to promote consumer safety associated with that use. [84690]

Dr. Howells: It is expected that fireworks will feature in Millennium celebrations, but it is not possible to predict patterns of use. DTI officials are currently working on a publicity strategy to address firework safety issues for the 1999 firework season and the Millennium celebrations. Discussions are also taking place with the fireworks industry about the period when fireworks should be sold and other safety issues associated with the use of fireworks over the Millennium.

Utilities (Regulations)

Mr. Kidney: To ask the Secretary of State for Trade and Industry what powers his Department retains to ensure that the plans of the utilities it regulates for asset replacement are consistent with *(a)* safety and *(b)* the national interest. [84766]

Mr. Battle: The Director-General of Electricity Supply and my right hon. Friend, the Secretary of State have duties under the Electricity Act to protect the public from dangers arising from the generation, transmission or supply of electricity. The Director-General of Gas Supply and my right hon. Friend the Secretary of State have duties under the Gas Act to protect the public from dangers arising from the conveyance of gas through pipes or the use of such gas. Regulations made under these Acts, including the Electricity Supply Regulations, make further provision for these matters.

The Department has no specific powers to regulate the plans of gas, electricity or telecommunications companies for asset replacement. Various aspects of the statutory or regulatory framework within which these industries operate may, however, constrain these plans. In general, the regulatory requirements focus on the outcomes which must be achieved; it is for the companies themselves to consider any implications for their asset replacement policies and act accordingly.

The Gas, Electricity and Telecommunications Acts, other relevant legislation and licence conditions also provide appropriate protection for certain relevant matters for national interest reasons, in particular security of supply and maintenance of supplies or communications in emergencies.

Mines Legislation

Mr. Eric Clarke: To ask the Secretary of State for Trade and Industry if he will make an announcement on the outcome of the consultation on the Mines (Working Facilities and Support) Acts 1966 and 1974. [85231]

Mr. Battle: The Government have concluded that no amendments to the legislation are required at present, although we shall monitor the application of these Acts to the individual minerals industries to determine whether any amendments might be desirable in the future.

CULTURE, MEDIA AND SPORT

Millennium Dome

Mr. Maclean: To ask the Secretary of State for Culture, Media and Sport if he will list the nations which have *(a)* agreed and *(b)* declined to participate in the nation a day theme in the Millennium Dome. [81751]

Janet Anderson: The New Millennium Experience Company (NMEC) has invited countries from around the world to put forward their proposals for World Stage 2000. This will provide an opportunity for international participation in the Millennium Experience. A number of positive preliminary inquiries have been received and are the subject of discussion with NMEC. Firm proposals are expected in the next few weeks.

Gwrych Castle

Mr. Peter Ainsworth: To ask the Secretary of State for Culture, Media and Sport what discussions he has had with the Secretary of State for Wales about the condition of Gwrych Castle; and if he will make a statement. [84736]

Mr. Chris Smith *[holding answer 19 May 1999]:* None. My right hon. Friend the Secretary of State for Wales is responsible for built heritage matters in Wales. This is a matter for which National Assembly of Wales will be responsible after devolution.

SCOTLAND

East Lothian Local Plan

Mr. Home Robertson: To ask the Secretary of State for Scotland if he will make a statement on the *(a)* duration and *(b)* cost of the inquiry into objections to the East Lothian Local Plan; if he will compensate East Lothian Council for the costs of the inquiry; and if he will make it his policy to require objectors with financial interests in proposed developments to contribute to the costs of inquiries. [84088]

Mr. Macdonald: The duration of the East Lothian Local Plan Inquiry is estimated to be 17 weeks, with less than 2 weeks to run.

It is long established practice for parties to local inquiries to meet their own costs, except where unreasonable behaviour by another party justifies an award of expenses. Accordingly, the Secretary of State has no plans to compensate the Council for their costs.

From 1 July 1999, this will be a matter for the Scottish Parliament.

FOREIGN AND COMMONWEALTH AFFAIRS

Entry Clearance

Fiona Mactaggart: To ask the Secretary of State for Foreign and Commonwealth Affairs how many people were waiting in each of the queues for settlement entry clearance at each of the British posts in the Asian subcontinent at the latest available date. [84655]

Mr. Hoon: The statistics requested are as follows. Figures are for the end of April 1999.

Post	Applicants	Q1 [1]	Q2 [2]	Q3 [3]	Q4 [4]
Bombay	633	0	427	110	96
Calcutta	1	n/a	n/a	n/a	n/a
Colombo	56	n/a	n/a	n/a	n/a
Dhaka	1,039	31	687	14	307
Islamabad	4,171	93	3,651	258	169
Karachi	114	n/a	n/a	n/a	n/a
Madras	30	n/a	n/a	n/a	n/a
New Delhi	709	6	467	199	37

[1] Right of Abode claimants; dependent relatives over 65; special compassionate cases.
[2] Spouses, children under 18.
[3] Fiance(e)s, other settlement categories.
[4] Re-applicants.
Note:
Calcutta, Colombo, Karachi and Madras do not operate separate queues.

Fiona Mactaggart: To ask the Secretary of State for Foreign and Commonwealth Affairs what was the income from entry clearance fees in *(a)* 1997–98, *(b)* 1996–97 and *(c)* 1995–96 at (i) each British post in the Asian subcontinent, (ii) Lagos, (iii) Abuja, (iv) Accra, (v) Manila, (vi) Moscow and (vii) Bogota; and what is the estimated entry clearance fee income at each of those posts for (1) 1998–99 and (2) 1999–2000. [84662]

Mr. Hoon: Income for the entry clearance posts in question for the three years since 1996–97 is as follows:

£

	1996–97	1997–98	1998–99
Abuja	301,397	382,986	497,693
Accra	831,432	877,599	1,101,338
Bogota	50,588	763,799	862,794
Bombay	2,644,376	3,128,548	3,330,583
Calcutta	380,253	412,918	412,869
Dhaka	1,459,555	1,657,039	1,606,508
Islamabad	2,635,300	3,483,264	4,317,212
Karachi	1,155,776	1,266,296	1,406,598
Lagos	2,108,116	1,816,027	2,071,149
Madras	765,364	954,617	1,091,499
Manila	916,781	920,567	882,930
Moscow	2,624,607	3,261,819	2,650,806
New Delhi	2,366,637	2,838,608	3,022,050

Details of income from entry clearance fees for the financial year 1995–96 are not readily available and could be obtained only at disproportionate cost.

Based on previous trends, we would expect to see an increase in worldwide demand for visas in 1999–2000 of around 3 per cent. We are currently forecasting an increase in global income of about 2.6 per cent. for that year to £67.9 million. Because of the differences in application profiles we do not make estimate of income for individual posts.

UN Special Rapporteur (Human Rights and States of Emergency)

Mr. McNamara: To ask the Secretary of State for Foreign and Commonwealth Affairs what are the most recent communications he has *(a)* sent to and *(b)* received from the UN special rapporteur with responsibility for human rights and states of emergency. [84781]

Mr. Tony Lloyd: There is no record of any communication either to or from the UN Special Rapporteur with responsibility for human rights and states of emergency since this Government came to power in May 1997.

Treaty of Amsterdam

Mr. Jim Cunningham: To ask the Secretary of State for Foreign and Commonwealth Affairs when he expects the Treaty of Amsterdam to come into force. [82714]

Ms Quin *[pursuant to her reply, 28 April 1999, c. 180]:* An administrative error led to a mistake in my earlier answer to the hon. Member of 28 April. The correct answer is as follows.

The process of ratification of the Treaty of Amsterdam was completed on 30 March, when France deposited its instruments of ratification with the Italian Government.

The Treaty entered into force on 1 May 1999, in accordance with Article 14(2) of the Treaty of Amsterdam.

EDUCATION AND EMPLOYMENT

Grammar Schools

Mr. Evans: To ask the Secretary of State for Education and Employment what percentage of grammar schools have attained beacon school status. [84869]

Ms Estelle Morris: Five grammar schools (3 per cent.) have now been awarded Beacon school status.

Catering Job Vacancies

Mr. Fearn: To ask the Secretary of State for Education and Employment what is his Department's estimate of current vacancies in the catering sector in *(a)* the North West of England and *(b)* Sefton. [84416]

Mr. Andrew Smith: The Office for National Statistics publishes a seasonally unadjusted quarterly count of vacancies notified to Employment Service Jobcentres broken down by 1992 Standard Industrial Classification (SIC92) category—it combines catering and hotels.

(a) Focusing on Jobcentres in the North West Government Office Region:

in the 12 months ending April 1999, there were around 40,600 notified vacancies in the hotel and catering industry—representing approximately 15 per cent. of notified vacancies.

in April 1999, there were around 4,400 unfilled vacancies in the hotels and catering industry.

(b) Focusing on Jobcentres in the Sefton metropolitan district:

in the 12 months ending April 1999, there were around 1,900 notified vacancies in the hotel and catering industry—representing approximately 14 per cent. of notified vacancies.

in April 1999, there were around 200 unfilled vacancies in the hotels and catering industry.

Not all vacancies are, however, notified to Employment Service Jobcentres.

Class Sizes (Isle of Wight)

Dr. Brand: To ask the Secretary of State for Education and Employment if he will list for schools in the Isle of Wight Local Education Authority the change in the average size of classes, taught by one teacher, between January 1998 and January 1999 for pupils in *(a)* nursery classes, *(b)* Key Stage Two and *(c)* secondary schools. [84718]

Ms Estelle Morris: Information on class sizes for individual schools is not published centrally. The available information for Isle of Wight Local Education Authority area is shown in the table.

The Government have pledged to reduce infant class sizes to 30 or below by September 2001 at the latest, and we are on course to meet that pledge.

Average class size of one teacher classes, Isle of Wight local education authority area

January each year	*1998*	*1999*
Nursery classes	36.7	27.0
Key Stage One	25.7	23.8
Key Stage Two	27.6	28.3
Overall Primary	26.5	25.6
Secondary	22.4	22.4

ENVIRONMENT, TRANSPORT AND THE REGIONS

Fuel Duty Escalator

Mr. Todd: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 15 April 1999, *Official Report*, column *299*, what methodology will be used to assess the impact of the fuel duty escalator on transport emissions and when an accurate assessment of impact will be prepared. [81619]

Ms Glenda Jackson: We draw on a number of forecasting techniques to estimate the impact of the fuel duty escalator on emissions. These techniques principally focus on the long-term, since the fuel duty escalator is a long-term policy. Our forecasting methods are kept under review, and adjustments are made as and when improved techniques or new data become available.

To some degree all these methods rely on statistical analysis of historic data, and we suspect that we will need a number of further years' traffic and emissions data before we can make a definitive short-term assessment of the impact of fuel duty increases since 1996. Even then, such an assessment will remain reliant on forecasts of what would have happened had the increases not been implemented, and will not pick up the full effects of the policy which will only become apparent over the longer term. Work in this area continues, and we will make available short-term estimates to complement the long-term estimates we have already published, once these can be provided with an acceptable degree of reliability.

National Land Use Database

Mr. Bennett: To ask the Secretary of State for the Environment, Transport and the Regions when he plans to publish the National Land Use Data Base. [84365]

Mr. Caborn: I am today publishing the first results of the National Land Use Database (NLUD). This shows that there are around 33,000 hectares of previously developed vacant and derelict land in England of which about a third could be recycled for housing. Another 23,000 hectares are currently in productive use but are planned or expected to become available for redevelopment. Together, this is capable of accommodating more than 710,000 dwellings.

The Government's target is that 60 per cent. of additional homes should be built on previously developed land or should utilise existing buildings. We have always said that this target is tough but achievable. Latest figures show that we had reached 56 per cent. by 1996.

The results of NLUD are a snap-shot in time and provide only part of the information about the position in reaching the target. The stock of land and buildings available for recycling is continually being added to, as well as being developed for housing and other purposes, and these changes have to be fully taken into account. My right hon. Friend the Deputy Prime Minister has therefore asked the Urban Task Force to review the future availability of recycled land and buildings, taking account of the NLUD data. The Task Force expects to present its report at the end of next month.

Everybody has to have the opportunity of a decent home in which to live. New houses have to be built but in a sustainable way which helps put new life into our towns and cities, makes best use of land and does not squander the precious resource of our English countryside. Policies to achieve these objectives were set out in our revised Planning Policy Guidance note 3: *Housing*, which was issued for consultation at the end of March.

Today's publication represents the first step towards a comprehensive National Land Use Database which my Department is developing in partnership with local government, English Partnerships and Ordnance Survey.

The statistical bulletin released today gives national and regional results for different types of land, with information about planned uses and assessments of suitability for housing. Some results are also being made available for individual local planning authorities.

This information will be valuable to all those concerned with planning and urban regeneration, including the regional planning conferences—who will be setting regional targets for the re-use of previously developed land for new housing, English Partnerships—who are doing further work on key sites, and the Regional Development Agencies and local authorities who have a key role in supporting the development of previously used sites.

I want to thank local authorities for their splendid efforts in helping us assembly the new database. The data will be useful to them as well as us in seeking to make the very best use of recycled land. The intention now is to build on this work by working with them to develop a system to keep the information up to date, and to expand the scope of the database to encompass all land uses.

Fireworks

Mr. Burden: To ask the Secretary of State for the Environment, Transport and the Regions how many cases

of nuisance caused by misuse of fireworks were reported to environmental service departments between January 1998 and January 1999. [84695]

Mr. Meale: Information on the number of cases reported to environmental service departments is not collected centrally.

Mr. Burden: To ask the Secretary of State for the Environment, Transport and the Regions how many applications for authorisation and categorisation of fireworks to be imported to the United Kingdom there have been each year since 1996; how many were *(a)* approved and *(b)* denied; and what were the categories involved in each case. [84696]

Mr. Meale: The applications received by the HSE for the classification and authorisation of fireworks since 1996 are as follows:

Year	*Number of Applications*
1996	13
1997	54
1998	42
1999	14

No applications were refused. The fireworks covered by these applications were in any of the four British Standards categories.

Energy Efficiency

Mr. Clifton-Brown: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the contribution which switching wherever practical to *(a)* energy-efficient light bulbs and *(b)* semi-conductor (gallium nitride) illumination in traffic lights, would make toward meeting the UK's obligations under the Kyoto Accord. [84549]

Mr. Meale: We have made no overall assessment of potential energy savings from improved traffic lights but we are aware of the developing technology in this area which could yield savings in the longer term. In particular, my Department participates in an International Energy Agency technology procurement agreement which includes a project to bring forward semi-conductor (Light Emitting Diode) traffic light technology. The first UK site trial was started last summer. Savings in both energy and replacement costs of as much as 60 per cent. are predicted but no firm figures are yet available. The trial was actively encouraged by the Highways Agency who formed a partnership, to promote this technology, with Bristol City Council and the manufacturer.

Since then the traffic light developed from that trial has been approved against the national specification. Several local authorities have already installed the new signals. There is at present only the one company involved but the recent approval is encouraging several others, who are now actively engaged in the approval process.

Airport Capacity

Miss McIntosh: To ask the Secretary of State for the Environment, Transport and the Regions what recent representations he has received on runway capacity at airports in the South of England; and if he will make a statement. [84561]

Ms Glenda Jackson: We receive a steady flow of correspondence from various organisations and members of the public, directly or indirectly relating to runway capacity at airports in the South of England. In its Eighth Report on Regional Air Services, published on 27 July 1998, the Environment, Transport and Regional Affairs Committee of the House of Commons, stated that

> "The Government must address the question of capacity in the South-East as a matter of urgency".

On 11 March 1999, *Official Report*, columns *360–61*, we announced our decision to set in hand a study of airports issues in the South-East of England and the East of England. This study will consider future policies for these airports within the framework of the Government's sustainable development principles. The study will examine a wide range of options and, in accordance with the new approach to appraisal set out in the *New Deal for Transport* White Paper, will appraise their economic, environmental and social implications. The study will consider both terminal and runway capacity. Following completion of the study, there will be public consultation on options arising from this work. The results of the airport studies will be incorporated in a White Paper on UK airports policy looking some 30 years ahead. The White Paper will also reflect the Government's decisions in response to the Inspector's report on the Heathrow Terminal 5 Inquiry.

Roads (Aggregates)

Mr. Gordon Prentice: To ask the Secretary of State for the Environment, Transport and the Regions what percentage of the aggregates and other material from redundant roads is recycled and used in new roads. [84686]

Mr. Raynsford: There is no comprehensive statistical source from which this percentage can be calculated. A 1995–96 OECD Survey on recycling of road by-products reported in "Recycling Strategies for Road Works" (OECD 1997) found that in the UK 90 per cent. of reclaimed asphalt and 75 per cent. of concrete derived from old road pavements were recycled, but not necessarily for use in roads.

Concessionary Travel

Mr. Paul Marsden: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the progress towards introducing a national concessionary travel scheme for pensioners. [84860]

Ms Glenda Jackson: We will bring forward legislation as soon as Parliamentary time permits to provide for the minimum half-fare scheme for pensioners which we have already proposed. It is open to individual local authorities to introduce such a scheme on their own initiative, before legislation is introduced, for example if at present they provide a less generous scheme, or no scheme at all.

Waste Disposal

Mr. Pickthall: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the locations of new landfill sites currently under planning consideration to receive household and organic waste. [84431]

Mr. Raynsford: Planning applications for landfill sites to receive household and organic waste are normally dealt with by the local planning authority. The Secretary of State will become aware of such an application only if it is referred to him as a departure from the development plan, if he has called it in for his own determination, or is considering doing so, or if it is subject to an appeal. There are, at present, 12 landfill proposals which fall within the above categories. These are:

1. Brogborough Tip, Brogborough, Bedfordshire;
2. Bell House Landfill Site, Colchester, Essex;
3. Alton Road Site, Waverley, Surrey;
4. Lamberhurst Farm Site, Lamberhurst, Kent;
5. Tiptree Farm, Sittingbourne, Kent;
6. High Lane Void, Silverdale, Staffordshire;
7. Hadley Quarry, Ketley, Shropshire;
8. Buck Park Quarry, Bradford;
9. Thurcroft Site, Thurcroft, Rotherham;
10. Houghton Quarry, Houghton-le-Spring, Sunderland;
11. Broadoak Site, Hamsterley, Northumberland;
12. Round "O" Quarry, Skelmersdale.

Mr. Pickthall: To ask the Secretary of State for the Environment, Transport and the Regions (1) if he will list by local authority the local targets and current achievement for recycling of household waste; [84432]

(2) if he will list those local authorities which run waste plastic collection and recycling schemes. [84514]

Mr. Meale: The Department does not require local authorities to set targets for recycling. Data from the municipal waste survey for the year 1997–98 are currently being validated against previous years' data. I hope to be able to let my hon. Friend have a full reply to his question on Friday 4 June.

Mr. Pickthall: To ask the Secretary of State for the Environment, Transport and the Regions what measures are in place for monitoring the accuracy of local authorities' waste recycling figures . [84433]

Mr. Meale: Data for each local authority collected from the Department's annual municipal waste survey are compared with previous years' figures, and with data from other comparable authorities.

Mr. Pickthall: To ask the Secretary of State for the Environment, Transport and the Regions what action the Government are taking to encourage the recycling of plastics. [84434]

Mr. Meale: The Government have established a Market Development Group to consider the measures that could be taken to enhance the markets for recycled materials, including plastics, and to develop proposals to help overcome any barriers. The Group is considering a range of measures to improve stability and demand in the markets for recyclate, including the development of new markets and the use of economic instruments. The report of the Group will be published for consultation at the same time as the draft waste strategy.

Mr. Pickthall: To ask the Secretary of State for the Environment, Transport and the Regions how much plastic waste has been imported into the UK each year since 1994. [84435]

Mr. Meale: Plastic wastes are usually regarded as non-hazardous waste under Council Regulation (EEC) No.259/93 on the supervision and control of shipments of waste within, into and out of the European Community. Imports of such waste for recovery is subject to commercial controls only, and information is not therefore collated by the competent authorities. Nor is the information available on the imports/exports database held by the Department of Trade and Industry, since the entry that covers plastic "waste" also includes a large number of substances which are not waste.

Whilst the Council Regulation requires imports of non-hazardous waste for disposal, and of hazardous wastes for disposal and recovery, to be notified to the competent authorities, information available to the competent authorities indicate that there have been no notified imports of plastic waste over this period.

Mr. Pickthall: To ask the Secretary of State for the Environment, Transport and the Regions what is his estimate of the percentages of *(a)* metals other than aluminium, *(b)* aluminium, *(c)* paper, *(d)* plastics, *(e)* glass and *(f)* organic materials recycled in the last year for which figures are available. [84528]

Mr. Meale: The most recent data on recycling rates supplied to the Department for each of the following materials are as follows:

Material	*Estimated recycling rate* [1] *Percentage*	*Date of estimate*
Copper	37	1997
Lead	68	1997
Zinc	19	1997
Aluminium scrap	44	1996
Ferrous scrap	45	1997
Paper	38	1997
Glass	26	1996

[1] Material re-used as a percentage of consumption

With regard to plastics and organic waste, we do not collect data on the amount recycled.

Telecommunications Masts

Mr. Laurence Robertson: To ask the Secretary of State for the Environment, Transport and the Regions what legislation regulates the siting of television and mobile phone masts; and if he will make a statement. [84871]

Mr. Raynsford: The Town and Country Planning (General Permitted Development) Order 1995 (GPDO) grants a general planning permission for telecommunications masts, including those used for television broadcasting and those for mobile communications, providing

the mast is erected by a telecommunications code system operator licensed by the Secretary of State for Trade and Industry under the Telecommunications Act 1984;

the mast does not exceed 15 metres in height;

the mast is not erected in a National Park, area of outstanding natural beauty, conservation area, or the Broads; and

the mast is not refused prior approval by the local planning authority within the period allowed under the Order. The authority must be given the opportunity to say whether they wish to

approve, within 28 days, details of the mast's siting and appearance. The authority may refuse approval if they consider there to be a serious threat to amenity.

My right hon. Friend the Minister for the Regions, Regeneration and Planning indicated in response to a question from my hon. Friend the Member for Barnsley, East and Mexborough (Mr. Ennis), on 16 November 1998, *Official Report,* columns *343–44*, our intention to make a number of changes to the GPDO in respect of telecommunications development. We anticipate that these changes will be made shortly. A full application for planning permission is normally required for any mast which does not enjoy the general planning permission granted under permitted development rights.

HEALTH

Beta Interferon

Mr. Amess: To ask the Secretary of State for Health when funding for beta interferon will be available in all health districts. [81742]

Mr. Denham: I refer the hon. Member to the reply I gave to the hon. Member for Twickenham (Dr. Cable) on 13 May 1999, *Official Report,* column *202*.

Prescription Charges

Mr. Cox: To ask the Secretary of State for Health what was the cost of prescription charges to the NHS in the year 1998. [83334]

Mr. Denham: In 1997–98 the cost of dispensed prescriptions written by general practitioners in England was £4,085 million. A further £768 million was paid to dispensing contractors in respect of their prescriptions.

Aricept

Dr. Cable: To ask the Secretary of State for Health what ethical guidelines are given to Government-supported medical researchers into the Alzheimer's drug Aricept about administering placebos to patients who could benefit from the drug. [84261]

Mr. Hutton: All research involving patients and supported by the Department, the National Health Service or the Medical Research Council is required to obtain ethical approval from the appropriate research ethics committee(s). Scientific review mechanisms also consider ethical aspects of research, including the appropriateness of randomisation and other study designs, and the use of placebos.

Guidance on research ethics is provided in the Department's Guidance for Local Research Ethics Committees and for Mulitcentre Research Ethics Committees, in conjunction with: the Royal College of Physicians' "Guidelines on the Practice of Ethics Committees in Medical Research involving Human Subjects"; and the Medical Research Council's "Guidelines for Good Practice in Clinical Trials". Copies of these will be placed in the Library.

The AD2000 trial of Aricept is being supported through the NHS research and development programme. The protocol allows for patients to be randomly assigned to Aricept or a placebo when there is uncertainty (on the basis of the known effects of Aricept and the characteristics of the patient), as to whether or not Aricept would offer the patient any overall benefit. The trial has been approved by the Regional Multi-Centre Research Ethics committee and the Local Research Ethics Committee for each particular centre at which the trial is being conducted.

Oncologists

Mr. Paul Marsden: To ask the Secretary of State for Health how many oncologists are employed per head of population in *(a)* the United Kingdom, *(b)* each EU country, *(c)* Canada, *(d)* the USA and *(e)* Japan; and if he will make a statement. [84238]

Mr. Denham: The whole-time equivalent number of Medical Oncology staff per head of 100,000 population in England is 0.44[1].

The whole-time equivalent number of Clinical Oncology staff (Radiotherapists) per head of 100,000 population in England is 1.15[1].

Numbers for Wales, Scotland and Northern Ireland are matters for my right hon. Friends the Secretaries of State for Wales, Scotland and Northern Ireland respectively. Numbers for European Union countries, Canada, the United States of America and Japan are not available centrally.

[1] *Source:*

Department of Health Medical and Dental Workforce census at 30 September 1997. Office for National Statistics—Mid 1997 population estimates for England.

PFI (Hospitals)

Mr. Norman: To ask the Secretary of State for Health (1) on what date the NHS Capital Prioritisation Group completed its assessment of the hospital development schemes currently seeking prioritisation for PFI funding; [84273]

(2) for what reasons the announcements of the schemes to be implemented following the assessment by the NHS Capital Prioritisation Group of the proposals submitted has not yet been made; [84272]

(3) on what date the NHS Capital Prioritisation Group's assessment of the hospital development schemes currently seeking prioritisation for PFI funding was made available to Ministers at his Department; [84271]

(4) when the announcement as to which of the hospital development schemes currently seeking investment prioritisation have been successful will be made. [84276]

Mr. Denham: The National Health Service Capital Prioritisation Advisory Group completed its assessment of the 10 schemes currently seeking prioritisation on 4 December 1998. Its report was passed to Ministers on 17 December.

An announcement will be made when Ministers have completed their consideration of all the proposals and fully assessed the implications for the NHS.

NHS Direct and Walk-in Clinics

Jackie Ballard: To ask the Secretary of State for Health by what means continuity of patients' notes will be kept between *(a)* NHS Direct and GPs and *(b)* walk-in clinics and GPs. [84374]

Mr. Denham: Walk-in centres will be expected to have links with local general practitioners' practices to ensure continuity of care for patients. For NHS Direct, national guidance will be issued in due course.

Lung Cancer Deaths (London)

Mr. Cox: To ask the Secretary of State for Health how many *(a)* men and *(b)* women died from lung cancer in the Greater London area in 1998. [84402]

Mr. Hutton: Deaths from lung cancer (ICD9 162[1]) in Greater London in 1998 are as follows:

2,239 males

1,378 females.

[1] These are deaths that were registered in 1998 and certified with an underlying cause of death coded to 162 using the International Classification of Diseases Ninth Revision.

These figures were supplied by the Office for National Statistics.

Breast Screening Units (London)

Mr. Cox: To ask the Secretary of State for Health if he will list the breast screening units in hospitals which serve the Greater London area. [84403]

Mr. Hutton: The breast screening units serving the greater London area are shown in the table.

Screening unit name	*Physical location*	*Health authority populations served*
Barking, Havering and Brentwood	Victoria Centre, Romford	Barking and Havering (and part South Essex)
Central and East London	St. Bartholomews Hospital	Camden and Islington East London and The City
Enfield and Haringey	North Middlesex Hospital	Enfield and Haringey
North of London	Edgware Hospital	Barnet Brent and Harrow
Whipps Cross	Whipps Cross Hospital	Redbridge and Waltham Forest
West of London	Charing Cross Hospital	Ealing Hammersmith and Hounslow Kensington, Chelsea and Westminster Hillingdon
South East London	Kings Healthcare Trust	Lambeth, Southwark and Lewisham Bexley and Greenwich Bromley
South West London	St. Georges Trust	Merton, Sutton, and Wandsworth Croydon Kingston and Richmond

Note:
The unit at Epping, in Eastern Region also currently serves part of the Redbridge and Waltham Forest population

Free Sight Tests

Mr. Cox: To ask the Secretary of State for Health how many people over the age of 60 years have had free sight tests since January. [84400]

Mr. Denham: On the basis of activity levels in past years, we estimate that, in each of the months January to March 1999, people aged 60 and over will have received 0.35 million sight tests, of which just under half will have been National Health Service tests. The first statistics to show the impact of our decision to make everyone aged 60 and over eligible for free NHS sight tests with effect from 1 April 1999 will be available next February.

Overtime Payments (Millennium Period)

Mr. Fearn: To ask the Secretary of State for Health (1) what funding his Department has made available to cover the costs of overtime payments to National Health Service staff over the millennium celebration period; [84392]

(2) what is his Department's estimate of the extra cost to the National Health Service of overtime payments to staff over the millennium celebration period. [84391]

Mr. Denham: It is for National Health Service trusts to decide individual staffing requirements for the millennium period, including any overtime they think necessary, to ensure effective patient services are in place. Enhanced payments are available for most staff groups who work on bank holidays. As a result of the Comprehensive Spending Review, funding for the NHS has risen to just under £40 billion in 1999–2000, a real terms increase of 5.1 per cent. over the previous year.

Surgical Instruments

Mr. Gordon Prentice: To ask the Secretary of State for Health how many *(a)* deaths, *(b)* amputations and *(c)* other complications have been caused by surgical instruments or part of such remaining in patients following a surgical operation in each of the last three years. [84404]

Mr. Denham: The table shows hospital inpatient activity for the financial years 1995–96, 1996–97 and 1997–98 where a foreign body has accidentally been left in a body cavity or operation wound following a procedure.

	Finished consultant episodes	*Deaths*
1995–96	841	4
1996–97[1]	756	11
1997–98[1]	749	8

[1] Figures for 1996–97 and 1997–98 are provisional

Source:

Department of Health, Hospital Episode Statistics (HES)

Research Ethics Committees

Dr. Starkey: To ask the Secretary of State for Health what assessment he has made of the compatibility of the operations of multi-centre Research Ethics Committees with the EU Clinical Trials Directive. [84347]

Ms Jowell: The European Union Clinical Trials Directive is still under negotiation and the text may change. It is therefore not possible to reach a final view of its compatibility with the operations of Research Ethics Committees in the United Kingdom.

Dr. Starkey: To ask the Secretary of State for Health what was the average time taken for ethics committee approval of research and clinical trial proposals in *(a)* the year before and *(b)* the period since the introduction of multi-centre research ethics committees. [84345]

Ms Jowell: The time taken for ethics approval of research and clinical trials is not data which was systematically collected before the introduction of multi-centre research ethics committees. An evaluation of the first full year of operation of multi-centre research ethics committees is currently being analysed and will be available later this year.

Dr. Starkey: To ask the Secretary of State for Health what review the Government have undertaken of the operation of local and multi-centre research ethics committees since their introduction; and what proposals he has to amend their method of operation. [84346]

Ms Jowell: Multi-Centre Research Ethics were introduced in 1997. Based on evolving experience with the operation of Multi-Centre Research Ethics Committees, and the relationship between their work and that of Local Research Ethics Committees, the Department of Health is currently conducting a review of policy and practice with the intention of issuing revised guidance later this year.

Correspondence

Mr. John M. Taylor: To ask the Secretary of State for Health for what reasons a reply was not received by the hon. Member for Solihull to his letter of 18 January on behalf of his constitutent Mrs. Penny Anderson until 5 May (ref POH (2) 5422/22). [84352]

Mr. Denham: I apologise to the hon. Member for the delay in replying. I wanted to ensure that we gave a full and informative response which included details of this year's National Health Service pay settlement. Ministers received a large volume of correspondence on this subject and it took longer than we would have wished to reply to it all.

Primary Care

Mrs. Laing: To ask the Secretary of State for Health what plans he has for encouraging private sector involvement in the provision of primary care services. [84640]

Mr. Denham: Some primary care pilots include a National Health Service trust as a provider of patient services. Otherwise, general medical services and general dental services are provided by independent, self-employed contractors to the NHS. General ophthalmic services and pharmaceutical services are also provided by independent contractors, including single-handed practices, and local and national chains of opticians and chemists.

Hospital Telephone Inquiry Line

Dr. Tonge: To ask the Secretary of State for Health what proportion of hospital telephone inquiry numbers are free phone numbers. [84720]

Mr. Denham: National Health Service trusts may wish to set up telephone inquiry numbers for a variety of reasons and it is up to them to decide whether to use freephone numbers. An individual inquiry line will be set up to meet the needs of a particular set of local circumstances that may be relatively short-lived; the numbers will therefore fluctuate. NHS trusts are not required to notify the Department when they set up (or discontinue) such a line.

Junior Doctors

Mrs. Virginia Bottomley: To ask the Secretary of State for Health how many junior doctors worked more than 58 hours a week in each quarter since 1994. [84764]

Mr. Denham: The information requested is not available centrally. The New Deal on Junior Doctors' Hours monitors working hours compliance on a six-monthly basis according to whether or not junior doctors comply with a range of hours controls, including rest periods. Since 31 December 1994, there has been a requirement that no junior doctor should exceed a maximum average of 56 hours a week actual work. Data collated from regional task forces' reports is as follows:

Monitoring date	*Number of juniors' posts*	*Non-complying posts over 56 hours*	*Percentage non-compliance*
September 1994	27,184	11,347	41.3
February 1995	27,669	8,268	29.9
September 1995	27,994	8,908	31.8
March 1996	27,970	6,579	23.5
September 1996	28,342	6,121	21.6
March 1997	29,482	6,485	21.9
September 1997	29,572	5,764	19.5
March 1998	29,976	4,999	16.7
September 1998	29,584	4,793	16.2

Incontinence Services

Mr. Chaytor: To ask the Secretary of State for Health what guidance he has issued to health authorities and local authorities on their responsibilities regarding incontinence aids and advice to residents in residential care and nursing homes. [84536]

Mr. Hutton: Guidance on the provision of incontinence aids is contained in Health Service Guidance (92)50: Local authority contracts for residential and nursing home care: NHS related aspects.

This circular sets out the continuing responsibility of the National Health Service in the provision of community health services to residents in local authority and independent residential care homes on the same basis as to people in their own homes. The circular also says that Local Authorities, since April 1993, are responsible for purchasing items as incontinence aids for residents they place in nursing homes. This guidance was reiterated in HSG(95)8, "NHS responsibilities for meeting continuing health care needs".

Safety Syringes

Mr. Chaytor: To ask the Secretary of State for Health what guidelines he has issued to health authorities relating to the use of safety syringes; what assessment he has made of the extent of the current use of safety syringes by health trusts; and if he will make a statement. [84537]

Ms Jowell: At present, the use of safety syringes is not widespread within the healthcare sector, due to the limited range of sizes and types available. Consequently, the Department has not issued any guidelines to health trusts on the use of these devices, nor has it carried out any assessments on their current usage.

The Department has issued guidance on the safe use and disposal of sharp instruments, including needles and syringes. Professional organisations and trusts have also issued local guidance.

Glenthorne Centre

Mr. Corbett: To ask the Secretary of State for Health what proposals are under consideration for the future management of the Glenthorne Centre, Erdington. [84785]

Mr. Hutton: The Glenthorne Youth Treatment Centre is managed by the Department and there are no current plans to change this.

Mr. Corbett: To ask the Secretary of State for Health if he will place a copy of the job evaluation and grading scheme report on operational and unit staff at the Glenthorne Centre, Erdington, in the Library; and if he will make a statement. [84784]

Mr. Hutton: An independent job evaluation review of the staffing posts at the Glenthorne Youth Treatment Centre was undertaken last year for internal departmental management purposes. The findings of the report are still under consideration and no decision has yet been taken about publication.

Telecommunications Masts

Mr. Laurence Robertson: To ask the Secretary of State for Health if he will list the research he has carried out into the possible effects of radiation emitted from television and mobile telephone masts on public health; what were the findings of that research; and if he will make a statement. [84870]

Ms Jowell: In 1996, the Committee on Medical Aspects of Radiation in the Environment (COMARE) evaluated an epidemiological study by the Small Area Health Statistics Unit. This study, undertaken on behalf of this and five other Government Departments, investigated the incidence of leukaemia near 20 high power TV/FM radio transmitters in Great Britain. The study found that living close to a transmitter was not associated with an increased risk of leukaemia. In their statement (copies of which are available in the Library) COMARE reiterated their previous advice that there is no firm evidence of a carcinogenic hazard from exposure to electromagnetic fields (EMF) from television and radio mast emissions.

The Department is currently contributing to the World Health Organisation International Electromagnetic Fields Project, which includes health effects of electromagnetic fields and is funding studies investigating possible biological effects from EMF generally. A three-year study in the United Kingdom of occupational exposure to radiofrequency fields, including those from TV and radio transmitters, was launched in November 1998. The Department is supporting this study.

I have recently announced a working group to assess the current state of research into the health implications of mobile telephones usage. The chairman, members, terms of reference and time scale for reporting will be announced shortly.

IVF Treatment

Mr. Laurence Robertson: To ask the Secretary of State for Health, pursuant to his holding answer of 8 December and his further holding answer of 1 March, when he expects to provide a substantive answer to the hon. Member for Tewkesbury. [84873]

Ms Jowell: The Government has pledged to tackle unacceptable levels of geographical variations in access to National Health Service infertility treatment and has set in train a programme of work to achieve that aim.

A Department of Health survey of current health authority infertility service provision will take place shortly and the Royal College of Obstetricians and Gynaecologists (RCOG) will complete their third, and final, set of evidence based clinical guidelines on infertility in the autumn.

The Department's survey will enable the cost implications of any policy changes to be estimated. It is important to wait for the RCOG guidelines to be completed and considered by the Department as they will indicate the circumstances in which infertility treatment can be most clinically effective.

SOCIAL SECURITY

Income Support

Mr. Goggins: To ask the Secretary of State for Social Security what estimate he has made of the number of pensioners whose income made them not eligible for income support prior to April 1999 but who are now eligible to claim the minimum income guarantee in *(a)* Wythenshawe and Sale East, *(b)* Manchester, *(c)* Trafford and *(d)* the United Kingdom. [84331]

Mr. Timms: The number of pensioner benefit units that will become entitled to Income Support in Great Britain as a result of the increase in the Income Support rates in April this year is estimated to be 65,000. This figure cannot be apportioned with any reliability to constituency or local authority areas because the sample size is not large enough. Information relating to the numbers of pensioners in receipt of Income Support as of November 1998 (the latest date for which the data is available) is in the table.

Income Support pensioners at November 1998

	Pensioner benefit units
Wythenshawe and Sale East Parliamentary Constituency	4,000
Manchester Local Authority District	17,000
Trafford Local Authority District	6,000
Great Britain	1,417,000

Notes:

1. "Pensioner benefit unit" means a single person aged 60 or over, or a couple where one or both members is aged 60 or over.
2. The estimates exclude pensioners in residential care and nursing homes.
3. Figures in the table are rounded to the nearest thousand cases, and are subject to a degree of sampling error.
4. Parliamentary Constituency data relates to constituency boundaries as at 1 May 1997. Local Authority data relates to boundaries as at 31 December 1998.

Lone Parents

Miss McIntosh: To ask the Secretary of State for Social Security how many lone parents have obtained jobs through the New Deal for Lone Parents in the unit of delivery area covering the Vale of York. [84555]

Angela Eagle: The New Deal for Lone Parents was launched nationally on 26 October 1998 and offers a whole range of services including training, childcare and access to Employment Service (ES) programmes, which help support lone parents on the route to work.

In the North Yorkshire district, which covers the Vale of York, 71 lone parents moved into jobs between 26 October 1998 and 26 March 1999.

Note:

North Yorkshire district covers areas served by ES Jobcentres in York offices; Harrogate; Northallerton; Richmond; Ryedale; Scarborough; Selby and Whitby.

Housing Benefit

Mr. Pickles: To ask the Secretary of State for Social Security (1) how many local authorities *(a)* do and *(b)* do not disregard the whole amount of war widows' pensions and war disablement pensions for the purpose of housing benefit; [84559]

(2) if he will estimate the additional cost to *(a)* central Government and *(b)* local authorities, if every local authority disregarded the whole amount of war widows' pensions and war disablement pensions for the purposes of housing benefit. [84560]

Angela Eagle: The additional cost to central Government of a full disregard, on a statutory basis, of War Widows Pension and War Disablement Pension in Housing Benefit and Council Tax Benefit is estimated to be in the region of £70 million a year.

Information on discretionary local schemes for Housing Benefit and Council Tax Benefit is not available and could be provided only at disproportionate cost.

TREASURY

Gold Reserves

Mr. Loughton: To ask the Chancellor of the Exchequer how many tons of gold from the national reserves have been sold since May 1997. [84285]

Ms Hewitt *[holding answer 14 May 1999]:* The only sales of gold since May 1997 have been gold sovereigns and other gold coins in response to demand amounting to some 52,500 ounces.

Foreign Currency Reserves

Mr. Loughton: To ask the Chancellor of the Exchequer what proportion of the United Kingdom's foreign currency reserves are currently held in euros. [84282]

Ms Hewitt *[holding answer 14 May 1999]:* The size and composition of the UK's reserves is set out in Table 2 in the Quarterly Report on the United Kingdom Official Holdings of Foreign Currency and Gold for the period October to December 1998, published by the Treasury and Bank of England on 2 March 1999.

Business Link

Mr. Bercow: To ask the Chancellor of the Exchequer if he will make a statement on the *(a)* role in informing business of EMU, *(b)* the budget and *(c)* publications of Business Link. [83927]

Ms Hewitt: Business Link partnerships—and their equivalents in Scotland, Wales and Northern Ireland—have a key role to play in making sure that small and medium-sized firms in the UK are equipped to meet the challenges resulting from the introduction of the euro in 11 European countries earlier this year. Business Links will bring their own experience and knowledge of local conditions to bear on this role, but are supported by the Euro Preparations Unit of the Treasury through training, publications, specialist guidance and advice.

EU Budget

Mr. Bercow: To ask the Chancellor of the Exchequer which activities are covered in EU budget lines listed under the heading *(a)* Social Contacts Between Staff, *(b)* Early Childhood Centre and other Crèches and *(c)* Entertainment and Representation Expenses; what were the total costs expected under the last budget for these headings; and if he will make a statement. [82477]

Ms Hewitt: The appropriations entered under these headings in the 1999 budget of each EU institution, including a guide to the range of activities covered by each individual budget item, is given in the "Official Journal of the European Communities", L39, Volume 42, 12 February 1999, which is available in the Library of the House.

Private Medical Insurance

Mr. Forth: To ask the Chancellor of the Exchequer what has been the average price for a private medical insurance premium for each of the last five years. [84658]

Ms Hewitt: The Association of British Insurers' statistics on UK Private Medical Insurance indicate that the average price of an annual insurance premium, for each of the last five years, has been as follows:

Year	*£*
1993	257
1994	268
1995	267
1996	287
1997	307

Statistics for 1998 have not yet been published.

ECOFIN

Mr. Maclean: To ask the Chancellor of the Exchequer if he will publish the agenda of the ECOFIN Council of 25 May. [84684]

Ms Hewitt: The current draft agenda for the 25 May ECOFIN Council is as follows:

1. Approval of the provisional agenda;
2. Approval of the list of "A" items;
3. Preparation of Cologne European Council
   - (a) Broad Economic Policy Guidelines
   - (b) European Employment Pact
   - (c) Report on the Single Market for Financial Services
   - (d) Progress Report on Reinforced Tax Policy Co-operation
   - (e) Report on the improvements in the functioning of the international financial system
   - (f) Report on the promotion of investment on European infrastructure and in human capital
4. Taxation
   - (a) Code of Conduct (Business Taxation)

     2 interim report from the Code of Conduct Group

     Council Conclusions
   - (b) Taxation of Savings

     Council Conclusions
   - (c) Taxation of interest and royalty payments
   - (d) Energy Taxation

     Presidency Compromise
   - (e) Excise Duties on Tobacco (Possible A Point)
   - (f) VAT

     Telecom Services (Possible A Point)
   - (g) VAT

     Reduced rate on labour intensive services
5. Efficient Financial Management/Fight against Fraud
   - (a) Amended Proposal for a Parliament and Council Regulation (EC) concerning investigations conducted by the Fraud Prevention Office—adoption

     Amended proposal for a Council Regulation (Euratom) concerning investigations conducted by the Fraud Prevention Office—adoption

     Interinstitutional Agreement concerning internal investigations conducted by the Fraud Prevention Office—approval

     Council decision concerning conditions and modalities of internal investigations relating to fight against fraud, corruption and any other illegal activities affecting the financial interests of the European Communities—adoption

     Designation of the members of the Supervisory Committee foreseen in Art. 11 of the regulation
   - (b) Fight against Fraud

     Working document on activities: Council conclusions
   - (c) SEM 2000—Phase III

     Council conclusions
6. AOB—Duty Free.

Fuel Costs (Public Sector)

Mr. Chaytor: To ask the Chancellor of the Exchequer what was the total expenditure on gas and electricity by the public sector for each of the last three years for which figures are available. [84309]

Ms Hewitt: The information requested falls within the responsibility of the Director of the Office for National Statistics. I have asked him to reply.

Letter from Tim Holt to Mr. David Chaytor, dated 20 May 1999:

As Director of the Office for National Statistics (ONS), I have been asked to reply to your recent parliamentary question on total expenditure on gas and electricity by the public sector.

The ONS does not publish information for Public Sector expenditure on gas and electricity. It does however publish information for such expenditure by General Government, which is the Public Sector excluding Public Corporations.

This information is published in 'United Kingdom Input-Output supply and Use Balances, 1992–96', and is on each year's table 5. The product numbers are 85 for Electricity Production and Distribution and 86 for Gas Distribution. General Government expenditure on these products is shown in the 'Total Intermediate' column.

The data are consistent with the 1998 edition of 'United Kingdom National Accounts' (The Blue Book).

Both publications are available in the House of Commons Library.

Monetary Policy Committee

Ms Lawrence: To ask the Chancellor of the Exchequer if he plans any changes to the remit for the Monetary Policy Committee. [85208]

Mr. Gordon Brown: I have written to the Governor of the Bank of England confirming that the remit for the Monetary Policy Committee will remain unchanged. A copy of my letter has been placed in the Library of the House.

ATTORNEY-GENERAL

Serious Fraud Office

34. **Miss McIntosh:** To ask the Attorney-General how many cases the Serious Fraud Office has prosecuted in the current year to date. [83881]

The Attorney-General: In the 12 months up to 7 May 1999, the Serious Fraud Office prosecuted 17 cases involving 35 defendants. Of the 35 defendants, 28 were convicted or pleaded guilty.

Civil Procedures

35. **Mr. Ben Chapman:** To ask the Attorney-General what steps the Treasury Solicitor has taken to ensure that his Department takes full advantage of the new civil procedures. [83882]

The Attorney-General: The Treasury Solicitor has ensured the availability of extensive training in the Civil Procedure Reforms, both to case officers involved in litigation and to those in his client departments responsible for pre-litigation conduct and for provision of instructions. The culture introduced by the reforms is wholly consistent with the aims of the Government Legal Service for litigation to be resolved speedily wherever possible and for Alternative Dispute Resolution techniques to be used in appropriate cases. The Treasury Solicitor and his staff welcome the opportunity provided by the new Rules to devote to litigation resources proportionate to the importance of the issues raised.

Case Loads

36. **Sir Sydney Chapman:** To ask the Attorney-General what is the current case load of *(a)* the Serious Fraud Office and *(b)* the equivalent sections of the Crown Prosecution Service. [83884]

The Attorney-General: The Serious Fraud Office currently has a caseload of 66 serious or complex fraud cases. In the year 1998–99, of 38 defendants whose cases were brought to trial, 31 were convicted and seven acquitted. The Crown Prosecution Service does not have a directly equivalent section. The majority of the more serious fraud cases handled by the CPS are handled by the Casework Directorate at CPS headquarters. The Casework Directorate currently has a caseload of 212 such cases.

Racial Hatred (Prosecutions)

37. **Mr. Gapes:** To ask the Attorney-General if he will make a statement on the number of prosecutions there have been for incitement to racial hatred in each year since 1995. [83885]

The Attorney-General: Since 1995, 30 consents have been granted for prosecutions of incitement to racial hatred under Part III of the Public Order Act 1986. I am arranging for a breakdown to be placed in the Library.

Police Complaints

Mr. McNamara: To ask the Attorney-General what is the target set by the Crown Prosecution Service for the length of time to consider a report laid before it by the Police Complaints Authority and to make a decision on whether to bring criminal charges; how many reports of the PCA the Crown Prosecution Service has considered in each of the past five years; what was the average length of time taken to consider a PCA report in each year; on how many occasions consideration of a PCA report has taken more than five months in each of the past five years; for what percentage of PCA reports considered by the CPS a decision was taken to bring criminal charges; and what was the average length of time taken to consider a report that (i) resulted in the placing of criminal charges and (ii) did not lead to criminal charges. [84874]

The Attorney-General: The Police Complaints Authority does not submit cases directly to the Crown Prosecution Service. The Police Complaints Authority may supervise a police investigation into a complaint and it is the police force which then submits a file to the Crown Prosecution Service. The Crown Prosecution Service then reviews the case in accordance with the Code for Crown Prosecutors.

The Crown Prosecution Service has agreed with the Police Complaints Authority that the decisions, in all but the most serious and complex cases, will be made within 28 days of the receipt of the file from the police.

There are no readily available co-ordinated statistics for the receipt, timeliness of decision and outcome of decision for cases which have Police Complaints Authority involvement. Such cases are spread across England and Wales. Accordingly, the information requested is not available and could be obtained only at disproportionate cost.

Diarmuid O'Neill

Mr. McNamara: To ask the Attorney-General if he will make the report of the Police Complaints Authority investigation into the death of Diarmuid O'Neill available to his family. [84875]

The Attorney-General: The Metropolitan Police conducted an investigation, under the supervision of the Police Complaints Authority, into the death of Diarmuid O'Neill. The Police Complaints Authority issued a statutory statement that the investigation had been conducted to its satisfaction. The report produced by the Metropolitan Police investigating officer is confidential.

LORD CHANCELLOR'S DEPARTMENT

Probate Registry

Mrs. Laing: To ask the Minister of State, Lord Chancellor's Department what steps he intends to take to improve the service to people who require to use the offices of the Probate Registry. [84639]

Mr. Vaz: The Probate Registry regularly carries out customer surveys and has a Group Customer Service Officer to co-ordinate its customer service initiatives and deal with day to day inquiries from probate registry users. In particular, the Probate Registry is launching a National Telephone Number on 25 May 1999, which is to be published in all local telephone directories and on all Probate Service leaflets. This should make it easier for people to get through to the Probate Registry on the telephone.

Mrs. Laing: To ask the Minister of State, Lord Chancellor's Department how many people are employed at the offices of the Probate Registry. [84637]

Mr. Vaz: There are 29 staff in the Probate Department of the Principle Registry of the Family Division.

Mrs. Laing: To ask the Minister of State, Lord Chancellor's Department what estimates he has made of the average time taken to answer a telephone call at the offices of the Probate Registry. [84636]

Mr. Vaz: This information is not collected. However, the Probate Registry aims to answer incoming telephone calls within the Courts' Charter promise of 30 seconds.

Mrs. Laing: To ask the Minister of State, Lord Chancellor's Department what was the cost of the new office of the Probate Registry in High Holborn. [84638]

Mr. Vaz: I am unable to provide a figure for the Probate Registry alone, as the figures available are for the cost of the entire Principal Registry of the Family Division of which the Probate Registry forms part. The annual rent for First Avenue house, High Holborn is £2.3 million and the rates are £524,276. The cost for the furniture and miscellaneous office equipment was £564,768.

DEFENCE

Executive Agencies (Performance Targets)

Mr. Michael J. Foster: To ask the Secretary of State for Defence what key targets have been set for the Defence Medical Training Organisation for the financial year 1999–2000. [85235]

Mr. Doug Henderson: Key Targets have been set for the Chief Executive of the DMTO for the financial year 1999–2000. The targets build on the progress already made by the Agency since it formed in April 1997 and are as follows:

Key Target 1—Academic Success (Quality and Quantity)

To achieve the following academic success rate:

Common Core Course (CCC)—94 per cent.

Specialist Registrars (SpR)—96 per cent.

Pre Registration Nurses (Pre Reg Nurses)—96 per cent.

Key Target 2—Academic Success (Timeliness)

The following per cent. of trainees achieving academic success to be delivered on time agreed with the customer:

CCC—96 per cent. (remainder within 6 weeks)

SpR—96 per cent.

Pre Reg Nurses—98 per cent.

Key Target 3—Individual Medical Services Training

Establish and agree with customers the baseline requirement for external medical services training by 31 march 2000.

Key Target 4—Agreed Annual Training Requirement

To achieve 1.5 per cent. efficiency gain in matching capacity to the Agreed Annual Training Requirement.

Key Target 5—Systems Approach to Training

To ensure comprehensive application of the Systems Approach to Training, to a minimum of 33 per cent. of all appropriate courses.

Ms Dari Taylor: To ask the Secretary of State for Defence what key targets have been set for the Defence Secondary Care Agency for the financial year 1999–2000. [85236]

Mr. Doug Henderson: Key Targets have been set for the Chief Executive of the DSCA for the financial year 1999–2000. The targets build on the progress already made by the Agency since it formed in April 1996 and are as follows:

Key Target 1—The Operational Requirement

From within the personnel resources provided to DSCA by the single Services, to meet 100 per cent. of the requirement of the Commanders in Chief for secondary care trained personnel for operational deployments.

Key Target 2—Outpatient Waiting Times

To ensure that 50 per cent. of Service patients referred to the Agency are offered a first outpatient appointment within 4 weeks of receipt of a referral and 90 per cent. within 13 weeks.

Key Target 3—Inpatient Waiting Times

To ensure that 80 per cent. of Service patients are offered a treatment date which is within 13 weeks of the decision to give inpatient treatment.

Key Target 4—Efficiency

To put in place the systems required to calculate the new efficiency measure defined for the DSCA in financial year 1998–99 and confirm by 31 December 1999 that a baseline value for the reporting year as a whole can be established on which to calculate efficiency targets in subsequent years.

Key Target 5—Quality

The DSCA will carry out the NHS requirements for progress in clinical governance in the current year and, by 31 December 1999, will deliver specific reports on performance in the patients' understanding of treatment, the monitoring of complaints and the incidence of adverse occurrences.

Key Target 6—Military Training

To ensure that 80 per cent. of all DSCA personnel whose medical category permits, are released to receive their respective Service's annual mandatory military training.

Key Target 7—Personnel for Exercises

To ensure that 80 per cent. of DSCA based personnel nominated to established posts in their Service's operational core requirement are released to attend appropriate exercises.

Ms Dari Taylor: To ask the Secretary of State for Defence what key targets have been set for the Naval Recruiting and Training Agency for the financial year 1999–2000. [85237]

Mr. Doug Henderson: The following Key Targets have been set for the Naval Recruiting and Training Agency for 1999–2000:

Key Target 1:

To deliver personnel to the trained strength (or to other training organisations) within 5 per cent. variance from the tasked requirement.

Key Target 2:

To obtain 95 per cent. satisfactory assessments from the employers of NRTA trainees.

Key Target 3:

To maintain success rates of 95 per cent. in Career Training and 97 per cent. in examined Pre-joining training.

Key Target 4:

To reduce the variance between RNR Trained Strength and Trained Requirement to 39 per cent.

Key Target 5:

To retain tasked capacity while operating NRTA within its 1999–2000 cash allocation.

Key Target 6:

To achieve net benefits of £8.1 million in Financial Year 1999–2000 from the partnering arrangement with Flagship Training Ltd.

Mr. Hesford: To ask the Secretary of State for Defence what key targets have been set for the Defence Dental Agency for the financial year 1999–2000. [85275]

Mr. Doug Henderson: Key Targets have been set for the Chief Executive of the DDA for financial year 1999–2000. The targets build on the progress already made by the Agency since it formed in March 1996 and are as follows:

Key Target 1: The Operational Requirement

From within available personnel resources, achieve 100 per cent. of required professionally and militarily trained personnel, at the specified readiness required for deployment in support of the National Contingency Force.

Key Target 2: Overall Dental Fitness

For each Service, maintain the agreed fitness target of 75 per cent. of all Service personnel to be fit for deployment or such targets as may be decided by mutual agreement with the Agency's customers.

Key Target 3: Treatment Needs

To show a zero increase in the Treatment Needs Index.

Key Target 4: Dental Fitness Category D

To limit the number of personnel in dental fitness Category D4 (those personnel who have not received a dental inspection and charting for 12 months or more) to 14 per cent. of the total Service population.

Key Target 5: Training

To achieve a success rate for Vocational Dental Practitioner, Dental Hygienist and Basic Dental Support Specialist (DSS) training of 90 per cent. within the normal duration of each course.

Mine Countermeasures Vessels

Mr. Hancock: To ask the Secretary of State for Defence what assessment he has made of the impact of the time scale for the mine countermeasures vessels upgrading to *(a)* Royal Navy capabilities and *(b)* the long-term cost of the upgrade. [84506]

Mr. Spellar: The revised time scale for the sonar upgrade to the HUNT class mine countermeasures vessels will delay the planned improvement of the vessels minehunting performance. Although the delay will have an impact on operational capabilities, we assess that it is manageable in the context of current commitments. The Department's assessment of the impact of the delay on the long-term cost of the upgrade constitutes internal discussion and advice to Ministers, and the disclosure of such advice could prejudice the competitive position of the Department in negotiations with contractors and reveal commercially confidential data. I am therefore withholding this information under exemptions 2, 7 and 13 of the Code of Practice on Access to Government Information.

NATO Task Forces

Dr. Tonge: To ask the Secretary of State for Defence how many (i) 16 and (ii) 17 year olds are currently deployed in *(a)* NATO task forces in the Adriatic, *(b)* Bosnia, *(c)* Macedonia and *(d)* Albania. [84719]

Mr. George Robertson: As at 18 May, the latest date for which figures are available, there were no Naval Service personnel aged 16 and 24 Naval Service personnel aged 17 deployed in NATO task forces in the Adriatic. As at 1 April 1999, there were no Army personnel aged 16 and 27 Army personnel aged 17 deployed in the Former Yugoslavia.

No RAF personnel under age 18 were deployed in any of the areas concerned.

Submarines (Firth of Clyde)

Dr. Godman: To ask the Secretary of State for Defence, pursuant to his answer of 29 April 1999, *Official Report*, column *251*, if the proposed changes to the current Submarine/Fishing Vessel Interaction Code of Practice are with the Scottish Fishermens Federation and the Clyde Fishermens Federation for ratification as well as with the National Federation of Fishermens Organisations; and if he will place a copy of the proposals in the Library. [84712]

Mr. George Robertson: The proposed changes to the Submarine/Fishing Vessel Interaction Code of Practice were drawn up following discussion with the Secretary to the Clyde Fishermens Association, who was also acting on behalf of the Scottish Fishermens Federation. These changes are now with the National Federation for ratification. A copy of the revised Code of Practice will be placed in the Library once consultation with the associations concerned is concluded.

Captain Robert Nairac

Mr. McNamara: To ask the Secretary of State for Defence (1) what protection was provided to Ms Oonagh Flynn following the death of Captain Robert Nairac; [84776]

(2) what is the present whereabouts of videotape and cassette tape given to intelligence service agents by Ms Oonagh Flynn purporting to record Captain Robert Nairac's interrogation and death; [84778]

(3) if he will set out the service career of Captain Robert Nairac, and list his assignments on each of his tours of duty in Northern Ireland; [84774]

(4) what were the conclusions of the internal investigation of the circumstances of Captain Robert Nairac's death; what was his date of death as recorded on the death certificate; and what was his date of death as recorded at the Irish inquest; [84775]

(5) if the four men who were reported by the Irish police to the Irish Coroner's inquest to have identified themselves as members of the British Intelligence services, and to have removed the corpse of Captain Robert Nairac from the car park of the Ravensdale House Inn, were on duty at the time. [84777]

Mr. Doug Henderson: I will write to my hon. Friend and a copy of my letter will be placed in the Library of the House.

WALES

Council Houses

Mr. Barry Jones: To ask the Secretary of State for Wales if he will list the funds currently held by each local authority from the sale of council houses; and if he will make a statement [84291]

Mr. Jon Owen Jones: The information requested is given in the following table.

Receipts from the sale of council houses held at 31 March 1998

£ million

	Amounts set-aside against credit liabilities	*Usable*	*Total*
Isle of Anglesey	—	—	—
Gwynedd	4.4	0.6	5.0
Conwy	7.3	—	7.3
Denbighshire	0.7	0.1	0.8
Flintshire	—	0.2	0.2
Wrexham	—	0.1	0.1
Powys	—	1.2	1.2
Ceredigion	9.5	1.2	10.7
Pembrokeshire	6.0	2.1	8.1
Carmarthenshire	11.6	—	11.6
Swansea	—	1.2	1.2
Neath Port Talbot	22.2	—	22.2
Bidgend	—	1.1	1.1
The Vale of Glamorgan	31.1	0.1	31.2
Cardiff	12.3	0.5	12.8
Rhondda Cynon Taff	24.8	—	24.8
Merthyr Tydfil	6.4	0.3	6.7
Caerphilly	21.6	—	21.6
Blaenau Gwent	2.9	2.9	5.8
Torfaen	—	2.6	2.6
Monmouthshire	12.7	1.7	14.4
Newport	20.6	—	20.6
All county/county borough councils	194.1	15.8	209.9

Following the transfer of functions, this issue will be a matter for the National Assembly.

Mr. Barry Jones: To ask the Secretary of State for Wales what estimate he has made of the number of council houses to be built in the years 1999 to 2003; and if he will make a statement. [84295]

Mr. Jon Owen Jones: There are no estimates of this figure. Local Authorities' plans for the period 1999–2002 will be set out in their Housing Strategies and Operational Plans, the latest versions of which are expected to be submitted by the end of May.

Following the transfer of functions, this issue will be a matter for the National Assembly.

Housing Associations

Mr. Barry Jones: To ask the Secretary of State for Wales what guidance he gives to housing associations about their letting policies, with particular reference to the share of tenancies awarded to people who live in the area of the development; and if he will make a statement. [84292]

Mr. Jon Owen Jones: Housing associations which are registered with the Welsh Office are required to comply with "Regulatory Requirements". This publication includes mandatory standards on lettings policies and other aspects of access to housing.

"Regulatory Requirements" stipulates that housing associations must not impose residency qualifications more onerous than those imposed by the relevant local authority.

Housing associations are expected to adopt their own points-based scheme for the comparative assessment of the housing needs of applicants and to make allocations in accordance with that scheme. Additionally, 50 per cent. of lettings should be made available to nominations made by the local authority.

The Welsh Office recognises that in some areas housing associations will wish to give priority to people living in the area through the points scheme, as a means of reflecting the need to maintain social support.

Following the transfer of functions, this issue will be a matter for the National Assembly.

Brown-field Sites

Mr. Barry Jones: To ask the Secretary of State for Wales what plans he has to ensure that his target for house building on brown- field sites is met; and if he will make a statement. [84357]

Mr. Jon Owen Jones: There are no targets for house building on brown-field sites in Wales. Planning policy guidance on maximising the use of reclaimable land for housing development is set out in the first revision of "Planning Guidance (Wales) Planning Policy" which was published on 7 April. In future, planning guidance on the use of brown-field sites in Wales will be a matter for the National Assembly.

Green-field Sites

Mr. Caton: To ask the Secretary of State for Wales what plans he has to introduce new planning policy guidance on housing for the protection of green-field sites. [84563]

Mr. Jon Owen Jones: Planning policy guidance on the protection of green-field sites from housing development is set out in the first revision of "Planning Guidance (Wales) Planning Policy" which was published on 7 April. The introduction of future planning policy guidance will be a matter for the National Assembly.

INTERNATIONAL DEVELOPMENT

Non-genetically Modified Soya Beans

Joan Ruddock: To ask the Secretary of State for International Development what reports her Department has received concerning the efforts of the state Government of Rio Grande do Sul to guarantee non-genetically modified soya bean production throughout their state; and what plans his Department has to give assistance. [84502]

Mr. Foulkes: No one from this Department has been in contact with the Brazilian delegation that met with my right hon. Friend the Minister of State, Ministry of Agriculture, Fisheries and Food, on 13 May 1999.

I refer the hon. Member to the answer given by my right hon. Friend on 19 May 1999, *Official Report*, column *395*.

HOME DEPARTMENT

Reoffending

Mr. Derek Twigg: To ask the Secretary of State for the Home Department what progress has been made on the appointment of a joint prisons/probation panel to accredit the design and delivery of work with offenders designed to reduce reoffending. [85232]

Mr. Straw: Sir Duncan Nichol has been appointed as Chair of the Panel. The members of the Panel are in the process of being appointed and their names will be announced in June. The Panel will start work by the autumn.

British Board of Film Classification

Mr. Corbett: To ask the Secretary of State for the Home Department when the British Board of Film Classification's Annual report for 1998 will be published; and if he will make a statement. [85233]

Mr. Straw: I have today placed in the Library copies of the Annual Report of the British Board of Film Classification for 1998, which gives details of the Board's financial accounts and activities for the year ended 31 December 1998.

I welcome the Board's timely publication of its Annual Report.

Schengen Acquis

Mr. Watts: To ask the Secretary of State for the Home Department what progress has been made on the United Kingdom's application to participate in the Schengen acquis. [85234]

Mr. Straw: I have today written to Herr. Schily, German Minister of the Interior and President of the Justice and Home Affairs Council, with the United Kingdom's formal application to participate in certain areas of the Schengen acquis as provided for by Article 4 of the Schengen Protocol. The application reflects my reply given to the right hon. Member for Penrith and The Border (Mr. Maclean) on 12 March 1999, *Official Report*, columns *380–82*. The text of the application has been placed in the Library and the draft Council Decision on our application will be submitted for Parliamentary scrutiny.

Sergeant Virdi

Mr. Peter Bottomley: To ask the Secretary of State for the Home Department, pursuant to his answer of 20 April 1999, *Official Report*, columns *488–89*, for what reasons a POLSA team was instructed to search Sergeant Gurpal Virdi's house. [84654]

Kate Hoey: The Metropolitan Police Commissioner tells me that POLSA teams are specially trained in search techniques and in evidence gathering, and that such a team was used in the search of Sergeant Virdi's home because of the nature of the evidence that was being sought.

Mr. Peter Bottomley: To ask the Secretary of State for the Home Department if he will agree to meet hon. Members to discuss the general issues raised by the case of Sergeant Gurpal Virdi. [84653]

Kate Hoey: I will, of course, in principle be willing to meet hon. Members to discuss general issues which they see arising from this case. As disciplinary proceedings have now been brought against Sergeant Virdi, and as the Home Secretary is appellate authority for police disciplinary matters, I would not, however, be able to discuss the Sergeant's case, certainly not before the disciplinary matters are concluded.

Police Station Safes

Mr. Peter Bottomley: To ask the Secretary of State for the Home Department how often safes in police stations are checked and their contents noted. [84651]

Mr. Boateng: This is an operational matter for chief officers, but standard practice would be to check the contents of the station safe at each change of shift.

CID (Ethnic Minorities)

Mr. Peter Bottomley: To ask the Secretary of State for the Home Department how many black and Asian Metropolitan Police officers have *(a)* applied to and *(b)* been accepted into the CID in each of the past four years. [84652]

Kate Hoey: The Metropolitan Police Commissioner tells me that information is not available in the form requested. Information about the total numbers of ethnic minority officers in the Metropolitan Police Criminal Investigation Department is as follows:

	Year to end March				
	1995	*1996*	*1997*	*1998*	*1999*
Detective Superintendent	—	—	1	—	1
Chief Inspector	1	1	1	2	2
Inspector	1	1	2	1	3
Sergeant	9	10	12	12	13
Constable	49	54	60	77	78
Total	60	66	76	92	97

POLSA Teams

Mr. Peter Bottomley: To ask the Secretary of State for the Home Department on what dates the homes of Metropolitan Police officers have been searched by POLSA teams since 1 May; and if he will list the reasons in each case. [84650]

Kate Hoey: The Metropolitan Police Commissioner tells me that no POLSA team has been used for this purpose between 1 May and 19 May 1999 inclusive.

HM Inspector of Prisons

Mr. Cox: To ask the Secretary of State for the Home Department how many of the recommendations made by Her Majesty's Inspector of Prisons in his report for 1998 have now been carried out. [84649]

Mr. George Howarth: The Annual Report of Her Majesty's Chief Inspector of Prisons is not, by tradition, a forum for laying out recommendations, and therefore differs from his thematic and individual establishment reports. Any recommendations are, therefore, informal and do not automatically require a Prison Service response.

The Chief Inspector produces his Annual Report to draw attention to what he sees as the key issues affecting the Prison Service. Ministers and officials pay close attention to the views and suggestions contained in the Annual Report.

Landmines

Mr. Harvey: To ask the Secretary of State for the Home Department what representations he has received about breaches of the Landmines Act 1998; and if he will make a statement. [84625]

Mr. Boateng: I have received no representations about breaches of the Landmines Act 1998. Responsibility for administering the Act lies with the Department of Trade and Industry. Responsibility for enforcement action under the Act lies with Her Majesty's Customs and Excise and the police.

Private Prosecutions

Mr. Corbyn: To ask the Secretary of State for the Home Department what plans he has to review the procedure for authorisation of private prosecutions. [83883]

Mr. Boateng: Private prosecutions require authorisation only where the offence in question is subject to a consent provision. The Law Commission's Report on Consents to Prosecution, which was published in October 1998, made recommendations for rationalising such provisions, which are now being considered.

Police Vehicles

Miss McIntosh: To ask the Secretary of State for the Home Department what measures are currently in place which are intended to reduce the need for high-speed vehicle chases involving the police and car thieves; and if he will make a statement. [R] [84553]

Mr. Boateng: This is an operational matter for the Police Service. There is a nationally agreed Association of Chief Police Officer's (ACPO) Pursuit Code of Practice and work is going forward to implement recommendations from the recent ACPO report on police pursuit driver training. It is already policy to consider continuously the consequences of a pursuit and whether to break it off. Operational measures to avoid pursuits or curtail them include the use of helicopters, the early deployment of tyre deflation devices across the carriageway and tactical containment in which a number of police vehicles box in the target vehicle and bring it safely to a halt.

Mr. Gordon Prentice: To ask the Secretary of State for the Home Department if he will encourage chief constables to install black box recorders in police vehicles. [84626]

Mr. Boateng: This is an operational matter and it is for chief officers of police to decide whether to fit recording equipment. I understand that the Metropolitan Police Service has decided to fit such a device in many vehicles as a management tool to promote their economical and proper use. If any of these were to be involved in an accident, the equipment would be able to provide independent evidence of the vehicle's speed. I am sure that other forces will be taking a close interest in the Metropolitan Police approach.

Stolen Vehicles

Miss McIntosh: To ask the Secretary of State for the Home Department if he will list, by each police constabulary, the number of motor vehicles stolen in (i) 1998, (ii) 1997 and (iii) 1996. [R] [84547]

Mr. Boateng: Overall figures for 1998 are not yet available. The information for 1996 and 1997 has been published in table 2.14 of "Criminal Statistics England and Wales 1997", a copy of which is in the Library.

Northern Ireland (State of Emergency)

Mr. McNamara: To ask the Secretary of State for the Home Department what the legal authority is for the declared state of emergency relating to the affairs of Northern Ireland; if he reviewed the continuance of the state of emergency as part of his deliberations on the renewal of the provisions of the Prevention of Terrorism (Temporary Provisions) Act 1989; and what are the most recent communications he has (i) sent to and (ii) received from the UN special rapporteur with responsibility for human rights and states of emergency. [84780]

Mr. Straw: Article 15 of The European Convention on Human Rights enables any High Contracting Party in the circumstances laid down in the Article to take measures derogating from its obligations under the Convention to the extent strictly required by the exigencies of the situation. Under Article 15, the Government have derogated from Article 5(3) of the Convention in respect of powers of detention under the Prevention of Terrorism (Temporary Provisions) Act 1989. Before coming to a decision in 1999 on renewal of that Act, I took into account all related matters, including the recommendation of the Act's Reviewer, John Rowe QC, who concluded in his report on the operation of the Act in 1998 that there is a continuing need for the statute for a further year. There is no record of any communication either to or from the United Nations special rapporteur with responsibility for human rights and states of emergency since I became Home Secretary in 1997.

Ms Oonagh Flynn

Mr. McNamara: To ask the Secretary of State for the Home Department what were the findings of the 1984 police investigation into the break in at the home of Ms Oonagh Flynn. [84779]

Mr. Boateng: It has not been possible to trace any record of this incident on the information available. The police records would not necessarily have been retained, in any case, for this length of time.

Criminal Cases Review Committee

Mr. Laurence Robertson: To ask the Secretary of State for the Home Department how many cases the Criminal Cases Review Committee is currently dealing with; what is the average length of time spent by the Criminal Cases Review Committee on each case; how many people are employed by the Criminal Cases Review Committee; and if he will make a statement. [84872]

Mr. Boateng: I understand that, at the end of April, 1,176 cases were awaiting review by the Criminal Cases Review Commission and 444 cases were under active review. I also understand that for cases completed in April (other than those which the Commission determined did not meet the eligibility criteria laid down by the Criminal Appeal Act 1995), the average length of time taken, from receipt of the application to reaching a decision on the case, was 332 working days. The Commission has 14 members, some of whom work part-time, and it currently employs 60 staff.

North Yorkshire Police

Miss McIntosh: To ask the Secretary of State for the Home Department what recent representations he has received on *(a)* police manpower, *(b)* ethnic minority recruitment to the police and *(c)* recruitment of women to the police, in North Yorkshire. [84551]

Mr. Boateng: We have not received any representations about police manpower or about the recruitment of ethnic minority or women police officers in North Yorkshire Police. We have received representations about North Yorkshire's funding settlement for 1999–2000 from the Treasurer of the North Yorkshire Police Authority, from the hon. Member for the Vale of York and the hon. Member for Harrogate (Mr. Willis), which we have answered, but these made no specific reference to police numbers.

K4 Committee

Mr. Mitchell: To ask the Secretary of State for the Home Department if he will make a statement concerning the business conducted at the K4 committee at its meeting in Brussels on 29 and 30 April; under what title that committee will continue to operate; and with what terms of reference and duties. [84657]

Mr. Straw: The agenda for the final meeting of the K4 Committee on 29–30 April covered 25 separate items. The most significant of those concerned implementing rules for Eurodac, re-admission agreements after the entry into force of the Amsterdam Treaty, displaced persons from Kosovo, Europol's budget, a United Kingdom proposal for a programme of work on mutual recognition of criminal court decisions and preparation of the Justice and Home Affairs (JHA) Council meeting on 27–28 May.

The United Kingdom paper on mutual recognition was given a generally warm welcome as an important contribution to the special European Council meeting on JHA matters to be held at Tampere in October. Confirmation was given that Europol should be in a position formally to take up its activities before the end of the Germany Presidency.

With the entry into force of the Amsterdam Treaty on 1 May, the K4 Committee was replaced by a new co-ordinating committee, with broadly similar functions, established under Article 36 of the Treaty on European Union (TEU). The new committee's terms of reference are set out in Article 36, and are limited to police (including customs) and judicial co-operation in criminal matters.

Matters relating to visas, asylum, immigration and certain other policies related to free movement of persons, now transferred to the First Pillar of the TEU, will in future be overseen by a new Strategic Committee on Immigration, Frontiers and Asylum, set up initially for a five-year transitional period and tasked to issue strategic guidelines in matters relating to immigration, frontiers and asylum; to deal with questions arising from Articles 62–64 of the Treaty Establishing the European Community (TEU); and to give substantive input to Coreper's discussions.

European Parliamentary Elections

Mr. Mitchell: To ask the Secretary of State for the Home Department, pursuant to his answer to the hon. Member for Tewkesbury (Mr. Robertson) of 8 March 1999, *Official Report*, columns *33–34*, on elections to the European Parliament, if the number of votes cast for each group of candidates in each parliamentary constituency will be made known to counting agents, or any candidates present, when they are forwarded to the respective regional returning and calculating officers; and what arrangements will be made for recounts in each parliamentary divisional count where a recount after the completion of an initial calculation has been granted. [84687]

Mr. George Howarth: The counting of votes cast in the European Parliamentary elections will be conducted at the Parliamentary constituency level, though where the same person is the acting returning officer for two or more Parliamentary constituencies, these constituencies may be combined for polling and counting purposes.

Each registered political party and individual candidate will be entitled to be represented at each local count and to ask the local returning officer for a recount before the local result is transmitted to the regional returning officer. For this purpose, those entitled to be present will need to be informed of the provisional local result.

Once the local returning officer has transmitted the local result to the regional returning officer, there can be no further recount.

AGRICULTURE, FISHERIES AND FOOD

Industrial Fisheries

10. **Mr. Gareth R. Thomas:** To ask the Minister of Agriculture, Fisheries and Food what measures he has taken to protect wildlife from industrial fisheries. [83857]

Mr. Morley: I am pressing the Commission to propose a closure of the industrial fishery for sand eels off the UK's East Coast between April and August to benefit those seabirds dependent on the stock during the breeding period.

Organic Production Techniques

11. **Ms Jenny Jones:** To ask the Minister of Agriculture, Fisheries and Food what support his Department is giving to research into organic production techniques in 1999–2000. [83858]

Mr. Morley: We will be spending over £2 million on organic R&D in 1999–2000, increased from just under £1 million in 1997–98.

Fishing Industry

12. **Mrs. Gilroy:** To ask the Minister of Agriculture, Fisheries and Food what discussions he has had with the fishing industry about the marketing of their products. [83859]

Mr. Morley: I most recently spoke to the industry about fish marketing at the Annual General Meeting of the National Federation of Fishermen's Organisations (NFFO) on 8 May, when I stressed the need for them to improve quality and value added and to make the best use of the fish they catch.

Date-based Export Scheme

13. **Mr. Andy King:** To ask the Minister of Agriculture, Fisheries and Food what progress is being made with the implementation of the date-based export scheme. [83860]

Mr. Rooker: The European Commission inspected our operational arrangement for the date-based export scheme in the week 12 to 16 April. The Commission are now preparing a report of their inspection which will be presented to their Standing Veterinary Committee.

Farm Incomes

14. **Mr. Drew:** To ask the Minister of Agriculture, Fisheries and Food what long-term trends have been identified in his Department's study of farm incomes and farm support payments. [83861]

Mr. Nick Brown: In the short term there may be a small negative impact on aggregate incomes as the industry adjusts to the recent reforms to the CAP. The industry's long-term future is best secured by a policy of reduced reliance on production related support which the UK continues to press for.

16. **Mr. Swayne:** To ask the Minister of Agriculture, Fisheries and Food what assessment he has made of the impact of falling farm incomes on the rural economy. [83863]

Mr. Nick Brown: The rural economy is best served by a competitive and efficient agriculture industry. Agenda 2000 represents a step in the right direction in achieving this. The scope to strengthen the environmental and rural development components of the CAP is particularly welcome.

Genetically Modified Food

15. **Mr. Corbyn:** To ask the Minister of Agriculture, Fisheries and Food what action he is taking to ensure purchasers of pre-cooked foods are able to know whether they contain genetically modified ingredients. [83862]

Mr. Rooker: EC Regulation 1139/98, which came into force on 1 September 1998, requires all foods sold to the final consumer, including pre-cooked foods, to be labelled where they contain genetically modified (GM) ingredients produced from GM soya and maize. In a move in which the UK leads the way in Europe, the controls will also apply to restaurants, cafes, bakers and delicatessens.

Common Fisheries Policy

17. **Mr. Flight:** To ask the Minister of Agriculture, Fisheries and Food if he will make a statement about changes to the British quota before the reform of the common fisheries policy in 2002. [83864]

Mr. Morley: No changes are expected in the arrangements for establishing national quota shares of total allowable catches. They are based on the principle of relative stability, which we expect to continue after 2002.

Hormone-treated Beef

18. **Mr. Walter:** To ask the Minister of Agriculture, Fisheries and Food what is his policy on permitting hormone-treated beef from the United States into the UK. [83865]

Mr. Rooker: The import from third countries of meat and meat products derived from animals treated with hormonal growth promoters has been banned within the European Community since 1988. The UK, like all other Member States, has fully implemented the ban and will continue to do so until the situation changes.

Genetically Modified Organisms

19. **Sir Sydney Chapman:** To ask the Minister of Agriculture, Fisheries and Food if he will make a statement on liaison arrangements between his Ministry and the Department for the Environment, Transport and the Regions with regard to genetically modified organisms. [83866]

Mr. Rooker: The statutory controls under the Environmental Protection Act 1990 and the Genetically Modified Organisms (Deliberate Release) Regulations 1992, as amended, require that before GMOs can be released into the environment, the Secretary of State for the Environment must issue a consent. UK Agriculture Ministers act jointly with the Secretary of State where they have an interest. Both Departments also work closely together on all non-statutory matters relating to the potential impact of GMOs on the environment.

Imports (USA)

20. **Mr. Gapes:** To ask the Minister of Agriculture, Fisheries and Food what restrictions are placed on the import of agricultural products from the USA. [83867]

Mr. Rooker: Imports of agricultural products from the USA—as from any third country—into the European Union may be restricted by import tariff duties and the application of measures to protect food safety and animal and plant health.

Organic Farming

21. **Mr. Gardiner:** To ask the Minister of Agriculture, Fisheries and Food what action his Department is taking to encourage organic farming. [83868]

Mr. Morley: In 1999–2000, we plan to spend around £6 million in aid to farmers converting to organic agriculture, around £2 million on organic R&D, and over £500,000 in support for the Organic Conversion Information Service.

Food Standards Bill

22. **Mr. Levitt:** To ask the Minister of Agriculture, Fisheries and Food what responses he has received to the consultation on the draft Food Standards Bill. [83869]

28. **Dr. Iddon:** To ask the Minister of Agriculture, Fisheries and Food how many responses he has received to the consultation on the draft Food Standards Bill. [83875]

Mr. Rooker: Nine hundred and ninety eight responses were received by the end of the consultation period, in addition to the report from the Food Standards Select Committee. Copies of all the submissions will be placed in the Library of the House today.

Cattle Passports

23. **Mr. Anthony D. Wright:** To ask the Minister of Agriculture, Fisheries and Food what is the average number of cattle passports issued each week by his Department. [83870]

Mr. Rooker: The British Cattle Movement Service (BCMS) has produced an average of 48,684 cattle passports per week since it assumed responsibility for this work on 28 September 1998.

Genetically Modified Crops

24. **Mr. Dalyell:** To ask the Minister of Agriculture, Fisheries and Food what studies he has commissioned on cross-pollination in relation to genetically modified crops. [83871]

Mr. Rooker: My Department has commissioned several studies related to pollen transfer under its programme to assess the risks to the agricultural environment from the release of genetically modified organisms.

Mr. Baker: To ask the Minister of Agriculture, Fisheries and Food if he will place in the Library a copy of the legal advice received by his Department relating to the imposition of a general moratorium on genetically modified crops. [84729]

Mr. Rooker *[holding answer 19 May 1999]:* It is a well-established practice not to disclose the legal advice received by Ministers. I do not intend to depart from it.

Advisory Committees

25. **Mr. White:** To ask the Minister of Agriculture, Fisheries and Food how many consumer representatives have been appointed to his Department's advisory committees. [83872]

Mr. Rooker: There are 40 consumer or lay/public interest members of advisory committees advising my Department.

Antibiotic Growth Promoters

26. **Dr. Stoate:** To ask the Minister of Agriculture, Fisheries and Food what steps he is taking to limit the use of antibiotic growth promoters in animals. [83873]

Mr. Rooker: The Government supported a ban on the use of bacitracin zinc, virginiamycin, spiramcyin and tylosin phosphate as antibiotic growth promoters which was adopted by the Council of Agriculture Ministers on 17 December 1998. The implementation of the ban, which takes effect on 1 July 1999, will leave four antibiotic growth promoters authorised for use. We are satisfied that these are not related to any therapeutic antibiotics currently used in human or veterinary medicine. However, we shall continue to keep the issue under review and be advised by our specialist advisory committees.

Fur Farming

27. **Maria Eagle:** To ask the Minister of Agriculture, Fisheries and Food what steps he will take to ban fur farming in the United Kingdom. [83874]

Mr. Morley: The Government remains firmly committed to implementing its pre-election pledge to prohibit fur farming and has therefore supported my hon. Friend's Private Member's Bill on the prohibition of fur farming.

Scallop Licensing

Mr. Gill: To ask the Minister of Agriculture, Fisheries and Food under what legal authority the scallop licensing system is being introduced. [84175]

Mr. Morley: The licensing arrangements for scallop dredging, which came into operation on 19 April 1999, were introduced under the provisions of section 4 of the Sea Fish (Conservation) Act 1967 (1967 c.84) (as amended).

Food Safety

Miss McIntosh: To ask the Minister of Agriculture, Fisheries and Food in what circumstances Article 36 of the Treaty of Rome can be used to ban the import of food products on grounds of public health and safety. [84713]

Ms Jowell: I have been asked to reply.

The treaty of Rome allows Member States to apply prohibitions or restrictions on the importation of foodstuffs where there is no relevant harmonised European Community provision for this purpose.

Written Answers to Questions

Friday 21 May 1999

INTERNATIONAL DEVELOPMENT

Development Funding (Eastern Europe)

Dr. Starkey: To ask the Secretary of State for International Development what development funding the Government have provided to *(a)* Bulgaria, *(b)* the Czech Republic, *(c)* Hungary, *(d)* Poland, *(e)* Romania and *(f)* the Slovak Republic, either directly or through the EU, in the areas of (i) the arts, (ii) the environment, (iii) economic development, (iv) education and training and (v) health, since May 1997. [84682]

Mr. Foulkes: The details of bilateral expenditure in these sectors in 1997–98 and 1998–99 is available only for projects with a commitment of over £100,000. (1998–99 figures are provisional.) Expenditure on such projects in areas (ii) (iii) and (iv) was as follows:

£000

Country	*Economic Development*	*Education and Environment training*	*Totals*
Bulgaria	0	0	166
Hungary	883	0	0
Poland	483	131	0
Romania	413	0	76

There were no projects with a commitment of over £100,000 in the health sector and no expenditure at all on the arts.

We do not have a breakdown of EC expenditure by sector. In 1997, the latest year for which we have figures, the estimated UK share of EC net official assistance was as follows:

1997 Imputed UK share of EC net official aid [1]

	£ million
Bulgaria	1.38
Czech Republic	5.6
Hungary	7.4
Poland	23.0
Romania	12.3
Slovak Republic	3.6

[1] Official aid is an internationally recognised statistic

AGRICULTURE, FISHERIES AND FOOD

Spending Priorities

Mr. Drew: To ask the Minister of Agriculture, Fisheries and Food if he will make a statement on his Department's spending priorities for the remainder of the Comprehensive Spending Review period. [85432]

Mr. Nick Brown: In my written statement to the House on 27 October 1998, *Official Report*, columns *156–58*, I set out the key financial implications of the CSR for MAFF. Since then there have been developments which have necessitated a reassessment of spending priorities in order to accommodate:

(i) additional demands on the Department's budget which were not provided for in the CSR. These include the costs of the BSE inquiry and new policy initiatives like the proposed pet movement scheme; and

(ii) the budgetary consequences of not being able to proceed with the sale of the new Convent Garden Market site. The CSR settlement assumed that we would sell this asset in 2000/01 and our capital allocation was adjusted accordingly. We will not be able to meet that timetable.

For the most part we have been able to accommodate the budgetary impact of these developments by making adjustments to the Department's own internal spending programmes. For example, we have been able to reprofile the expenditure on the new marine research vessel by delaying its construction by a few months. We have also found savings in the Department's capital building programme. And we are accelerating the disposal of unwanted assets in order to maximise receipts during the CSR period.

However, these measures alone are not sufficient to contain the pressures on the Department's budget. In order to keep spending within the limits set by the CSR, I regret that I am having to make the following economies in addition to those set out in my statement of 27 October:

(i) further cuts of £2.0 million in 1999/2000, £2.0 million in 2000/01 and £3.0 million in 2001/02 in the Department's R&D budget. These cuts will put pressure on our research programmes and will require careful prioritisation. We shall be drawing up, and consulting widely on, a new strategy for R&D;

(ii) a refocusing of the Department's land use planning work, which is carried out by the Farming and Rural Conservation Agency, to strengthen relationships with Government Offices, planning authorities and the Regional Development Agencies and integrate agricultural considerations (especially the implementation of the EU Rural Development Regulation) into wider Government policies affecting the rural economy and environment. This will produce annual net savings of about £1.0 million in 2000/01 and 2001/02;

(iii) a reduction of £1.5 million in 2001/02 in the Department's grant-in-aid to the Environment Agency;

(iv) closure of fisheries grant schemes. The schemes in question have been in place a long time: harbour grants since 1955 and marketing/ processing, port facilities and fishing vessel safety equipment grants since the late 1970s/early 1980s. They have served a valuable purpose and many have benefited from them over the years. However, in view of the pressures on the Department's budget the time has come to draw a line under these open-ended schemes. As of today, I am closing the harbour and fishing vessel safety equipment grants schemes to new applicants. There will be no further rounds of awards under the processing and marketing and port facilities grant schemes. In all cases, where commitments to funding have already been entered into they will be honoured.

TRADE AND INDUSTRY

Trade Dispute

Mr. Chope: To ask the Secretary of State for Trade and Industry if he will introduce a compensation scheme for

those British firms which have been affected by the United States trade sanctions authorised by the World Trade Organisation; and if he will make a statement. [83315]

Mr. Wilson *[holding answer 5 May 1999]:* There are no plans for specific measures to support industries that remain on the US Administrations revised retaliation list over the banana dispute. The Government want an early resolution to the dispute and are encouraging the European Commission to come forward quickly with its analysis of options for revising the EU's banana regime. As well as a final settlement, we would also like an interim solution whereby the US retaliation was displaced by a form of compensation as preferred under the rules of the World Trade Organisation.

This would lift the burden from those companies that are being hurt by a dispute that has nothing to do with them. It is also important to stress that there was never any intention of extending the cashmere scheme beyond the date on which the WTO authorised US retaliatory action. There would, therefore, have been no guarantee even for cashmere in respect of orders placed after 12 April.

Mr. Swayne: To ask the Secretary of State for Trade and Industry what support he plans to provide to firms in respect of tariffs consequent upon the EU dispute with the USA over bananas. [83128]

Mr. Wilson: There are no plans for specific measures to support industries that remain on the US Administration's revised retaliation list over the banana dispute. The Government want an early resolution to the dispute and is encouraging the European Commission to come forward quickly with its analysis of options for revising the EU's banana regime. As well as a final settlement, we would also like an interim solution whereby the US retaliation was displaced by a form of compensation as preferred under the rules of the World Trade Organisation. This would lift the burden from those companies that are being hurt by a dispute that has nothing to do with them.

Manufacturing Jobs

Mr. Redwood: To ask the Secretary of State for Trade and Industry what estimate he has made of the number of manufacturing jobs lost in the UK in the last year. [84372]

Mr. Byers: I refer the right hon. Member to the figures published by the Office for National Statistics in its "First Release of Labour Market Statistics", which was issued by the ONS on 19 May 1999, a copy of which is available in the Library of the House.

Gas-fired Power Stations

Mr. Redwood: To ask the Secretary of State for Trade and Industry what applications for additional gas-fired power station capacity he expects to determine over the next six months. [84340]

Mr. Byers: All applications will need to go through full consideration. It is not possible to put a time limit on such matters.

Ilisu Dam

Mr. Alan Simpson: To ask the Secretary of State for Trade and Industry to what extent ECGD support for the Ilisu Dam will be conditional on compliance with ILO standards and conventions. [84885]

Mr. Wilson: We are considering the conditions on which ECGD support might be made available for this project. No decisions have yet been made.

Hearing Aid Council

Mr. Oaten: To ask the Secretary of State for Trade and Industry what plans his Department has to carry out a consultation process on the effectiveness of the current powers of the Hearing Aid Council. [84773]

Dr. Howells: We have no such plans. My Department has regular contact with the Hearing Aid Council to discuss issues of concern and I visited the Council last November.

LORD CHANCELLOR'S DEPARTMENT

Probate

Mr. McDonnell: To ask the Minister of State, Lord Chancellor's Department on what authority and on what grounds the Central Probate Registry in High Holborn has increased its fees for the examination of wills from 1858. [84724]

Mr. Vaz: The increase in fees is governed by the Non-Contentious Probate fees order (Statutory Instrument 1999/688(L)). The recent increases were introduced in order to ensure that the fee charged accurately reflects the cost of the service provided.

TREASURY

Banking Regulations

Ms Lawrence: To ask the Chancellor of the Exchequer if he will make a statement about the Banking Act 1987 (Exempt Transactions) Regulations 1997 and their effect on retail co-operative societies and other industrial and provident societies. [85313]

Ms Hewitt: As part of the general review of exemptions from financial services legislation, the Treasury has been looking at the exemptions from the Banking Act which:

(i) allow industrial and provident societies (I&Ps) to take deposits from their members in the form of withdrawable share capital (WSC), in circumstances which would otherwise require authorisation by the Financial Services Authority; and

(ii) allow retail co-operatives which are members of the Co-operative Deposit Protection Scheme (CDPS) to take deposits in the form of loans from the public.

The Treasury has decided to continue the exemption for WSC, subject to compliance with a code of practice which will require societies to make it clear to those subscribing for WSC that this is risk capital, where such issues rely on the exemption. The Treasury has today issued a consultation document on the proposal, and will make a further announcement after considering the responses.

Following consultation with representatives of the Co-operative Union, the exemption which allows CDPS members to take deposits in the form of loans from the public will end when the current term of the CDPS comes to an end at the end of March 2000. Societies will repay such loans as they mature.

Office for National Statistics

Ms Lawrence: To ask the Chancellor of the Exchequer if he has agreed the business plan for the Office for National Statistics for 1999 to 2002. [85314]

Ms Hewitt: Copies of the plan, giving details of the performance targets I have set for 1999–2000, have been placed in the Libraries of the House.

HEALTH

Health Service Reports

Miss Widdecombe: To ask the Secretary of State for Health if he will list the reports commissioned by his Department since 1 May 1997 from *(a)* external bodies and *(b)* individuals on (i) primary care, (ii) acute hospital care, (iii) accident and emergency provision, (iv) nursing and (v) waiting lists, where applicable giving the date of publication. [79611]

Mr. Dobson: Information about reports commissioned by the Department has been placed in the Library. Information about research funded by the Department or supported through the National Health Service research and development levy is in the National Research Register which is also available in the Library. More detailed information could be provided only at disproportionate cost.

Osteopathy

Mrs. Gordon: To ask the Secretary of State for Health if he will take steps to increase the availability of *(a)* osteopathy and *(b)* chiropractic treatment in the NHS. [84728]

Ms Jowell: The availability of osteopathy and chiropractic treatment within the National Health Service, as with any other form of treatment, reflects decisions taken by health authorities, trusts and primary care groups about the clinical and cost effectiveness of such services and the priority to be given to their provision in the light of local health needs. As primary care groups have only recently been established, we shall be studying the use that they make of all forms of complementary medicine.

PRIME MINISTER

Public Consultations

Mr. Gill: To ask the Prime Minister what period of time is recommended in Government guidelines for public consultations. [84900]

The Prime Minister: The Cabinet Office guidelines state that eight weeks should generally be the minimum response time for all consultation exercises, but whenever possible more should be allowed. Where less than eight weeks is allowed, the consultation document should specify why a longer response time could not have been given (for example, pre-determined statutory periods for consultation, threats to health, the pace of EU negotiations or long-standing existing arrangements). For consultations with clearly defined or specialist groups, shorter consultation periods may suffice, depending on the nature of the subject and the scale of the exercise: this is for departments, agencies and other bodies to judge according to the circumstances.

10 Downing Street

Mr. Malcolm Bruce: To ask the Prime Minister what estimate he has made of total staff costs for No. 10 Downing Street in *(a)* 1996–97, *(b)* 1997–98, *(c)* 1998–99 and *(d)* 1999–2000, indicating separately the costs for (i) private secretaries, (ii) Policy Unit staff, (iii) Press Office staff, (iv) Strategic Communications Unit staff, (v) support staff and (vi) political office staff; and if he will make a statement. [80115]

The Prime Minister *[holding answer 15 April 1999]:* The total staff costs for No. 10 Downing street were £3.4 million in 1996–97, £4.1 million in 1997–98 and £4.9 million in 1998–99. Estimated costs for 1999–2000 are £5.3 million. Due to changes in the accounting systems it is not possible to give a breakdown of the 1996–97 figures as requested which means that a meaningful comparison with subsequent years cannot be drawn. The cost of the Political Office does not fall to the Government.

FOREIGN AND COMMONWEALTH AFFAIRS

Citizens (Deportation)

Mr. Austin: To ask the Secretary of State for Foreign and Commonwealth Affairs what representations he has received regarding the right of a sovereign country to deport its own citizens from the land of their birth and nationality; and if he will make a statement. [80801]

Mr. Tony Lloyd *[holding answer 16 April 1999]:* Representations of this nature have been made to the Secretary of State by and on behalf of the Ilois community. This is related to issues arising in the judicial proceedings being brought by the Ilois which will in due course come before the Divisional Court. It is therefore inappropriate for the Government to comment further.

Travel Advice

Mr. Luff: To ask the Secretary of State for Foreign and Commonwealth Affairs how frequently his Department is updating information on travel advice to individual countries on his Department's website; and if more regular updates are planned for countries with *(a)* a political involvement in and *(b)* close proximity to the current NATO bombing campaign in the Balkans. [81214]

Mr. Hoon: All travel advice is reviewed routinely on a monthly basis. It is updated more frequently when there is reason to do so. The situation in countries in the general neighbourhood of the current NATO air campaign is being closely monitored, and new travel advice would be issued immediately should it be judged appropriate.

Mr. Luff: To ask the Secretary of State for Foreign and Commonwealth Affairs what advice his Department is giving to tourists planning to visit areas in close proximity to the NATO military actions in the Balkans. [81215]

Mr. Hoon: In view of the current hostilities in the Federal Republic of Yugoslavia (Serbia and Montenegro) (FRY) we are currently advising against all travel to the FRY, Republika Srpska (RS), Albania and all but essential travel to Macedonia. We also advise additional caution with regard to travel in areas bordering FRY.

We are monitoring the situation closely, and updated travel advice will be issued as soon as there is any change in the risks to British nationals in the region.

Non-genetically Modified Soya Beans

Joan Ruddock: To ask the Secretary of State for Foreign and Commonwealth Affairs what reports his Department has received concerning the efforts of the state Government of Rio Grande do Sul to guarantee non-genetically modified soya-bean production throughout their state; and what plans his Department has to give assistance. [84501]

Mr. Tony Lloyd: We have not received any such reports.

I refer my hon. Friend to the reply that my hon. Friend the Minister of Agriculture, Fisheries and Food (Mr. Rooker) gave on 19 May 1999, *Official Report*, column *395*.

Iran

Mr. Cox: To ask the Secretary of State for Foreign and Commonwealth Affairs when he expects the new British Ambassador to Iran to be appointed; and if he will name him. [84741]

Mr. Tony Lloyd: My right hon. Friend the Secretary of State announced on 18 May that Britain and Iran have agreed to upgrade relations by appointing Ambassadors in Tehran and London. Mr. Nick Browne will be British Ambassador in Tehran.

Mr. Cox: To ask the Secretary of State for Foreign and Commonwealth Affairs what loans have been made by the British Government to Iran in each of the last five years; and if he will make a statement. [84755]

Mr. Hoon: The British Government made no loans to Iran in the period specified. Short-term ECGD cover has been available since July 1998, but so far this facility has not been used.

Mr. Cox: To ask the Secretary of State for Foreign and Commonwealth Affairs how many Ministers have visited Iran in each of the last three years. [84754]

Mr. Hoon: There have been no ministerial visits to Iran in the last three years. The last UK Minister to travel to Iran was Baroness Chalker, who visited Iraqi Kurdish refugees in north-west Iran in 1991.

Commonwealth Students

Mr. Cox: To ask the Secretary of State for Foreign and Commonwealth Affairs how many students currently studying in the UK from Commonwealth countries have received financial assistance from his Department towards the cost of their education studies in the UK in each of the last three years. [84743]

Mr. Hoon: The Foreign and Commonwealth Office (FCO) provides financial assistance to students from the Commonwealth studying in the UK under two programmes; the Chevening Scholarship Scheme and the Commonwealth Scholarships and Fellowships Plan (CSFP).

In 1996–97, 452 students from the Commonwealth received Chevening awards while 237 received new CSFP awards. In 1997–98 the figures were 214 and 79 respectively and in 1998–99 141 and 72.

The figures for 1996–97 include awards funded by both the FCO and the Overseas Development Administration (ODA). The figures for 1997–98 and 1998–99 are for FCO funded awards only as in 1997 the ODA became a separate Government Department (the Department for International Development (DfID)). DfID continued to provide funding to both schemes for Commonwealth students in 1997–98 (240 Chevening and 239 CSFP awards) and 1998–99 (253 Chevening and 210 CSFP awards). Most Chevening awards are for one year only while many CSFP scholars are on PhD programmes, and study in the UK for up to three years.

Cyprus

Mr. Cox: To ask the Secretary of State for Foreign and Commonwealth Affairs what discussions his Department has held with the Government of the Republic of Cyprus in connection with its application for membership of the European Union; and if he will make a statement. [84940]

Ms Quin: I visited Cyprus last month to discuss with the Government of Cyprus, and with leaders of the Turkish Cypriot community, the prospects for a settlement and progress with Cyprus' application to join the EU. There is also close and regular contact at official level. My right hon. Friend the Foreign Secretary and I have regular discussions with colleagues from other EU member states on all aspects of the accession process.

EU General Affairs Council

Mr. Maclean: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will publish the agenda for the EU General Affairs Council of 31 May. [85220]

Ms Quin: The provisional agenda for the General Affairs Council on 31 May is:

Horizontal Issues

Preparation of European Council, Cologne, 3–4 Jun

European Security and Defence Identity

Institutional Reforms

EU-Charter of Fundamental Rights

Human Rights

(possible) Enlargement. Preparation of the Accession Conferences with Cyprus, Hungary, Poland, Estonia, the Czech Republic and Slovenia at Ministerial level on 22 June

Article 4 Report on progress achieved by the Union

Comitology

External Relations

(possible) EU's relations with Mercosur and Chile

Preparation of the EU-Latin American and Caribbean Summit, 28–29 June

(possible) EU/Mexico relations

(possible) Association agreement with Egypt

Northern Dimension

EU/US relations

Preparation of the EU/US Summit, 21 June

Trade issues

EU/Japan relations. Preparation of the EU/Japan Summit, 17 June

EU/Canada relations. Preparation of the EU/Canada Summit, 17 June

Western Balkans

Middle East Peace Process

EU/South Africa agreement

Common Position on Human Rights, Democratic Principles, the Rule of Law and Good Governance in Africa

(possible) East Timor.

CULTURE, MEDIA AND SPORT

Works of Art (Loans)

Mr. Leslie: To ask the Secretary of State for Culture, Media and Sport how many indemnity undertakings were given by departments under section 16 of the National Heritage Act 1980 for the six-month period ended 31 March; and what was the value of *(a)* any contingent liabilities in respect of such undertakings given at any time under that section which remain outstanding as at 31 March, *(b)* non-statutory Government indemnities in respect of loans handled by the Government Art Collection which remain outstanding as at 31 March and *(c)* non-statutory undertakings to Her Majesty in respect of loans from the Royal Collection which remain outstanding at 31 March. [85354]

Mr. Chris Smith: The provision for the Government Indemnity Scheme is made by the National Heritage Act 1980. The scheme facilitates public access to loans of works of art and other objects for public display made to museums, galleries and other such institutions by private owners and non-national institutions. It does this by indemnifying lenders against loss or damage to their loan. Loans covered by the scheme must be for public benefit. The scheme also covers loans of such objects for study purposes within borrowing institutions where this would contribute materially to the public's understanding or appreciation of the loan. Examples of this are enhancing interpretation or explanation to the public of objects or bringing into the public domain, the conclusions of any study.

In the six month period ended 31 March 1999, the following undertakings to indemnify were given under section 16 by the relevant Departments for objects on loan to national and non-national institutions:

	Number
Department for Culture, Media and Sport	520
Scottish Office Education and Industry Department	120
Welsh Office Education Department	56
Department of Education for Northern Ireland	16

The value of contingent liabilities in respect of undertakings given at any under section 16 and which remained outstanding as at 31 March 1999 is:

	£
Department for Culture, Media and Sport	2,230,770,568
Scottish Office Education and Industry Department	450,749,492
Welsh Office Education Department	43,847,621
Department of Education for Northern Ireland	10,993,527

The value of non-statutory Government indemnities to cover loans handled by the Government Art Collection and which remained outstanding as at 31 March 1999 is:

Value: £6,975,000.

The value of non-statutory Undertakings given to Her Majesty in respect of loans from the Royal Collection and which remained outstanding as at 31 March 1999 is:

Value: £204,729,113.

Green Transport Plan

Mr. Baker: To ask the Secretary of State for Culture, Media and Sport if he will make a statement on the introduction of a green transport plan for his Department. [82844]

Janet Anderson *[holding answer 11 May 1999]:* Following last July's Integrated Transport White Paper, which set targets for the introduction of green transport plans for Government Departments, we are working to complete a plan covering all our buildings. That plan will be published shortly and it will be made available to the Environmental Audit Committee and to hon. Members.

Media Relations

Mr. Baker: To ask the Secretary of State for Culture, Media and Sport how many *(a)* civil servants and *(b)* special advisers involved in media relations were employed within his Department at 1 May (i) 1997, (ii) 1998 and (iii) 1999. [84194]

Mr. Chris Smith *[holding answer 18 May 1999]:* Detailed information on the numbers of permanent civil servants employed in Departmental Press Offices during the financial years 1997–98 and 1998–99 was provided in a memorandum dated 16 June 1998 to the Select Committee on Public Administration and published in its report, "The Government Information and Communication Service (HC 770), in July 1998. A copy is in the Library of the House. The number in post at 1 May 1999 is 13.

Special Advisers in this Department have ad hoc contact with the media but none are specifically employed in media relations.

DEFENCE

Targets Agency

Ms Perham: To ask the Secretary of State for Defence what key targets have been set for the Naval Manning Agency for the financial year 1999–2000. [85301]

Mr. Doug Henderson: Key Targets have been set for the Chief Executive of the Naval Manning Agency for the financial year 1999–2000. The targets build upon progress made by the Agency since it formed on 1 July 1996 and are as follows:

Key Target 1

a. The percentage of filled Officer billets to be 94 per cent. or greater.

b. The percentage of filled rating billets to be 90 per cent. or greater.

c. The percentage of filled other rank billets to be 88 per cent. or greater.

Key Target 2

The variation of Strength to Requirement to be between zero and minus 2 per cent.

Key Target 3

a. The percentage of Officers receiving the required Notice of Change to be 60 per cent. or greater.

b. The percentage of ratings receiving the required Notice of Change to be 98 per cent. or greater.

c. The number of occurrences where Minimum Time Ashore criteria are met to be 99 per cent. or greater.

Key Target 4

a. To achieve a 5 per cent. reduction in NMA manpower overheads.

b. To carry out 2 Benchmarking Exercises.

c. To achieve a Customer Confidence Score of 60.

Key Target 5

a. Production of Annual Accrual Accounts to be completed by April 2000.

b. To operate the NMA within its 1999–2000 Net Cash Allocation for Operating Activities (at 1998–99 prices) of £10.883 million, a reduction of 3.1 per cent. after specific, additional in-year commitments have been discounted.

Mr. Olner: To ask the Secretary of State for Defence what key targets have been set for the Defence Clothing and Textiles Agency for the financial year 1999–2000. [85310]

Mr. Doug Henderson: The Chief Executive of the Defence Clothing and Textiles Agency has been set the following Key Targets for 1999–2000:

Key Target 1

To meet Customer requirements as set out in the DCTA Customer Supplier Agreements (CSAs) to deliver:

95 per cent. or more of products reaching Customers within specified supply chain processing times.

Product defect reports processed and responded to in less than 12 weeks.

A reduction in products not being accepted during the receipts process by 5 per cent.

84 per cent. or more of aggregated underlying availability of material.

Key Target 2

To achieve an average 3 per cent. improvement in Unit Cost of Output.

Key Target 3

To deliver Research and Development Projects To Time within Acceptable Quality Standards and within Budget, in accordance with the DCTA Core Research and Development Proposals 1999.

Key Target 4

To deliver Elements of the Modular Field Catering System (MFCS) and CRUSADER 21 Projects on Time and within Budget.

Key Target 5

To achieve Stock Management Targets as defined in QMG's Re-Provisioning Plan.

Ms Christine Russell: To ask the Secretary of State for Defence what key targets have been set for the Defence Postal and Courier Services Agency for financial year 1999–2000. [85312]

Mr. Doug Henderson: The Chief Executive of the Defence Postal and Courier Services Agency has been set the following Key Targets for 1999–2000:

Key Target 1

To meet the Customers' requirements as specified in Customer Supplier Agreements (CSAs) to deliver:

96.6 per cent. or more of aggregated deliveries of Official Mail and BFPO Private Mail to be within CSA specified times.

98.5 per cent. or more of aggregated deliveries of Courier Mail to be within CSA specified times.

Key Target 2

To achieve an average 3 per cent. improvement in the Unit Cost of Output.

Mr. Edwards: To ask the Secretary of State for Defence what key targets have been set for the Medical Supplies Agency for the financial year 1999–2000. [85353]

Mr. Doug Henderson: Key Targets have been set for the Chief Executive of the MSA for financial year 1999–2000. The targets build on the progress already made by the Agency since it formed in March 1996 and are as follows:

Key Target 1—Composite Medical Material

To build, completely and to time and within budget, for all 3 Services, 95 per cent. of the programme for kits, outfits and packs, as defined in endorsed Equipment Tables and as directed by the Director Medical Programme & Plans (D Med P&P).

Key Target 2—The Operational Requirement

To meet 100 per cent. of the Service's requirements for stocked medical material and blood products for operations.

Key Target 3—The Exercise and Training Requirement

To meet 98 per cent. of the Services' requirements for stocked medical material and blood products for exercises and training.

Key Target 4—Response to Demands

To meet 85 per cent. of demands for Category B items (common used items with a unit cost of less than £100 and approved by D Med P&P) within MSA's charter standard (next day delivery of priority demands; 72 hours for routine); and 95 per cent. within one week.

Key Target 5—Stock Issued to Stock Held Ratio

To improve the ratio of stock issued to stock held from 1.72 to 1.75.

Departing Service Personnel

Mr. Hancock: To ask the Secretary of State for Defence how many service personnel have left each of the services, quarterly, in each of the last five years. [78779]

Mr. Doug Henderson: The numbers of personnel who have left UK Regular armed forces during the last five years is as follows:

	Naval Service	Army	Royal Air Force	Total
1 January-31 March 1994	947	4,051	1,609	6,607
1 April-30 June 1994	1,385	3,782	2,407	7,574
1 July-30 September 1994	1,423	4,637	1,224	7,284
1 October-31 December 1994	2,416	8,480	1,152	12,048
1 January-31 March 1995	961	4,986	1,187	7,134
1 April-30 June 1995	992	3,803	1,273	6,068
1 July-30 September 1995	1,128	3,970	1,511	6,609
1 October-31 December 1995	1,387	3,622	1,634	6,643
1 January-31 March 1996	1,438	4,048	4,058	9,544
1 April-30 June 1996	1,712	3,887	1,540	7,139
1 July-30 September 1996	2,588	3,875	3,131	9,594
1 October-31 December 1996	1,385	3,558	1,813	6,756
1 January-31 March 1997	1,446	4,034	4,031	9,511
1 April-30 June 1997	1,268	3,446	1,198	5,912
1 July-30 September 1997	1,331	4,049	1,217	6,597
1 October-31 December 1997	1,216	2,457	1,066	4,739
1 January-31 March 1998	1,456	4,426	1,128	7,010
1 April-30 June 1998	1,398	4,018	1,316	6,732
1 July-30 September 1998	1,287	4,532	1,224	7,043
1 October-31 December 1998	1,367	4,157	1,179	6,703

El Shifa

Mr. Llew Smith: To ask the Secretary of State for Defence, pursuant to his letter to the hon. Member for Blaenau Gwent of 22 February, on the El Shifa pharmaceuticals factory in Khartoum, if he will review his decision not to release information made available to Her Majesty's Government by the United States Administration on the matter. [84763]

Mr. George Robertson: I am afraid that I cannot discuss intelligence received in confidence from another Government, as is recognised by exemption 1 of the Code of Practice for Access to Government Information. However, as we stressed at the time, we had the assurance of the United States Government that their decision to resort to military action was based on compelling evidence that the El Shifa factory was connected with chemical weapons development or manufacture.

MOD Police

Mr. McNamara: To ask the Secretary of State for Defence what powers are available to Ministry of Defence police *(a)* to search civilian property, *(b)* to interrogate civilians and *(c)* to lay charges against individuals; from what legal authority officers of the MoD police derive their powers; what remedy is open to civilians who believe they have been subject to ill-treatment or abuse by MoD police officers; how many complaints have been made against MoD police in each of the past five years; and what were the results of such complaints. [84783]

Mr. Doug Henderson *[holding answer 20 May 1999]:* Ministry of Defence Police officers derive their constabulary powers from the Ministry of Defence Police Act 1987. MOD Police officers have the same powers as their Home Department Police colleagues to search civilian property, interview civilians and lay charges against individuals, in respect of matters that come within their jurisdiction as defined in the 1987 Act. The MOD Police are subject to comprehensive disciplinary procedures, overseen by the Police Complaints Authority in the case of complaints made by members of the public.

Details of complaints made against MOD Police are shown in the table:

	1994–95	1995–96	1996–97	1997–98	1998–99
Number of complaint cases	79	62	42	88	59
Number of complaints	180	106	96	212	108
Informally resolved	31	14	14	24	24
Substantiated	10	6	4	4	0
Unsubstantiated	89	51	51	34	9
Dispensation from investigation	31	4	0	7	12
Withdrawn	19	31	16	19	16
Open	0	0	11	124	47

[1] 1994–95 figures are for a 15 month period 1 January 1994 to 31 March 1995

HOME DEPARTMENT

Firearms

Mr. Beith: To ask the Secretary of State for the Home Department (1) what measures he plans to take against the possession of illegally held firearms; and if he will make a statement; [84733]

(2) what estimate he has made of the number of illegally held firearms in the United Kingdom; and if he will make a statement. [84735]

Mr. Boateng: There is no reliable estimate of the number of illegal firearms in circulation in this country.

Government Departments work closely with the police service and Her Majesty's Customs to prevent and detect the illegal use of firearms.

A sub-committee has been set up by the Association of Chief Police Officers to consider the police response to the criminal use of firearms. The National Intelligence Service is compiling a strategic threat assessment of the firearms situation in England and Wales. An Interdepartmental Committee on Small Arms Policy has been created to ensure the structured co-ordination of all Government Departments concerned with the legal and illegal movement of firearms.

The Firearms Consultative Committee has been asked to consider as part of its current work programme what measures can be taken to reduce the illegal possession and use of firearms. Work is also continuing at international level to address the problems of the illicit manufacture and trafficking of firearms, notably through a Protocol to the proposed United Nations Convention Against Transnational Organised Crime.

Hunting

Mr. Stephen Twigg: To ask the Secretary of State for the Home Department if he will list the occasions on which he or representatives from his Department have met representatives from (i) the Countryside Alliance, (ii) the Master of Foxhounds Association and (iii) the British Field Sports Society since May 1997 indicating in each case *(a)* the reason for the meeting, *(b)* where and when it took place and *(c)* its duration. [84717]

Mr. Straw: I met the Master of the Foxhounds Association on 9 June 1998 in a meeting with him and others to discuss the policing of hunts. The meeting was held in the House of Commons and lasted approximately 30 minutes.

No meetings have taken place between officials from this Department and the Countryside Alliance, Master of Foxhounds Association and The British Field Sports Society.

Protection from Harassment Act 1997

Mr. Beith: To ask the Secretary of State for the Home Department how many prosecutions have taken place under each section of the Protection from Harassment Act 1997; how many and what percentage of prosecutions have resulted in a conviction; how many cautions have been issued in relation to each section of the Act; and if he will make a statement. [84734]

Mr. Boateng: The available data from the Home Office Court Proceedings Database, for 1997 and provisionally for the period January to September 1998, are given in the table.

Number of persons cautioned, proceeded against at magistrates' courts and convicted at all courts for offences under the Protection from Harassment Act 1997 [1], England and Wales, 1997 and January to September 1998 [2]

Offence/disposal	*1997*	*1998 January to September [2]*
Section 2—Offence of harassment (summary)		
Cautioned	171	431
Total proceeded against	507	3,011
Total convicted	249	1,604
Conviction rate [3]	49	53
Section 3—Breach of the conditions of an injunction against harassment		
Cautioned	1	7
Total proceeded against	7	17
Total convicted	3	8
Conviction rate [3]	43	47
Section 4—Putting people in fear of violence		
Cautioned	51	109
Total proceeded against	243	1,094
Total convicted	76	391
Conviction rate [3]	31	36
Section 5—Breach of restraining order		
Cautioned	0	7
Total proceeded against	23	234
Total convicted	16	179
Conviction rate [3]	70	76

[1] Came into force on 16 June 1997
[2] Provisional
[3] The number of offenders convicted at all courts as a percentage of defendants proceeded against at magistrates' courts
[4] Came into force on 30 September 1998

Young Offenders

Mr. Cox: To ask the Secretary of State for the Home Department how many young *(a)* men and *(b)* women up to the age of 21 years were sentenced to periods of imprisonment in England and Wales during each of the last five years. [84681]

Mr. Boateng: Information taken from the Home Office Court Proceedings Database is given in the table.

Persons aged under 21 sentenced to immediate custody [1] by sex, atype of offence and type of court [2] England and Wales

Number of persons (Thousand) and percentage

Age, sex and year	*Total number sentenced to immediate custody*	*Number of persons sentenced to immediate custody*					*Persons sentenced to immediate custody as a percentage of all persons of relevant age group sentenced for indictable offences*		
		Indictable offences			*Summary offences*		*Indictable offences*		
		All courts	*Magistrates' courts*	*The Crown court*	*Total non motoring*	*Total motoring*	*All courts*	*Magistrates' courts*	*Crown court*
Aged 15–17									
Males									
1993	3.8	3.3	2.5	0.7	0.4	0.2	11.1	9.3	35.8
1994	4.2	3.6	2.8	0.8	0.4	0.2	11.1	9.3	38.3
1995	4.9	4.2	3.0	1.2	0.5	0.2	12.2	9.4	45.3
1996	5.7	4.8	3.1	1.7	0.6	0.3	13.2	9.5	48.0
1997	6.1	5.1	3.1	2.1	0.7	0.3	13.5	9.1	48.1
Females									
1993	0.1	0.1	0.1	0.0	0.0	—	2.6	1.9	18.5
1994	0.1	0.1	0.1	0.0	0.0	0.0	2.8	2.1	21.9
1995	0.2	0.1	0.1	0.0	0.0	0.0	3.0	2.2	22.0
1996	0.2	0.2	0.1	0.1	0.0	0.0	3.4	2.2	26.0
1997	0.3	0.2	0.1	0.1	0.0	0.0	4.6	2.7	29.5

Persons aged under 21 sentenced to immediate custody[1] by sex, atype of offence and type of court
England and Wales

Number of persons (Thousand) and percentage

Age, sex and year	Total number sentenced to immediate custody	Number of persons sentenced to immediate custody: Indictable offences: All courts	Indictable offences: Magistrates' courts	Indictable offences: The Crown court	Summary offences: Total non motoring	Summary offences: Total motoring	Persons sentenced to immediate custody as a percentage of all persons of relevant age group sentenced for indictable offences: All courts	Indictable offences: Magistrates' courts	Indictable offences: Crown court
Persons									
1993	3.9	3.4	2.6	0.8	0.4	0.2	10.2	8.5	34.7
1994	4.3	3.7	2.9	0.8	0.4	0.2	10.1	8.4	37.1
1995	5.1	4.3	3.1	1.2	0.5	0.2	11.1	8.5	43.7
1996	5.9	5.0	3.3	1.7	0.6	0.3	12.0	8.6	46.5
1997	6.3	5.4	3.2	2.2	0.7	0.3	12.4	8.3	46.6
Aged 18–20									
Males									
1993	11.0	9.0	3.0	6.0	0.9	1.1	17.0	7.2	51.3
1994	12.1	9.6	3.5	6.1	1.1	1.5	19.2	8.9	55.6
1995	13.1	10.4	3.8	6.6	1.3	1.6	22.0	10.6	59.4
1996	14.2	11.2	3.9	7.3	1.4	1.6	24.3	11.2	65.3
1997	15.1	11.8	4.1	7.7	1.6	1.8	24.5	11.3	63.8
Females									
1993	0.3	0.3	0.1	0.2	0.0	0.0	5.0	2.4	25.1
1994	0.4	0.3	0.2	0.2	0.0	0.0	5.2	2.8	26.9
1995	0.5	0.4	0.2	0.2	0.0	0.0	7.2	3.8	31.1
1996	0.5	0.5	0.2	0.3	0.0	0.0	8.9	4.6	35.3
1997	0.6	0.6	0.3	0.3	0.1	0.0	9.0	5.0	31.6
Persons									
1993	11.3	9.3	3.1	6.2	0.9	1.1	15.7	6.6	49.8
1994	12.5	9.9	3.6	6.3	1.1	1.5	17.6	8.1	54.0
1995	13.7	10.8	4.0	6.8	1.3	1.6	20.4	9.7	57.6
1996	14.8	11.7	4.1	7.6	1.4	1.6	22.6	10.4	63.3
1997	15.8	12.4	4.3	8.0	1.6	1.8	22.7	10.5	61.4

[1] Immediate custody for persons aged 15 and under 21 comprises detention in a young offender institution

Crime and Disorder Audits

Mr. Kidney: To ask the Secretary of State for the Home Department what further analysis he intends to *(a)* make and *(b)* publish of the crime and disorder audits. [84771]

Mr. Boateng: Over the next few months we will—in liaison with the Audit Commission and Her Majesty's Inspectorate of Constabulary—be analysing the audits and strategies produced by local crime and disorder reduction partnerships. We will issue reports on key issues, for example, the consultation process and target setting. The main aim will be to provide the partnerships with advice on good practice so as to help them become more effective.

Mr. Kidney: To ask the Secretary of State for the Home Department what guidance he intends to give to ensure that future crime and disorder audits contribute to the Government's road casualty reduction strategy. [84772]

Mr. Boateng: The Crime and Disorder Act 1998 does not specify what categories of crime and disorder must be included in the audit and strategy which local partnerships must produce. However, existing Home Office guidance to partnerships makes clear that strategic priorities must be based on the local audit findings and consultation with the community. Therefore, where this process has identified road safety as a priority, we would expect it to be addressed in the strategy.

Mr. Kidney: To ask the Secretary of State for the Home Department which issues were most often identified by local authorities and police forces in their crime and disorder audits. [84769]

Mr. Boateng: We have not yet completed an analysis of the audits and strategies produced by the local crime and disorder reduction partnerships. A number of reports will be issued by the Home Office on various aspects of the partnerships' work over the next few months. Early indications are that burglary, car crime, drug and alcohol-related crime, and youth crime are among the issues most frequently mentioned in strategies as priorities to be tackled.

Mr. Kidney: To ask the Secretary of State for the Home Department in what percentage of crime and disorder audits enforcement of road traffic offences has been identified as a priority [84770]

Mr. Boateng: We have not yet completed an analysis of the audits and strategies produced by the local crime and disorder reduction partnerships. Early indications are that a relatively small number of partnerships have made road safety a priority issue.

Cleveland Police

Dr. Kumar: To ask the Secretary of State for the Home Department, pursuant to his answer of 26 April 1999,

Official Report, column 77, on the Cleveland police, when he expects to be able to publish the legal costs of Cleveland police in the libel case relating to sexual harassment against three Cleveland police officers; and if he will make a statement. [84881]

Mr. Boateng: I am unable to give a timescale as to when the total legal costs of the action will be known since this is the subject of comprehensive negotiations being conducted by the Force insurers.

Immigration and Asylum Bill

Mr. McNamara: To ask the Secretary of State for the Home Department what representations he has received *(a)* in support of and *(b)* opposing the provisions of the Immigration and Asylum Bill from (i) civil rights groups, (ii) refugee organisations and (iii) the churches, indicating the provisions of the Bill referred to in each case. [84530]

Mr. Mike O'Brien: The information requested could be obtained only at disproportionate cost. The Special Standing Committee on the Bill received oral and written evidence from a wide range of civil rights groups, refugee organisations and church groups. This evidence has been printed in the *Official Report, Special Standing Committee*, Immigration and Asylum Bill (Other Memoranda and Letters submitted to the Committee). Ministers and officials in the Home Office have had correspondence from, and meetings with, a number of such organisations about provisions in the Bill.

Electoral Procedures

Mr. Hawkins: To ask the Secretary of State for the Home Department what period of consultation he plans, and with whom, following the publication of the report of his working group on electoral procedures. [84966]

Mr. George Howarth: My Working Party on Electoral Procedures will report in the late summer. My right hon. Friend, the Home Secretary will decide what, if any, further consultation may be necessary once he has had the opportunity to examine its recommendations.

ENVIRONMENT, TRANSPORT AND THE REGIONS

Genetically Modified Organisms

Mr. Baker: To ask the Secretary of State for the Environment, Transport and the Regions which of his responsibilities in respect of genetically modified organisms will be devolved to *(a)* the Scottish Parliament and *(b)* the National Assembly for Wales. [81461]

Mr. Meacher *[holding answer 20 April 1999]:* None. Prior to devolution responsibility for environmental aspects of genetically modified organisms under Part VI of the Environmental Protection Act 1990 in Scotland rested with the Secretary of State for Scotland and in Wales the Secretary of State for Wales. These responsibilities will be devolved to the Scottish Parliament and the National Assembly for Wales respectively.

GM Crops

Mr. Alan Simpson: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 15 April 1999, *Official Report*, columns *301–02*, what are the *(a)* number and *(b)* percentage of existing field test sites for genetically modified crops which have been subject to (i) pre-planting environmental audit and (ii) sub-surface impact analysis. [81946]

Mr. Meacher: All applications for consent to release a genetically modified plant must include a pre-planting environmental audit including details of the release site ecosystem including climate and fauna, details of any sexually compatible wild relatives or cultivated plant species present and the proximity of officially recognised biotopes or protected areas. All 373 existing field test sites for genetically modified crops have been subject to such an audit. There is no requirement for applicants to include a sub-surface impact analysis. The farm-scale evaluations will however include a sub-surface impact analysis as detailed in my earlier answer.

Newspaper Delivery

Dr. Tonge: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to introduce legislation to regulate the wholesale newspaper delivery contracting industry. [82195]

Ms Glenda Jackson: We have no plans to regulate the wholesale newspaper delivery industry, but all users of commercial vehicles over 3.5 tonnes are required to have an operator's licence. This ensures the safe and proper use of goods vehicles and the protection of the environment around operating centres.

The Government are keen that local authorities should approach their planning and transportation responsibilities in a well-informed and balanced manner, protecting the interests of local residents while promoting efficient freight distribution in order to support the vitality of the local economy.

Our strategy for Sustainable Distribution, published on 2 March, proposes to develop the concept of "freight quality partnerships", particularly for urban areas. This will involve local authorities, the distribution industry and the local community working together in the development of a partnership agreement. The partnerships will provide a mechanism through which can be developed an understanding of local distribution issues and the associated concerns. Through the agreement, practical, constructive best practice solutions can be introduced which reconcile the need for the efficient and timely delivery and loading of goods and services with local environmental and social concerns regarding noise, disturbance, vehicle routing and pollution.

Fuel Tax Escalator

Mr. Blizzard: To ask the Secretary of State for the Environment, Transport and the Regions what methodology is used to evaluate the effect on the environment of the fuel tax escalator. [83257]

Ms Glenda Jackson: We draw on a variety of methods to assess the impact on emissions of carbon dioxide and regulated emissions, as well as congestion. Most of these methods rely on models which forecast the behavioural

impacts of the fuel duty escalator, and use these to estimate the effect on emissions. The models used include the National Road Traffic Forecasts model, in conjunction with the Vehicle Market Model employed by the Department to assess the impact of different policy instruments on vehicle fuel consumption and emissions.

Motorway Lighting

Mr. Stringer: To ask the Secretary of State for the Environment, Transport and the Regions what estimate he has made of the reduction in the number of accidents which would result from providing lighting on the whole of the motorway system. [84539]

Ms Glenda Jackson: I refer my hon. Friend to the answer given on 7 May 1999, *Official Report*, columns *483–84*.

Cycling Policies

Mr. Bradshaw: To ask the Secretary of State for the Environment, Transport and the Regions how many people in his Department are directly employed promoting cycling policies; and how many were so employed in May 1997. [84721]

Ms Glenda Jackson: Work in support of cycling policies, including research, accounts for the whole of three posts and a substantial part of six others. The equivalent figures for May 1997 were four and six. One research post has been transferred to work on walking and Home Zones.

School Budgets

Mr. Kidney: To ask the Secretary of State for the Environment, Transport and the Regions to what extent the costs assumed for the area cost adjustment in school budgets differed from actual costs in the last year for which figures are available. [84765]

Mr. Meale: It is not possible to make the comparison requested. It is the difficulty of determining the actual cost which would be relevant to the area cost adjustment that gives rise to much of the disagreement about that adjustment.

Debt

Mr. Ottaway: To ask the Secretary of State for the Environment, Transport and the Regions (1) if he will publish a list of English local authorities broken down by classification and ranked by *(a)* outstanding debt and *(b)* outstanding debt per head of population; [84863]

(2) if he will publish a list of English local authorities ranked *(a)* by outstanding debt and *(b)* by outstanding debt per head of population. [84862]

Mr. Meale: The latest information on levels of debt outstanding for each local authority in England relates to 31 March 1997. I have today placed the information requested in the Library of the House.

High-level Waste

Mr. Llew Smith: To ask the Secretary of State for the Environment, Transport and the Regions if he will place in the Library a copy of the report, "High-Level Waste and Spent Fuel Disposal Research Strategy", DETR/RAS/98.006, dated May 1998. [84761]

Mr. Meale: Copies have been placed in the Library.

Westminster Council

Mr. Geraint Davies: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the implications for the Code of Local Government Conduct of the decision of the Court of Appeal relating to Dame Shirley Porter and Mr. John Magill. [84915]

Ms Armstrong: We have made no such assessments. In March 1999 we published detailed proposals (Cm 4298), including a draft Bill, for Councils to adopt new constitutions and for a new ethical framework for local government. The proposals for the new ethical framework include introducing new statutory codes of conduct together with an enforcement regime involving independent investigation of alleged unethical conduct.

Councillors

Mrs. Gordon: To ask the Secretary of State for the Environment, Transport and the Regions if he will issue guidance on the circumstances in which a councillor, applying for a discretionary grant from his or her council, may lobby other councillors to vote in favour of that grant. [84920]

Mr. Love: To ask the Secretary of State for the Environment, Transport and the Regions if he will issue guidance on the circumstances in which a councillor applying for a discretionary grant to his or her council may put that matter before a meeting of the council for decision. [84922]

Mr. Gareth R. Thomas: To ask the Secretary of State for the Environment, Transport and the Regions if he will issue guidance on the circumstances in which a councillor who has a personal *(a)* pecuniary and *(b)* non-pecuniary interest in a matter before his or her council may put a proposal to the council relating to that matter. [84919]

Ms Armstrong: The National Code of Local Government Conduct, published in April 1990, provides guidance to members of local authorities on their conduct, including on the disclosure of pecuniary and other interests, and on dealings with the council. It makes clear that the statutory requirements on disclosure of interests must be scrupulously observed at all times, and that councillors should never seek or accept preferential treatment in their dealings with the council because of their position as a councillor.

In March 1999 we published detailed proposals (Cm4298), including a draft Bill, for a new ethical framework for local government including introducing new statutory codes of conduct which will be rigorously applied through an enforcement regime involving independent investigation of alleged unethical conduct.

Siobhain McDonagh: To ask the Secretary of State for the Environment, Transport and the Regions if he will issue guidance on the circumstances in which the leader of a council can be regarded as acting on behalf of that council. [84923]

Ms Armstrong: There are currently no legal powers for a single councillor to act on behalf of their council.

In March 1999 we published detailed proposals (Cm 4298), including a draft Bill, for councils to adopt new constitutions, including decision making structures where an executive mayor or other councillors could act on behalf of the council. In parallel with the new constitutions we are proposing a new ethical framework for local government, which includes each council adopting a statutory code of conduct for councillors reflecting the particular decision making structure of its new constitution.

Judy Mallaber: To ask the Secretary of State for the Environment, Transport and the Regions if he will issue guidance on the circumstances in which political considerations can be the prime motivating factor for a decision taken by members of a local authority. [84921]

Dr. Starkey: To ask the Secretary of State for the Environment, Transport and the Regions if he will issue guidance on the circumstances in which it would be permitted for electoral advantage to be the motivation behind a local authority decision. [84917]

Ms Armstrong: It is the responsibility of each local authority to satisfy itself as to the legality of its actions. Local authorities, like other public bodies, are subject to the requirements of administrative law. They may not act illegally, irrationally or with procedural impropriety, and hence their decisions must be made taking account of only considerations which a Court would judge relevant.

Mr. Stephen Twigg: To ask the Secretary of State for the Environment, Transport and the Regions if he will issue guidance on the circumstances in which legal advice can act as authority for a course of conduct by a local authority. [84916]

Dr. Whitehead: To ask the Secretary of State for the Environment, Transport and the Regions if he will issue guidance on the circumstances, when legal advice has been taken based on incomplete instructions, in which a local authority may act on the basis of that advice. [84918]

Ms Armstrong: It is the responsibility of each council to satisfy itself as to the legality of its actions.

Tree Preservation Orders

Dr. Tonge: To ask the Secretary of State for the Environment, Transport and the Regions how many appeals against refusal by local councils of consent to fell trees under the protection of tree preservation orders have been made since May 1997. [84911]

Mr. Meale: My Department has received 1,174 appeals between 1 May 1997 and 31 March 1999 against local councils' refusals of consent to carry out felling or other works on trees under the protection of tree preservation orders or against their failure to determine such applications.

Dr. Tonge: To ask the Secretary of State for the Environment, Transport and the Regions how many decisions by inspectors to allow consent to fell trees under tree preservation orders he has overturned since May 1997. [84912]

Mr. Meale: None. The Secretary of State for the Environment, Transport and the Regions decides himself appeals against local councils' refusal of consent to fell protected trees. Inspectors are involved (a) when the appellant requests a Hearing or Public Inquiry or (b) when the appeal raises technical or arboricultural issues. However, in all cases, the Secretary of State makes the final decision, having regard to the Inspector's advice.

Floods (South Lakeland)

Mrs. Humble: To ask the Secretary of State for the Environment, Transport and the Regions if he will provide financial assistance to South Lakeland District Council under the Bellwin scheme for costs incurred following the severe flooding over 5 and 6 January. [85311]

Mr. Meale: I am satisfied that financial assistance under the Bellwin scheme is justified in the case of South Lakeland District Council given the exceptional nature of the floods and the damage caused. A scheme will, therefore, be established under section 155 of the Local Government and Housing Act 1989. Grant will be paid to the authority to cover 85 per cent. of the eligible costs above a threshold which have been incurred by the authority in dealing with the flooding.

EDUCATION AND EMPLOYMENT

New Deal (Young People)

Mr. Green: To ask the Secretary of State for Education and Employment (1) how many firms with fewer than *(a)* 250, *(b)* 100, *(c)* 50 and *(d)* 10 employees have received a subsidy for taking on a trainee under the New Deal for Young People; [84928]

(2) how many firms in the engineering sector have *(a)* taken on one or more trainees and *(b)* received a subsidy for taking on a trainee, under the New Deal for Young People; [84924]

(3) how many firms in the retail sector have *(a)* taken on one or more trainees and *(b)* received a subsidy for taking on a trainee, under the New Deal for Young People; [84927]

(4) how many firms in the leisure sector have *(a)* taken on one or more trainees and *(b)* received a subsidy for taking on trainees, under the New Deal for Young People. [84925]

Mr. Andrew Smith: The existing Employment Service systems unfortunately do not allow us to monitor the number of starts on the Employment Option by employer. The Employment Service has commissioned its IT supplier to develop an employer database to provide this information.

Mr. Maclean: To ask the Secretary of State for Education and Employment, pursuant to his answer of 4 May 1999, *Official Report*, column *369*, if he will be using *(a)* off-flows and *(b)* an absolute fall in the unemployment count in the target category to measure the Government's progress against the New Deal pledge target of moving 250,000 people from welfare to work. [84566]

Mr. Andrew Smith: Neither on its own is sufficient as a measure of the Government's success in meeting its New Deal target, since that target relates specifically to helping young people into work as well as off welfare. Details of the number of 18 to 24-year-olds taking up jobs from the New Deal are published each month in the "New Deal for Young People and Long-Term Unemployed People Aged 25+ Statistical First Release", prepared by the Government Statistical Service.

New Deal (Advisers)

Mr. Keetch: To ask the Secretary of State for Education and Employment how many advisers who are employed on the New Deal Gateway scheme possess *(a)* a certificate as a qualified social worker and *(b)* an equivalent credential; and if he will make a statement. [84967]

Mr. Andrew Smith: The Employment Service does not collect information of this nature about its staff.

Rainsford School, Chelmsford

Mr. Burns: To ask the Secretary of State for Education and Employment, pursuant to his answer of 19 April 1999, *Official Report*, column *444*, when he expects to reach a decision on the appeal made by Rainsford School, Chelmsford, against the direction by Essex County Council to admit a pupil, whose name has been supplied to his Department. [84787]

Ms Estelle Morris: We asked Essex Local Education Authority to provide further details on this pupil and their handling of the direction process, along with full information about alternative local schools, by Monday 15 March. Unfortunately, not all the information was received by this deadline. The LEA has provided the Department with some additional material, but the LEA has been contacted by my officials to obtain the remaining essential facts about the case, before my right hon. Friend the Secretary of State can make a decision. This he hopes to do very soon after this remaining information is received.

Community Schools

Mrs. May: To ask the Secretary of State for Education and Employment from what date community schools will be entitled to choose to move to foundation status. [85036]

Ms Estelle Morris: Regulations will enable community schools to publish statutory proposals to move to the foundation category from 1 September 2000.

Modern Apprenticeships

Mr. Nicholls: To ask the Secretary of State for Education and Employment how many NVQ Level 3s have been accredited since 1 September 1998; what is his estimate of the number of small and medium businesses which no longer have their preferred NVQ available to them for modern apprenticeships; and if he will make a statement. [84564]

Mr. Mudie: The total number of Level 3 NVQs accredited by the Qualifications and Curriculum Authority during the period 1 September 1998 to 10 May 1999 is 101.

The information on small and medium firms is not available.

Wirral Metropolitan College

Mr. Ben Chapman: To ask the Secretary of State for Education and Employment what response he plans to make to the conclusion of the FEFC Inspection report of Wirral Metropolitan College that the Remuneration Committee had not complied with its terms of reference when it recommended the early retirement package for the outgoing Principal. [84540]

Mr. Mudie: The terms of reference of the remuneration committee of Wirral Metropolitan College seek to ensure that rewards are commensurate with performance. The package for the Principal was agreed in January 1999. In March 1999 the Governors were informed that the FEFC inspection of the college had concluded that there were significant weaknesses in the management of the college. The inspectors considered that the Governors should have been aware of those weaknesses at the time of considering the early retirement of the Principal. The FEFC has been asked by the Department to remind all colleges that, in considering any compensation for early retirement of senior staff, Governors should take into account the performance of the individual concerned.

Parliamentary Democracy

Mr. Cox: To ask the Secretary of State for Education and Employment what measures he has put in place to develop the involvement of young people in the working of parliamentary democracy. [84740]

Mr. Mudie: My right hon. Friend the Secretary of State for Education and Employment published proposals on 13 May for consultation as part of the review of the National Curriculum on a framework for citizenship education in schools. This includes knowledge about the working of parliamentary democracy.

We have this year, in conjunction with the DETR, run the Children's Parliament on the Environment involving 10 and 11-year-old pupils from schools across the country. This has provided all pupils involved with an opportunity to develop an understanding of, and take an active role in, the democratic process.

The Department gives grant to the British Youth Council, a national voluntary youth organisation, for work to promote the informal personal and social education of young people. The British Youth Council holds regular Youth and Parliament days to raise young peoples' awareness of parliamentary and democratic procedures.

WALES

Upland Communities

Mr. Barry Jones: To ask the Secretary of State for Wales what measures he has taken to assist the economies of the upland communities; and if he will make a statement. [84297]

Mr. Jon Owen Jones: Upland communities have distinct needs and face particular challenges. The rural dimension is an important consideration of all polices and programmes affecting these areas.

Specific measures to assist upland communities include the major financial aid package announced by the Government last November which was worth more than £21 million to farmers in Wales. It included approximately £15 million for the 1999 Hill Livestock Compensatory Allowances (HLCA) Scheme. This meant an increase of about 55 per cent. across all the HLCA rates. Over 90 per cent. of 1999 claims were paid by the end of April.

On 6 April, the Secretary of State for Wales launched a consultation paper on how HLCAs should be reformed in the wake of the agreement on Common Agriculture Policy reform. The results of that consultation will inform the National Assembly for Wales' consideration of how best to meet the needs of farming communities in the hills and uplands of Wales when responsibility for agriculture and rural affairs is transferred to it on 1 July 1999.

Heroin

Mr. Barry Jones: To ask the Secretary of State for Wales if he will make a statement on his measures to tackle heroin addiction. [84298]

Mr. Jon Owen Jones: The Welsh Drug and Alcohol Strategy, 'Forward Together' aims to prevent the misuse of drugs and alcohol, particularly among younger people; and provide treatment, support and rehabilitation for those misusing drugs and alcohol.

The Department has established the Welsh Drug and Alcohol Unit to provide advice and support to professionals working in the field of drug and alcohol misuse, including those working with heroin users. It has funded the provision and distribution of free, bilingual, prevention resources for every age group in Wales, covering alcohol and a range of drugs, including heroin. In response to the concern over the increasing use of heroin the Department funded the production of a specific heroin prevention resource, 'Brown'.

Through the 'Delivering Care, Meeting Need' initiative the Department is supporting two projects involving supervised self administration of methadone in community pharmacies in Dyfed Powys Health Authority and North Wales Health Authority. These projects should provide support to drug misusers while reducing the leakage of prescribed methadone.

The Department supports residential services to provide treatment and rehabilitation for drug and alcohol misusers. In 1999–2000 £1.5 million is being made available through a new scheme to improve access to treatment in areas of greatest need.

The UK Anti-Drugs Strategy recognises that all drugs are harmful and enforcement against illegal substances will continue. It will focus on those that cause the greatest damage, including heroin and cocaine. This will be reflected in the Welsh Strategy which is being refocused to reflect many of the key elements in the UK Anti-Drugs Strategy.

Following the transfer of functions, this will be a matter for the National Assembly.

Planning

Mr. Barry Jones: To ask the Secretary of State for Wales what initiatives he has taken to improve planning appeal procedures; and if he will make a statement. [84294]

Mr. Jon Owen Jones: I refer my hon. Friend to the answer given to my hon. Friend the Member for Eccles (Mr. Stewart) by my right hon. Friend the Minister for the Regions, Regeneration and Planning on 31 March 1999, *Official Report*, column *762*.

Following the transfer of functions, this issue will be a matter for the National Assembly.

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Bills 1R = first reading, 2R = second reading, Com = Committee stage, Rep = Report stage, 3R = third reading, res = resolution, amendt/amendts = amendment/amendments, * = matter taken formally, without debate.

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